



**STANISLAUS LAFCO  
LOCAL AGENCY FORMATION COMMISSION**

**Sara Lytle-Pinhey, Executive Officer**  
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[www.stanislauslafco.org](http://www.stanislauslafco.org)

**Chair Amy Bublak, City Member**  
**Vice Chair Terry Withrow, County Member**  
Richard O'Brien, City Member  
Vito Chiesa, County Member  
Ken Lane, Public Member  
Javier Lopez, Alternate City Member  
Mani Grewal, Alternate County Member  
Bill Berryhill, Alternate Public Member

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**AGENDA  
Wednesday, May 26, 2021  
6:00 P.M.  
Joint Chambers—Basement Level  
1010 10<sup>th</sup> Street, Modesto, California 95354**

**MEMBERS OF THE PUBLIC MAY OBSERVE THE MEETING AND ADDRESS  
THE COMMISSION AS DESCRIBED BELOW.**

- This meeting will be open to the public. Effective August 26, 2020, pursuant to the order issued by Governor Newsom and consistent with guidance issued by the California Department of Public Health, social distancing and face coverings are required for in person attendance at the meeting. The chamber's audience seating capacity will be limited to approximately thirty (30) persons.
- You can also observe the live stream of the LAFCO meeting at:  
<http://www.stancounty.com/sclive/>
- In addition, LAFCO meetings are broadcast live on local cable television. A list of cable channels is available at the following website:  
<http://www.stancounty.com/planning/broadcasting.shtm>
- If you wish to provide a written comment, please submit your comment (include Agenda Item Number in the subject line), to the Clerk at: [lafco@stancounty.com](mailto:lafco@stancounty.com). Public comments will be accepted by email until the close of the public comment period for the specific item. You do not have to wait until the meeting begins to submit a comment. All comments will be shared with the Commissioners and placed in the record.

**1. CALL TO ORDER**

- A. Pledge of Allegiance to the Flag.
- B. Introduction of Commissioners and Staff.

**2. PUBLIC COMMENT PERIOD**

This is the period in which persons may comment on items that are not listed on the regular agenda. No action will be taken by the Commission as a result of any item presented during the public comment period.

**3. APPROVAL OF MINUTES**

A. Minutes of the April 28, 2021 Meeting.

**4. CORRESPONDENCE**

No correspondence addressed to the Commission, individual Commissioners or staff will be accepted and/or considered unless it has been signed by the author, or sufficiently identifies the person or persons responsible for its creation and submittal.

A. Specific Correspondence.

B. Informational Correspondence.

1. CALAFCO Quarterly May 2021.

C. "In the News."

**5. DECLARATION OF CONFLICTS AND DISQUALIFICATIONS**

**6. CONSENT ITEM**

A. **LAFCO APPLICATION NO. 2021-03 & SPHERE OF INFLUENCE AMENDMENT NO. 2021-02 – NORMA WAY CHANGE OF ORGANIZATION TO COUNTY SERVICE AREA 26 (KEYES):** Request to annex approximately 9.77 acres into County Service Area (CSA) 26 located between Norma Way and Nunes Road, west of Washington Road in the Keyes area. The annexation is intended to fund services such as maintenance of storm drain infrastructure, masonry walls, sidewalks, parks and streetscape. APN 045-071-006. (Staff Recommendation: Adopt Resolution No. 2021-08, approving the application.)

**7. PUBLIC HEARINGS**

A. **LAFCO APPLICATION NO. 2021-02 – LODI-WHITMORE CHANGE OF ORGANIZATION TO THE CITY OF MODESTO:** Request to annex approximately 33 acres located at the northeast corner of the Lodi Avenue and Whitmore Avenue intersection to the City of Modesto. The annexation is within the City's Sphere of Influence and is meant to accommodate industrial development. The City of Modesto, as Lead Agency pursuant to the California Environmental Quality Act (CEQA), prepared an initial study and adopted a finding of conformance with the Modesto Urban General Plan Master Environmental Impact Report (SCH No. 2014042081), pursuant to Section 21157.1 of the CEQA Guidelines. LAFCO, as a Responsible Agency, will consider the environmental documentation prepared by the City as part of its action. APNs 086-013-017 & 018. (Staff Recommendation: Adopt Resolution No. 2021-09 Option 1b, conditionally approving the application.)

B. **FINAL LAFCO BUDGET FOR FISCAL YEAR 2021-2022.** The Commission will consider the adoption of the Final LAFCO Budget for Fiscal Year 2021-2022 consistent with Government Code Sections 56380 and 56381. (Staff Recommendation: Approve the final budget and adopt Resolution No. 2021-10.)

**8. OTHER BUSINESS**

None.

**9. COMMISSIONER COMMENTS**

Commission Members may provide comments regarding LAFCO matters.

**10. ADDITIONAL MATTERS AT THE DISCRETION OF THE CHAIRPERSON**

The Commission Chair may announce additional matters regarding LAFCO matters.

**11. EXECUTIVE OFFICER'S REPORT**

The Commission will receive a verbal report from the Executive Officer regarding current staff activities.

A. On the Horizon.

**12. ADJOURNMENT**

A. Set the next meeting date of the Commission for June 23, 2021.

B. Adjournment.

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**LAFCO Disclosure Requirements**

**Disclosure of Campaign Contributions:** If you wish to participate in a LAFCO proceeding, you are prohibited from making a campaign contribution of more than \$250 to any commissioner or alternate. This prohibition begins on the date you begin to actively support or oppose an application before LAFCO and continues until three months after a final decision is rendered by LAFCO. No commissioner or alternate may solicit or accept a campaign contribution of more than \$250 from you or your agent during this period if the commissioner or alternate knows, or has reason to know, that you will participate in the proceedings. If you or your agent have made a contribution of more than \$250 to any commissioner or alternate during the twelve (12) months preceding the decision, that commissioner or alternate must disqualify himself or herself from the decision. However, disqualification is not required if the commissioner or alternate returns the campaign contribution within thirty (30) days of learning both about the contribution and the fact that you are a participant in the proceedings.

**Lobbying Disclosure:** Any person or group lobbying the Commission or the Executive Officer in regard to an application before LAFCO must file a declaration prior to the hearing on the LAFCO application or at the time of the hearing if that is the initial contact. Any lobbyist speaking at the LAFCO hearing must so identify themselves as lobbyists and identify on the record the name of the person or entity making payment to them.

**Disclosure of Political Expenditures and Contributions Regarding LAFCO Proceedings:** If the proponents or opponents of a LAFCO proposal spend \$1,000 with respect to that proposal, they must report their contributions of \$100 or more and all of their expenditures under the rules of the Political Reform Act for local initiative measures to the LAFCO Office.

**LAFCO Action in Court:** All persons are invited to testify and submit written comments to the Commission. If you challenge a LAFCO action in court, you may be limited to issues raised at the public hearing or submitted as written comments prior to the close of the public hearing. All written materials received by staff 24 hours before the hearing will be distributed to the Commission.

**Reasonable Accommodations:** In compliance with the Americans with Disabilities Act, hearing devices are available for public use. If hearing devices are needed, please contact the LAFCO Clerk at 525-7660. Notification 24 hours prior to the meeting will enable the Clerk to make arrangements.

**Alternative Formats:** If requested, the agenda will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC 12132) and the Federal rules and regulations adopted in implementation thereof.

**Notice Regarding Non-English Speakers:** Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedure Section 185 which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the Local Agency Formation Commission shall be in English and anyone wishing to address the Commission is required to have a translator present who will take an oath to make an accurate translation from any language not English into the English language.

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## **STANISLAUS LOCAL AGENCY FORMATION COMMISSION**

### **MINUTES**

**April 28, 2021**

#### **1. CALL TO ORDER**

Chair Bublak called the meeting to order at 6:02 p.m.

- A. Pledge of Allegiance to Flag. Chair Bublak led in the pledge of allegiance to the flag.
- B. Introduction of Commissioners and Staff. Chair Bublak led in the introduction of the Commissioners and Staff.

Commissioners Present: Amy Bublak, Chair, City Member  
Terry Withrow, Vice-Chair, County Member  
Richard O'Brien, City Member  
Vito Chiesa, County Member  
Bill Berryhill, Public Member  
Brad Hawn, Alternate Public Member  
Javier Lopez, Alternate City Member

Staff Present: Sara Lytle-Pinhey, Executive Officer  
Javier Camarena, Assistant Executive Officer  
Jennifer Vieira, Commission Clerk  
Robert J. Taro, LAFCO Counsel

Commissioners Absent: Mani Grewal, Alternate County Member

#### **2. PUBLIC COMMENT**

None.

#### **3. APPROVAL OF MINUTES**

- A. Minutes of the March 24, 2021 Meeting.

Motion by Commissioner Berryhill, seconded by Commissioner Chiesa and carried with a 5-0 vote to approve the Minutes of the March 24, 2021 meeting by the following:

Ayes: Commissioners: Berryhill, Bublak, Chiesa, O'Brien and Withrow  
Noes: Commissioners: None  
Ineligible: Commissioners: Hawn and Lopez  
Absent: Commissioners: Grewal  
Abstention: Commissioners: None



#### 4. CORRESPONDENCE

A. Specific Correspondence.

1. Letter dated April 21, 2021 from Dennis Hatfield and residents of Real Court and Lee Avenue in Newman regarding Agenda Item 8A.
2. Letter dated April 28, 2021 from Sherri Marsigli, Steve Bassett and Lori Branco regarding Agenda Item 8A.

B. Informational Correspondence.

C. "In the News."

#### 5. DECLARATION OF CONFLICTS AND DISQUALIFICATIONS

Commissioner O'Brien recused himself from Agenda Item 7A due to his business relationship to one of the applicants.

#### 6. CONSENT ITEMS

None.

#### 7. OTHER BUSINESS

- A. **SELECTION OF PUBLIC MEMBER AND ALTERNATE PUBLIC MEMBER TO THE COMMISSION.** The Commission will consider applications to fill upcoming vacancies for the Public and Alternate Public Member. (Staff Recommendation: Appoint a Public Member and Alternate Public Member and adopt Resolutions No. 2021-06 and 2021-07.)

*6:05 p.m. Commissioner Berryhill, Commissioner Hawn and Commissioner O'Brien left the dais.*

Commissioner Bublak opened the floor to the 5 applicants: Dennis E. Wilson, Ken L. Lane, William M. O'Brien, Eric Alphonse Kellner and William R. Berryhill.

Motion by Commissioner Chiesa, seconded by Commissioner Lopez, and approved with a 4-0 vote to appoint William Berryhill as Alternate Public Member, by the following vote:

Ayes:	Commissioners: Bublak, Chiesa, Lopez and Withrow
Noes:	Commissioners: None
Ineligible:	Commissioners: Berryhill and Hawn
Absent:	Commissioners: Grewal
Abstention:	Commissioners: O'Brien

Motion by Commissioner Withrow, seconded by Commissioner Lopez, and approved with a 4-0 vote to appoint Ken Lane as Public Member, by the following vote:

Ayes:	Commissioners: Bublak, Chiesa, Lopez and Withrow
Noes:	Commissioners: None
Ineligible:	Commissioners: Berryhill and Hawn

Absent: Commissioners: Grewal  
Abstention: Commissioners: O'Brien

*6:23 p.m. Commissioner Berryhill, Commissioner Hawn and Commissioner O'Brien returned to the dais.*

## 8. PUBLIC HEARINGS

- A. **LAFCO APPLICATION NO. 2021-01 – NORTHWEST NEWMAN PHASE I REORGANIZATION TO THE CITY OF NEWMAN:** The City of Newman has requested annexation of approximately 53.47 acres to the City of Newman and simultaneously detach the area from the West Stanislaus Fire Protection District and Central California Irrigation District. The City of Newman previously applied for a larger annexation area in 2018 that was terminated by election. The current proposal represents a smaller portion of Phase One of the Northwest Newman Master Plan. The project area is located northwest of the Newman City Limits, west of Highway 33 and south of Stuhr Road. The City assumed the role of Lead Agency, pursuant to the California Environmental Quality Act (CEQA), for the project and prepared an Environmental Impact Report for the project. LAFCO, as a Responsible Agency, will consider the environmental documentation and adopt the same findings if approved. (Staff Recommendation: Adopt Resolution No. 2021-04, approving the application.)

Javier Camarena, Assistant Executive Officer, presented the item with a recommendation of approval.

Chair Bublak opened the item up for Public Comment at 6:39 p.m.

Michael Holland, City Manager of Newman; and Dave Romano, representing Sandpoint Ranch, spoke in Favor of the proposal and answered questions of the Commission.

Sherri Marsigli, property owner; Ronald Clark, property owner/resident; Rosalind Clark property owner/resident; Dennis Hatfield, property owner/resident; Jan Devers, property owner/resident; and Francisco Gonzalez, property owner/resident spoke in opposition of the proposal.

Frederic Clark, Deputy Director of Stanislaus County Public Works Department, requested that all of Jensen Road be included in the proposal.

Chair Bublak closed the Public Hearing at 7:34 p.m.

Motion by Commissioner O'Brien, seconded by Commissioner Berryhill and carried with a 4-1 vote to adopt Resolution No. 2021-04, approving the application, by the following vote:

Ayes: Commissioners: Berryhill, Bublak, O'Brien and Withrow  
Noes: Commissioners: Chiesa  
Ineligible: Commissioners: Hawn and Lopez  
Absent: Commissioners: Grewal  
Abstention: Commissioners: None

- B. **LAFCO PROPOSED BUDGET FOR FISCAL YEAR (FY) 2021-2022.** The Commission will consider the adoption of the proposed LAFCO budget consistent with Government Code Sections 56380 and 56381. (Staff Recommendation: Approve the proposed budget and adopt Resolution No. 2021-05.)

Sara Lytle-Pinhey, Executive Officer, presented the item with a recommendation of approval.

*7:47 p.m. Commissioner Berryhill left the dais.*

*7:50 p.m. Commissioner Berryhill returned to the dais.*

Chair Bublak opened the item up for Public Comment at 7:55 p.m.

No one spoke.

Chair Bublak closed the Public Hearing at 7:55 p.m.

Motion by Commissioner Chiesa, seconded by Commissioner Withrow and carried with a 5-0 vote to adopt Resolution No. 2021-05, by the following vote:

Ayes:	Commissioners: Berryhill, Bublak, O'Brien and Withrow
Noes:	Commissioners: Chiesa
Ineligible:	Commissioners: Hawn and Lopez
Absent:	Commissioners: Grewal
Abstention:	Commissioners: None

## **9. COMMISSIONER COMMENTS**

Commissioner O'Brien and Commissioner Berryhill thanked Commissioner Hawn for his service as a LAFCO Commissioner. Commissioner Hawn thanked everyone for his time on the Commission.

## **10. ADDITIONAL MATTERS AT THE DISCRETION OF THE CHAIRPERSON**

Commissioner Bublak presented Commissioner Hawn with a plaque and thanked him for his years of service as a LAFCO Commissioner.

## **11. EXECUTIVE OFFICER'S REPORT**

- A. On the Horizon. The Executive Officer informed the Commission of the following:
- For the May 26<sup>th</sup> meeting, the Commission will hear the final LAFCO budget and the Lodi-Whitmore annexation to the City of Modesto.

## **12. ADJOURNMENT**

- A. Chair Bublak adjourned the meeting at 7:59 p.m.

**DRAFT**

# News from the Board of Directors

## CALAFCO QUARTERLY

May 2021



### A message from the Executive Director

Greetings from your CALAFCO Board of Directors and Executive Director. Spring is in the air and things seem to be shifting. Spring is a time of renewal and re-awakening and that is exactly what it feels like this year - in so many ways.

This Second Quarterly Report of 2021 will begin by highlighting the good news in our CALAFCO family first, followed by Association updates. Happy reading!

### LAFcos in the News

#### **Alameda LAFCo Awarded Sustainable Agricultural Lands Conservation (SALC) Grant**

In our last Quarterly Report we announced SALC grants for San Bernardino and San Diego LAFcos. CALAFCO inadvertently omitted Alameda LAFcos grant award and apologize for the oversight. We are pleased to announce their grant award.

**Alameda LAFCo**, in partnership with the Alameda County Resource Conservation District, was awarded a SALC planning grant for \$250,000. The planning grant project is aimed at collaborative stakeholder planning in Alameda County to ensure the identification and preservation of agricultural and working lands, an infill development focus on healthy and resilient communities for disadvantaged and low-income populations, and a reduction in greenhouse gas emissions.

The Strategic Growth Council (SGC) added LAFcos to the list of eligible entities to apply for SALC grants in January 2019 after many years of CALAFCO trying to get LAFcos eligible for state-level grant funding. We are pleased that to date, three of our member LAFcos have received these grants.

#### **Los Angeles LAFCo Executive Officer Receives State Appointment**

On January 4, 2021, Assembly Speaker Anthony Rendon appointed **Los Angeles LAFCo Executive Officer Paul Novak** to the Board for Professional Engineers, Land Surveyors, and Geologists. The Board regulates the practices of engineering (civil, electrical, structural, geotechnical/soils), land surveying, geology, and geophysics in the State of California to safeguard the life, health, property and welfare of the public. The Board licenses qualified individuals, based on experience and successfully passing examinations; establishes regulations and promotes professional conduct; enforces laws and regulations; and provides information to the public on using professional engineering and land surveying services. Paul's term runs to June 30, 2023.

#### **Marin LAFCo Holds Shared Services Workshop For Agencies**

**Marin LAFCo** held a Shared Services Workshop on April 29, 2021. Partners for the workshop included Marin County Council of Mayors and Councilmembers, Marin County Special Districts Association, and Marin County Office of Education. The workshop had 2 panels, one on successful shared services in Marin, and another exploring how to successfully implement shared services. Marin LAFCo reports the workshop was a success with 78 people attending, including elected officials and staff throughout the County, as well as staff from 2 other LAFcos. If you are curious about this event, a recording is posted on their website at [www.marinlafco.org](http://www.marinlafco.org). Marin LAFCo thanks CALAFCO for offering their Zoom account, noting the webinar function played a large role in the success of this workshop.

#### **Orange LAFCo Welcomes New Assistant EO**

**Orange LAFCo** is pleased to welcome a new member to the Orange LAFCo team. **Raymond Barragan** will serve as Orange LAFCo's Assistant Executive Officer and brings extensive experience in local government to his new role. Before joining Orange LAFCo, he served as the Acting Director of Community Development with the City of Gardena where he was employed since 2012. Raymond holds a bachelor's degree in urban and regional planning and is a master's candidate in Community and Economic Development at Penn State.

#### **San Luis Obispo Announces New Hire and Promotion**

**San Luis Obispo LAFCo** is excited to announce **Robert "Rob" Fitzroy** as its new Executive Officer. Most recently he was the Director of the Community Development Department for the City of Arroyo Grande. Prior to that, Rob was the Asst. Director for the County Planning & Building Department. Rob graduated from Cal Poly San Luis Obispo with a bachelor's degree and has a master's of Natural Resource Management, Environmental Planning & Public Policy. He begins his new role on May 24, 2021.

**Imelda Marquez**, **San Luis Obispo LAFCo** Clerk, was promoted to Analyst late last year. Imelda has been with SLO LAFCo for about 19 months. Her broad range of skills and analytical abilities are numerous. She is a proud Fresno St. Bulldog with a Geography degree and according to Interim EO David Church, "is an absolute delight to work with".



# News from the Board of Directors

## CALAFCO QUARTERLY

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### Welcome to Our Newest Associate Members

*CALAFCO is pleased to welcome two new Silver Associate Members.*

We welcome the return of **SWALE, Inc.** SWALE's consulting services focus on LAFCo's critical issues including MSRs, SOIs, CEQA compliance, strategic planning, workshops and mapping with GIS. Their northern California office is expanding to bring you the best of consulting services. To learn more about the services provided by SWALE, contact **Kateri Harrison** at [harrison@swaleinc.com](mailto:harrison@swaleinc.com), or visit their website at [www.swaleinc.com](http://www.swaleinc.com).

We also welcome **DTA**. DTA is a national public finance and urban economics consulting firm specializing in infrastructure and public service finance. Their financing programs have utilized a variety of public financing mechanisms such as Ads, CFDs, LLDs and various types of fee programs. To learn more about DTA, contact **Nathan Perez** at [Nate@FinanceDTA.com](mailto:Nate@FinanceDTA.com), or visit their website at [www.FinanceDTA.com](http://www.FinanceDTA.com).

### CALAFCO Educational Events

**MARK YOUR CALENDARS FOR THESE UPCOMING CALAFCO EDUCATIONAL EVENTS!**

#### CALAFCO 2021 ANNUAL CONFERENCE

Join us **October 6-8** at the **Hyatt Regency Newport Beach John Wayne Airport** for the 2021 Annual Conference. It's been so long since we've gathered in person and the time is finally here! The program planning committee is forming and CALAFCO staff is working with the facility on details to keep all of our attendees safe. Watch for Conference registration and hotel reservations to be open soon. Conference registration rates will be at the 2019 rates. We look forward to seeing you in Newport Beach later this year.

#### CALAFCO UNIVERSITY

We are pleased to continue offering webinars at no cost to our membership and are preparing several great sessions for you. Registration is now open for our **June 7** session: **Financial Health Indicators for Cities and Districts**. Registration is open until June 2. You will find all the details on the CALAFCO website at [www.calafco.org](http://www.calafco.org).

We are also working on a very unique 4-part series on **Fire & EMS** services and a session on **Forming a CSD**. Watch for details and registration for these offerings coming soon.



### CALAFCO Board of Directors

#### CALAFCO BOARD ACTIONS

The Board met virtually on April 30 with a full agenda. Under the leadership of **Chair Mike Kelley**, the Board took a number of important actions.



- ✓ **The FY 2021-22 budget was adopted.** For the first time, the Board considered a rolling 2-year budget. The FY 21-22 budget reflects a decrease of 2.1% over the current FY operating budget. The adopted budget can be found on the CALAFCO website.
- ✓ **The 2021-22 Strategic Plan was adopted.** The three primary strategies for the Association are: (1) Serve as an educational resource to member LAFCo Commissioners, LAFCo staff, Associate Members, and stakeholders; (2) Focus efforts on Association member relations, development, recognition and communication. Continue development of a strong and sustainable Association; and (3) Serve as an information resource to all Association members, work as a legislative and policy advocate for LAFCo issues and provide information to the Legislature and other stakeholders. The adopted Strategic Plan can be found on the CALAFCO website.
- ✓ **Updated Policies for Sections I and II of the current CALAFCO Policies were adopted.** One of the goals for 2021 is to conduct a comprehensive review of CALAFCO Policies, considering two sections per quarter. This is the first of a three-phase update process. The updated policies can be found on the CALAFCO website.
- ✓ **The new Annual Achievement Awards program was approved.** As the membership is aware, last year the Board approved consideration of an update to the Achievement Awards program. CALAFCO staff and Regional Officers worked for many months in crafting two options for the Achievement Awards Committee to consider. The Committee unanimously approved one of the options and recommended adoption of that option to the Board, which was unanimously approved. Watch for an announcement on the new program and the opening of the nomination period coming soon!
- ✓ **The Board ratified approval of filing an amicus letter in support of San Luis Obispo (SLO) LAFCo's appeal to the State Supreme Court.** As a follow up to the Superior Court decision in favor of the City of Pismo Beach, and at the request of SLO LAFCo, CALAFCO filed an amicus letter requesting the court review the case. The Court of Appeal opinion in *San Luis Obispo Local Agency Formation Commission v. City of Pismo Beach*



# News from the Board of Directors

## CALAFCO QUARTERLY

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threatens to change operations across of LAFcos throughout the state.

By limiting the ability of LAFcos to require indemnification agreements from annexation applicants, the opinion conflicts with a number of decisions on which LAFcos reasonably relied to require indemnification as part of their implied powers. We thank **BBK** for their work on this amicus letter (which was preceded by an amicus brief). CALAFCO will keep our members posted on the appeal process.

- ✓ **The Board received the 3<sup>rd</sup> quarter financial reports and the projected FY 20-21 year-end fiscal report.**
- ✓ **The Board received several verbal updates from staff.**

All Board meeting documents are on the CALAFCO website.

### CALAFCO Administrative Update

The 2021-22 CALAFCO Membership Directory is out! Each LAFCo received their requested number of hard copy directories and each Associate Member also received a copy. There is an electronic version of the Membership Directory on the CALAFCO website.



### CALAFCO Legislative Update



What an interesting and busy legislative year this is turning out to be! CALAFCO is sponsoring the 2021 Assembly Local Government Committee (ALGC) **Omnibus bill, AB 1581**. This year's Omnibus contains a record number of items, totaling 13. Six of the items came from member LAFcos and seven from the protest provisions rewrite working group (deleting obsolete provisions). CALAFCO is currently tracking 32 bills, has a formal position on 9, and has been actively engaged on amendment negotiations for 10 bills.

This year there seems to be a number of bills addressing the same issue by several different authors, who, at the beginning of the year, did not appear to be talking with each other. The primary topics include COVID relief, wildfire prevention, climate resilience, homelessness and affordable housing, bridging the equity divide and transparency and public participation.

To complicate matters, the Legislature is still meeting under COVID restrictions with the majority of their staff working remotely. There are only a handful of meeting rooms in the Capitol that allow for social distancing, so the number of committee meetings have been reduced and the timeframe condensed.

Here are a few of the bills of importance we are tracking or working on:

- ✓ **AB 339 (Lee) CALAFCO Watch** - Open meetings. Requirements recently drastically amended and narrowed the scope to now apply only to cities and counties with a population over 250,000 with a sunset of 12-31-23 (requirements no longer applies to LAFCo).
- ✓ **AB 1195 (C. Garcia) CALAFCO Watch With Concerns** - Drinking water. Creates the So LA County Human Rights to Water Collaboration Act and gives the Water Board authority to appoint a Commissioner to oversee the Central Basin Municipal Water District.
- ✓ **SB 403 (Gonzalez) CALAFCO Oppose Unless Amended** - Drinking water consolidation. Authorizes the Water Board to order consolidation where a water system serving a disadvantaged community is an at-risk water system, as defined, or where a disadvantaged community is substantially reliant on at-risk domestic wells, as defined. Two of our three requested amendments have been taken (define "at risk" and put a cap on the number of users to be added to the subsuming system). The third request to add GSAs to the list of entities the Board must consult with has not yet been taken.

The last day for all policy committees to pass bills originating in their house was May 14. With one additional week for fiscal committees to pass bills to the respective floors, the Legislature will spend the last several weeks of May focusing on passing bills to the other house and the first part of June negotiating last minute budget deals for the June 15 budget passage deadline.

All bills being tracked by CALAFCO can be found on the CALAFCO website inside the Legislation section of the site (log in with your member id first to access this section). CALAFCO's position on all bills is reflected there, and any letters issued by CALAFCO are posted. The CALAFCO Legislative Committee meets regularly and all meeting materials are located in the Legislation section of the CALAFCO website.





### CALAFCO Associate Members' Corner



This section is dedicated to highlighting our Associate Members. The information below is provided to CALAFCO by the Associate member upon joining the Association. All Associate member information can be found in the CALAFCO Member Directory.

#### Cucamonga Valley Water District

The **Cucamonga Valley Water District** has been a Silver Associate Member since 2014. Formed in 1995, the district provides water and wastewater service to 200,000 customers in a 47 square mile area. The district has a mission of providing high quality, reliable water and wastewater service while practicing good stewardship of natural and financial resources. CVWD's water supply is comprised of two main sources: groundwater and imported water. Supplemented by surface water, recycled water and water conservation, the district's average daily demand is 43 million gallons. For more information on the district, contact **Cindy Cisneros** at [cindyc@cvwdwater.com](mailto:cindyc@cvwdwater.com) or visit their website at [www.cvwdwater.com](http://www.cvwdwater.com).



#### P. Scott Browne

**Scott Browne** has been a Silver Associate member since 2007. Scott provides legal services and staff support to various LAFcos throughout the state. He has served as a member of the CALAFCO Legislative Committee for a number of years. To learn more about the services he provides or to contact him, email him at [scott@scottbrowne.com](mailto:scott@scottbrowne.com) or visit his website at [www.scottbrowne.com](http://www.scottbrowne.com).

#### E Mulberg & Associates

**E Mulberg & Associates** has been a Silver Associate Member since 2011. Services offered include Municipal Service Reviews, Sphere of Influence updates, changes in organization, staff reports, CEQA analysis, and assistance with applications to LAFco. For more information, contact **Elliot Mulberg** at [elliott@emulberg.com](mailto:elliott@emulberg.com) or visit their website at [www.emulberg.com](http://www.emulberg.com).

#### Policy Consulting Associates

A Silver Associate member since 2010, **Policy Consulting Associates** (PCA) prepares interdisciplinary research studies for LAFcos, councils of government, counties, cities, states, elected representatives and candidates, with an emphasis on MSRs and fiscal studies. The PCA team's combined experience covers the spectrum of governance configurations and alternatives, and runs the gamut of services under LAFco jurisdiction. For more information on PCA, contact **Jennifer Stephenson** or **Oxana Wolfson** at [info@pcateam.com](mailto:info@pcateam.com), or visit their website at [www.pcateam.com](http://www.pcateam.com).

*CALAFCO wishes to thank all of our Associate Members for your ongoing support and partnership. We look forward to continuing to highlighting you in future Quarterly Reports.*

#### Did You Know??

##### Meeting Documents Online

Did you know that all **CALAFCO Board of Directors and Legislative Committee meeting documents are online?** Visit the Boards & Committees pages in the Members Section of the site. Board documents cover 2008 to present and Legislative Committee documents span 2007 to present.



##### CALAFCO Webinars & Courses Archived

Did you know that all **CALAFCO Webinar recordings are archived on the CALAFCO website and available at no cost for on-demand viewing?** Visit the CALAFCO website in the CALAFCO Webinars section (log in as a member first).

##### Certificate of Recognition Program



Did you know that CALAFCO has a **Certificate of Recognition Program** and offers it at no cost to our members (both LAFco and Associate members)? The program has been in place several years and while a few of you utilize this service, most of you do not. For details, visit the CALAFCO website in the Member Services Section and upload the program packet or contact the CALAFCO Executive Director.

#### Mark Your Calendars For These Upcoming CALAFCO Events

- ❖ CALAFCO Legislative Committee virtual meeting – 6/18
- ❖ CALAFCO Legislative Committee virtual meeting – 7/23
- ❖ CALAFCO Board of Directors virtual meeting – 7/30



The **CALAFCO 2021 Calendar of Events** can be found on the CALAFCO website.

**CORRESPONDENCE – IN THE NEWS**

**Newspaper Articles**

- West Side Index, April 22, 2021, “Newman planners address development agreement; mini-storage expansion.”
- West Side Index, April 29, 2021, “Public input helping shape plan for Highway 33 corridor through Newman.”
- The Modesto Bee, May 3, 2021, “Cookies, ramen, chicken restaurants, more coming to Riverbank’s Crossroads complex.”
- West Side Index, May 6, 2021, “LAFCO approves 53-acre Newman Annexation.”
- The Ceres Courier, May 5, 2021, “New Mitchell Road shopping center OK’d.”
- West Side Index, May 13, 2021, “Mosquito abatement districts emphasize ‘dump and drain’.”
- The Modesto Bee, May 17, 2021, “Floodplain restoration helps both fish and people where Tuolumne and San Joaquin meet.”



# Newman planners address development agreement; mini-storage expansion

NEWMAN - The Newman Planning Commission last week recommended extension of a development agreement for a 106-lot subdivision east of Prince Road on the south side of the city and conducted a site plan review clearing the way for expansion of a mini-storage business.

The Mattos Ranch development agreement, which was initially approved in 2008 and was twice extended before expiring in September 2020, will be in effect until September 2022 if the City Council grants final approval to the latest extension.

City Manager Michael Holland said the expiration date on the extended development agreement will match that of the tentative map on the project. The City Council approved extension of that map earlier this year. The tentative map was initially approved in 2006.

The development agreement presented to the commission for consideration matched that previously approved by the commission and council with the exception of an updated fee schedule, Holland noted.

"This project has been approved by both the Planning Commission and City Council," he told commissioners.

The project has lots smaller than the city's standard 6,000-square-foot minimum, Holland noted. He told Mattos Newspapers that the lots are in the 4,000-square-foot range. The smaller lot sizes met a General Plan requirement for provision of medium density residential land uses and also promoted affordability, he explained.

In response to a question from Planning Commission member Kari Thompson, Holland explained that while the lots will have a standard configuration with homes facing the streets.

Thompson also questioned whether park space was included in the Mattos Ranch project.

Holland indicated that there was not a park in the development, but that Janet Carlsen Park is located nearby.

The initial approvals and tentative map preceded adoption of new standards requiring larger scale, more comprehensive master plans which address amenities such as park space, he explained.

"When we go forward with master plans there will be parks," Holland stressed.

He noted that the project represents one of the few development opportunities within the current city limits.

"In addition to these, there are only 18 other lots in our city to build on," Holland stated.

The commission voted 4-0, with Leland Coleman absent, to recommend council approval of the development agreement extension.

George and Marlene Souza are the applicants on that project.

## Mini-storage project

The commission also approved a site plan for a proposed expansion of an existing mini-storage located at 1409 M Street.

George Souza is the applicant.

The current facility offers 44,200 square feet of storage space, according to city staff reports. The expansion will develop an additional 47,720 square feet of space. The new storage units will be developed between the existing facility and the railroad tracks to the west.

To accommodate that expansion, the City Council recently approved a resolution vacating a short, unused portion of Fresno Street immediately east of the railroad tracks.

The commission approved the site plan by a 4-0 vote. With that approval, City Planner Justin Hendrix said, the mini-storage expansion is cleared to move forward.

# Public input helping shape plan for Highway 33 corridor through Newman

NEWMAN - Public input is helping shape a strategic plan for the Highway 33 corridor through Newman.

The community outreach campaign conducted by RRM Design Group, the firm hired by the city to guide the process and update the strategic plan for the highway corridor, has included an online survey and a lightly-attended workshop held last Wednesday.

Members of the public can still share their input through a workshop followup poll on the City of Newman website. Those who wish to watch the hour-long workshop before completing the poll may access a recording of that event through a link on the city website.

Debbie Rudd, a principal at RRM Design Group and facilitator of the community workshop, explained that the overall project will craft a vision for future changes throughout the highway corridor from Stuhr Road on the north to the Stanislaus/Merced county line at the south edge of the city.

Through the initial online survey, in which nearly 50 participants shared their priorities, safety issues were a focal point.

"We definitely want to create more safety along Highway 33 for all modes of travel," Rudd shared at the workshop.

That could take a number of forms, she indicated, including new crosswalks for pedestrians, more traffic lights, multi-use paths and bicycle lanes.

Aesthetic improvements are also included in the overall plan, but during the community workshop attended by about 10 people last week safety concerns were also a focal point.

Rudd and traffic engineer Stephen Weinberger indicated that they clearly heard the desire for more crosswalks and traffic signals through the corridor and are working to identify those opportunities.

"In the (online) questionnaire, the number one comment was the need for a stoplight at Highway 33 and Inyo," Rudd acknowledged. "People don't feel safe at that intersection."

"We have already started looking at redesigning that intersection and the need for traffic controls," Weinberger added.

"We are looking at the corridor in general," he noted. "When we come back next time we will have ideas for improvements such as crosswalks."

Rudd noted that consultants are consulting with Caltrans in an effort to ensure that the state agency will support improvements at specific locations.

Another topic was a potential multi-use path - conducive for both pedestrians and bicyclists - from Sherman Parkway to Yolo Street.

Rudd said that online survey respondents noted the importance of that improvement to create a better link for those walking or bicycling from the Sherman Parkway area to Orestimba High or the downtown area.

Two thirds of those weighing in at the workshop said they would prefer that path be on the east side of the highway, between the roadway and railroad tracks, rather than along the west side of Highway 33.

The Sherman Parkway-to-Yolo Street segment was one of four presented to the workshop participants, who were asked their opinions on various configurations.

In the Stuhr-to-Sherman Parkway segment, workshop participants unanimously supported a separated multi-use path as opposed to a bike route on widened shoulders.

## IN THE NEWS – West Side Index, April 29, 2021 (Continued Page 2)

In the Yolo-to-Inyo segment, which represents the core of the community, workshop opinions were largely split between three options, each of which would restrict parking to make room for bike lanes. Two would allow parking on the west side of the highway only with a bike lane on each side of the highway; the difference being that one option would put the western bike lane against the curb and separated from the traffic lane by parking while the other would have curbside parking with a bike lane adjacent to the travel lanes. The third option would eliminate parking altogether on Highway 33 in favor of a wider sidewalk and bike lanes.

South of Inyo, participants almost unanimously favored a separated multi-use path over options which would create bike routes on wide shoulders.

Deborah Allan, who chairs the city's Planning Commission, asked if consultants had taken into consideration projections that the roadway would at some point require expansion to four traffic lanes.

Weinberger said he is aware of those projections but does not believe four traffic lanes will be needed in the foreseeable future.

"The (traffic) volumes right now don't come close to (needing) four lanes, nor has the growth on the highway. The volumes on Highway 33 have been fairly constant over the last 10 years or so," he explained. "The projections that were done were, in my opinion, excessive and will never be achieved in our lifetime. It is really unlikely the highway will be widened to four lanes, which is why we are proposing these alternatives with bike lanes."

Workshop participants were also asked their opinions on elements such as signage, crosswalk accents, public artwork, bike racks and planters.

Rudd said the public input will be incorporated into a draft plan which will be presented at another community workshop before going to the city for formal consideration and hearings in the fall.

"Our goal is to have the project wrapped up by the end of 2021," she explained. "Your input will be critical in how we draft the plan."

Results of the online survey can be found on the city website. Consultants said poll results from the workshop will also be posted on the website.

# Cookies, ramen, chicken restaurants, more coming to Riverbank's Crossroads complex

By Marijke Rowland

If you're a fan of big cookies, fresh ramen and crazy chicken, you're going to like the new restaurants coming to Riverbank's popular Crossroads shopping center.

The bustling Claribel Road retail complex is adding Crumbl Cookies, Ramen 101 and El Pollo Loco. Work on a new Mister Car Wash is also well underway at the site.

The new additions will finish the build-out of the Riverbank complex, which saw its first store open in 2005 and has been a consistently strong regional shopping draw ever since. The new chain of eateries bring the center almost to full capacity, with only a couple of vacant retail spaces left to fill.

Will Bettencourt, leasing representative for Browman Development Company which manages and operates Crossroads, called the mix of new tenants "exciting." The El Pollo Loco, which will be new, ground-up construction, will be built on the center's last available empty pad of land, next to the free-standing Red Robin restaurant.

"We're really excited about the new tenants," Bettencourt said. "With El Pollo Loco, everything will be built out and done. It took several years, but it'll be all built now."

The first of the new tenants to open should be the Mister Car Wash, which is under construction on a pad facing Claribel Road, next to the America's Tire. Bettencourt said the new car wash could open in the next two months or so. The national company bought and took over valley-based chain Prime Shine in late 2018 and continues to expand its footprint locally.

## SECOND CRUMBL COOKIES IN STANISLAUS COUNTY TO OPEN

After Mister Car Wash, the next new business to open in the center should be Crumbl Cookies. The fast-growing cookie chain opened its first California location last June in Turlock's Monte Vista Crossings shopping center.

Local franchise owners John and Jill Gauthier have been busy opening new Crumbl locations across the state and beyond since. The husband-and-wife team are also major Little Caesars Pizza franchise owners, having opened the first Modesto location in 1990 and with around 50 currently across several states.

The Gauthiers have opened Crumbl locations in Clovis and Elk Grove, among others, and more are planned for Lodi and Fresno soon. They expect to have about 18 locations total when they're finished expanding. The Riverbank site in Crossroads will take the space of Dickey's Barbecue Pit, next to the Panda Express on the west end of the complex. They hope to have the cookie shop open by June 30.

With new Crumbl Cookies in Turlock and soon Riverbank, a Modestan can start to feel positively left out. But, fear not, John Gauthier said he is very close to signing a lease for a space for the cookie-by-the-dozen shop in Modesto as well. So gird your waistlines, folks, you might need it with the company's promise of hot, fresh cookie delivery.

The two other new additions to Crossroads have signed leases but are only in the early stages of development. The new Ramen 101, a Northern California chain which specializes in the Japanese noodles soup as well as Hawaiian BBQ dishes, will move into the opposite east end of the complex, in the former Planet Beach tanning parlor.

Ramen 101 has about a dozen restaurants in the Bay Area and Sacramento region. The Riverbank spot will be its first in the Northern San Joaquin Valley and Stanislaus County. The closest current locations are in Dublin and Elk Grove. Bettencourt said he thinks the eatery could be ready by the end of the year.

And, finally, Mexican-style grilled chicken chain El Pollo Loco will also be opening its first restaurant in Riverbank. The company has sites in Modesto and Turlock already. Bettencourt said permits have been submitted to the city for the new build, and the new restaurant with an attached drive-thru could be open by year's end as well, depending on the construction schedule.

That leaves less than a handful of vacant spaces in the 600,000-square-foot regional shopping center, including the space between Kohl's and Famous Footwear that used to be the home of Justice. The tween girl clothing seller is in bankruptcy proceedings.

#### **SEARCH FOR MAJOR CROSSROADS WEST ANCHOR UNDERWAY**

As the original Crossroads nears full capacity, Bettencourt and the Browman Development team are working on lining up anchors for the planned Crossroads West shopping center across Oakdale Road from the existing complex.

The new development will include a large housing subdivision, parks and the retail complex, which will sit on the northwest corner of Oakdale and Claribel roads. Work began in March on the new homes, and models are expected to be completed by July.

Bettencourt said they are "very early" in the leasing process for the new 555,000-square-foot center. He said they've fielded some preliminary interest already, and hope within six months to announce a major anchor tenant and then perhaps start construction shortly afterward.

He said as the housing project to the north of the retail development starts to fill in, so should interest in the complex.

"The more they build, the easier it will be for us to get people to sign onto the project," he said. "(The existing) Crossroads has been one of our better centers across the Central Valley, Bay Area and Pacific Northwest. We continue to have interest and see that carrying over (to Crossroads West)."

# LAFCO approves 53-acre Newman annexation

## Property represents first phase of NW Newman project

The proposed annexation of 53 acres of land northwest of Newman was approved by Stanislaus County's land use authority last Wednesday, April 28.

The Stanislaus Local Agency Formation Commission (LAFCO) voted 4-1 to approve the annexation despite objections from some surrounding landowners and concerns that the proposal will create an "island" of unincorporated land within the city.

The annexation remains subject to a protest hearing of property owners.

The annexation represents the first phase of the city's planned 360-acre Northwest Newman project and be earmarked primarily for development of a business park.

Newman City Manager Michael Holland advised the commission that annexing the 14 parcels involved is critical to promote economic development - and eventually residential growth in future Northwest Newman phases - opportunities in the city.

"We are essentially out of land in the City of Newman," Holland told the commission.

"There is a lot of economic growth on the West Side. We wanted to plan so that we could capture some of that job generation in our community so we don't have as many residents having to commute out of town," he added.

Holland said the city has "some large property owners (in the annexation area) who are ready to move forward with business park development."

During the city's most recent general plan process, he pointed out, residents sent a clear message that they wanted to see master-planned growth rather than piecemeal development. The Northwest Newman master plan reflects that directive, Holland said, and starting with a smaller annexation is a logical first step.

"We didn't think it was appropriate to annex 300 acres at one time, knowing that it is a 20-year buildout and that we wanted to respect ag," he explained.

The annexation follows a failed attempt a year ago to bring in 121 acres of land west of Highway 33 between the current city limits and Stuhr Road. That annexation went to an election of registered voters living in the affected area and was voted down.

Because the current annexation area is considered uninhabited (with fewer than 12 registered voters), said LAFCO Executive Officer Sara Lytle-Pinhey, landowners will determine the protest. If landowners representing 50 percent or more of the assessed value of land within the area submit protests, the annexation will be terminated, she explained.

The city, in response to its failed 121-acre annexation bid, reconfigured the proposal to focus on including landowners who are supportive of having their property annexed, Holland said, while respecting the views of those who wanted to remain unincorporated.

LAFCO staff noted one email from a property owner in the area who was opposed to annexation due to potential restrictions.

Doing so created a three-parcel island immediately west of Highway 33 which will be encircled by city property - a scenario which typically is prohibited.

Exemptions can apply, however, and with the Newman application commissioners eventually voted to move the annexation forward despite that concern.

A number of residents spoke out against the annexation.

Sherri Marsigli, who holds ownership interest in one of the three “island” properties, said the city rather than market forces were pushing the annexation.

When it comes to the number of jobs that can be created by the business park and income generated, she stated, “I think that they are numbers picked out of a hat. I don’t think that has been verified in any way, shape or form. I don’t really understand how it is orderly growth.”

Rosaline Clark, another property owner in the area which would be left an unincorporated island, said the city’s approach to carve dissenters out of the annexation area while including those favorable to annexation reminded her of gerrymandering.

“I’m not sure that it is a good plan. I think it has to be looked at more carefully,” Clark stated. “Are we pushing it because we need it or are we appeasing developers?”

“It feels kind of threatening to live in the island,” Clark continued. “On two sides we will have a business park. It will change our lifestyle. I am opposed to it because of the impact it has on the surrounding area.”

Residents in the North Manor area, which is adjacent to the annexation area, also expressed concern.

“North Manor is the nicest neighborhood with the lowest density in Newman, and we’re going to build a business park right behind our homes,” Dennis Hatfield said during the LAFCO hearing. “Many of us are against it. We don’t feel the plan is thought out well enough.”

He stated that low-density residential development would be the better use beyond the current North Manor project.

Concerns in part focused on the annexed property being in a flood plain. Some questioned whether structures would have to be built on high pads - using the Taco Bell as an example - and whether that development would push more floodwaters onto their property.

Holland addressed those concerns.

He explained that the area immediately behind North Manor/Real Court would be designated for professional offices which would have to go through a variety of city review and approval processes.

In regard to the flood plain concerns, Holland said that the Northwest Newman project area is at a higher elevation than the Taco Bell site at the south edge of Newman and would require less significant mitigation measures. In any case, Holland explained, those developing in the Northwest Newman project would be required to engineer their projects in a way that they manage storm runoff without impacting neighboring land. “It is illegal to drain water onto somebody else’s property,” the city manager emphasized.

Water rights of the property in the island to be created were also a topic of concern. Jarrett Martin, general manager of the Central California Irrigation District, confirmed to Mattos Newspapers that water rights to properties which remain unincorporated will not be impacted by the surrounding annexation. Those properties which are annexed will no longer have Tier I water rights, Martin had previously explained.

Ultimately, the commission voted to approve the annexation - subject to the protest process.

Commissioner Vito Chiesa cast the lone dissenting vote, saying he could not support an annexation which created an island and suggesting that the matter be continued to a future meeting so all parties involved could work toward resolving that issue.

Others, though expressed support despite the island issue.

“What we are here to consider is quite logical,” commented commission member Richard O’Brien. “It is unfortunate that the island exists, but there is a logical explanation as to why it is there.”

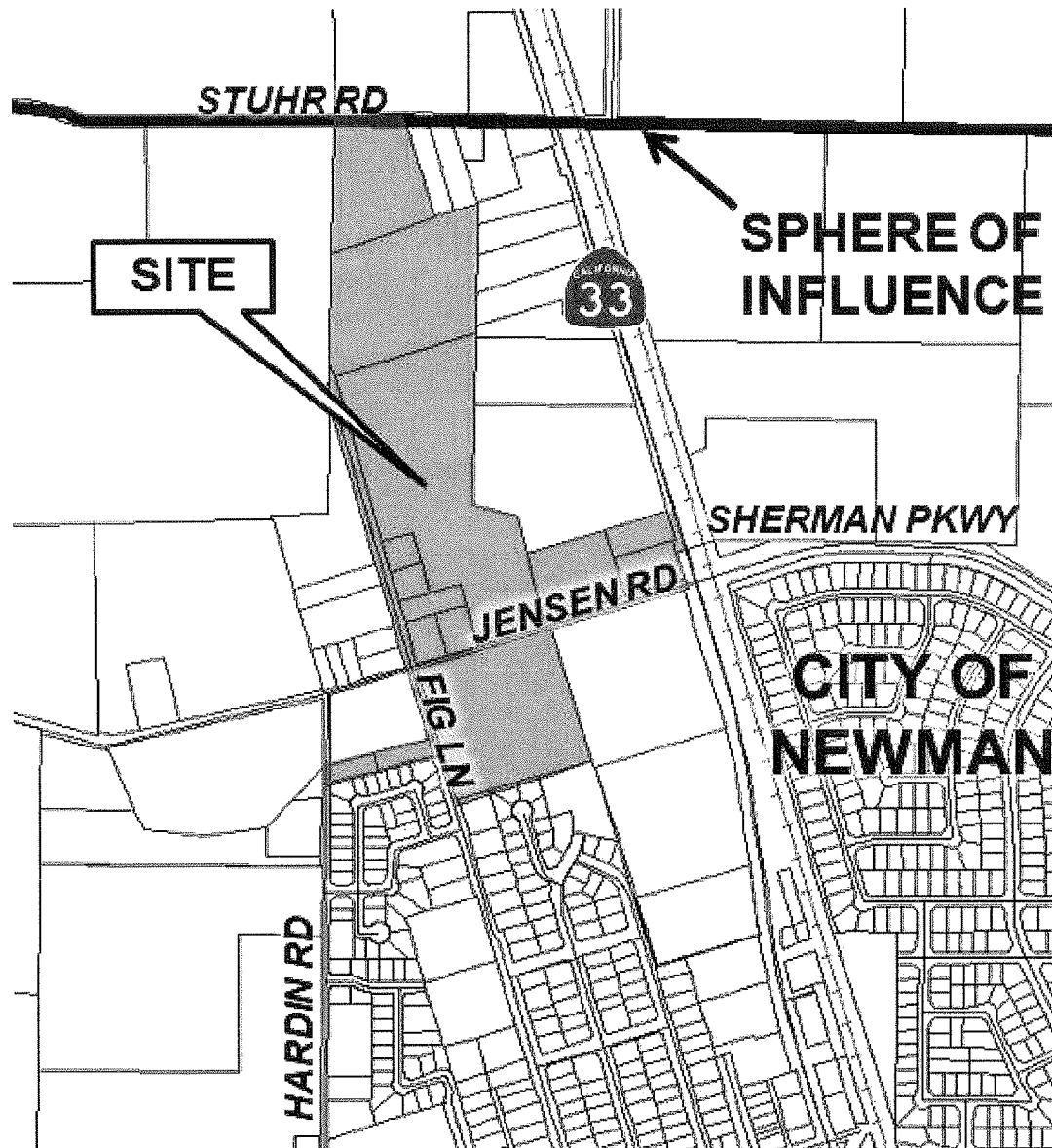
Terry Withrow, vice chair of the commission, said he “is okay with this island, just because of all the factors involved.” The situation meets the criteria for when exceptions apply, he noted.



“I respect their opinion to not want to be in the city,” Withrow commented, “but I think it can’t be to the detriment of everybody else.”

Lytle-Pinhey, the LAFCO executive officer, told Mattos Newspapers that a 30-day reconsideration period is required, after which time protest notices will be mailed out. She said she anticipates those notices going out in early June, with a protest hearing scheduled at the end of that month.

Once the annexation is finalized, Holland said, the city can move forward with plans to extend infrastructure to the project area - which will include making improvements to Jensen Road.



IN THE NEWS – The Ceres Courier, May 5, 2021

## New Mitchell Road shopping center OK'd

- SamBella Plaza subdivision approved for Sam Khacho

By Jeff Beiger

The subdividing of commercial property for Mitchell Road near Highway 99 sailed through the Ceres Planning Commission on Monday, laying the groundwork for actions leading to a new shopping center.

Members approved a Vesting Tentative Parcel Map (VTPM) so that businessman Sam Khacho may subdivide 11.9 acres into six separate commercially zoned parcels and a storm drainage basin parcel at the southeast corner of Mitchell and Rhode Road.

The site is located between Mitchell Road and the TID Ceres Main Canal, north and south of Rhode Road, and is approximately 400 feet south of the Mitchell Road/Service Road intersection.

In April 2015 Khacho began speaking to the city about constructing a commercial center consisting of six commercial buildings (involving a combination of retail, restaurant, and hotel uses) on six separate parcels. Khacho sat on his plans until now but has been marketing and obtaining commercial users for the center.

"Although the applicant does not yet have specific commercial users, a conceptual site plan has been developed for marketing the sites, and the site plan indicates a mix of uses that can complement each other for a well-planned commercial center," noted a staff report to the commission.

Under the new configuration, the parcels would range in size from 0.7 acres to 2.3 acres.

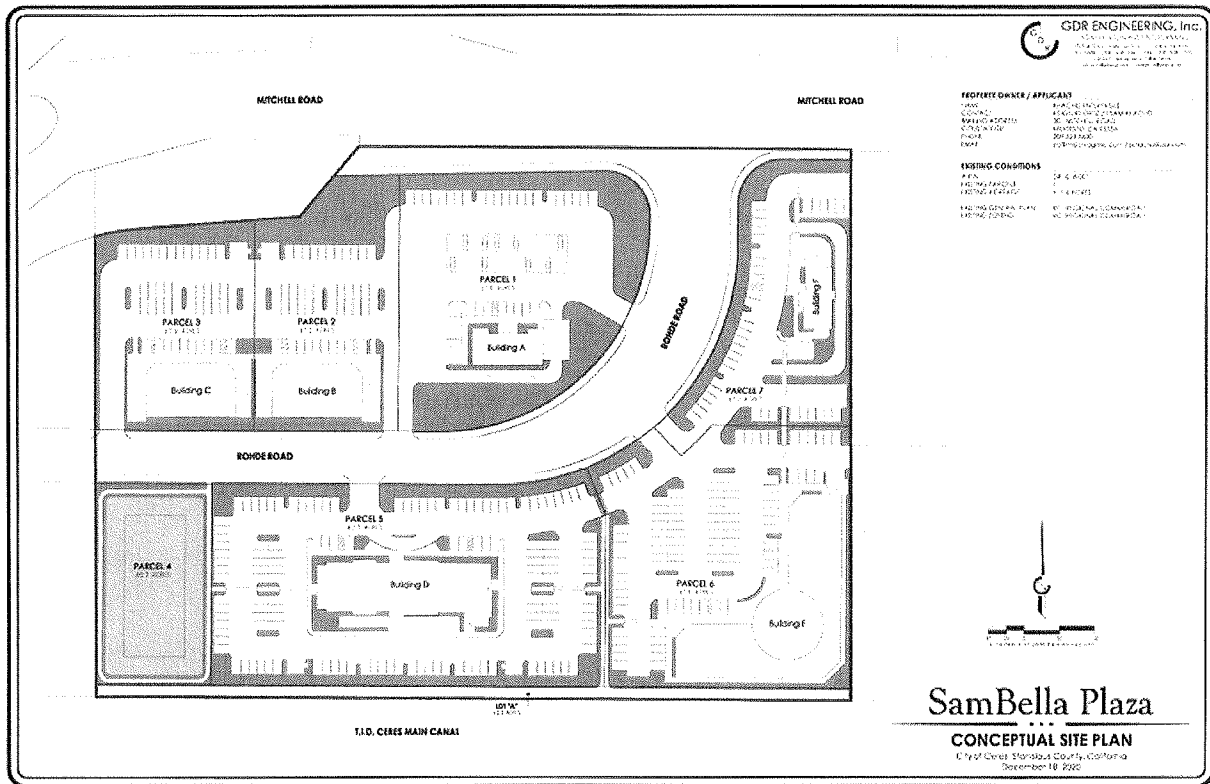
"It will provide future economic opportunities that may not otherwise exist if the property remains vacant," said Senior Planner James Michaels.

While Khacho's center would generate more traffic, those impacts were studied under the previously approved Ceres Gateway Center and the Mitchell Ranch Shopping Center projects. City staff also noted that the improvements to Rhode Road and the Mitchell Road/Rhode Road intersection will be sufficient to accommodate the future project traffic.

Commission Chairwoman Laurie Smith asked about a storm drainage basin lot which is on the southern city limits. Specifically she wanted to know about its aesthetics and was told a block wall will be surrounding it "making it more aesthetically pleasing," said City Engineer Daniel Padilla. "With the block wall it wouldn't look as bad – it might actually be nice," he added.

When SamBella Plaza proceeds, it will be the third such commercial project in the area of Mitchell and Highway 99. The Mitchell Ranch Shopping Center project is under construction at the northwest corner of Mitchell and Service roads. The 13.75-acre Ceres Southern Gateway was approved last year for the triangle piece bounded by the freeway, and Mitchell and Service roads. In-N-Out Burger, Chipotle, Panda Express and Circle K are among the businesses interested in the Ceres Gateway Center commercial project. Plans call for the construction of nine commercial buildings totaling 53,863 square feet, a convenience store with a gas station and carwash and an 85-foot tall freestanding pylon sign.

IN THE NEWS – The Ceres Courier, April 14, 2021 (continued)



# Mosquito abatement districts emphasize ‘dump and drain’

## Residents play a key role in controlling mosquito populations

As warm spring and hot summer temperatures approach, officials with the mosquito abatement districts which serve the West Side of Stanislaus and Merced counties are stressing the importance of community members doing their part to keep the insects in check.

David Heft, general manager of the Turlock Mosquito Abatement (which serves the West Side of Stanislaus County) and Rhiannon Jones, general manager of the Merced County Mosquito Abatement District, said residents can have a significant impact in the annual campaign against mosquitoes through simple steps such as checking their property for standing water and removing any they find.

Mosquitoes can breed in even small amounts of standing water, they emphasized, so the “dump and drain” mantra - as basic as it is - plays an important role in mosquito control.

“Our message doesn’t change much from year to year in regard to ‘dump and drain,’” Jones commented. “(Residents) have to get rid of any standing water to get rid of the mosquito populations. It boils down to education.”

“It is important that everybody does their part,” said Heft, whose district sent out mailers to every Newman household emphasizing mosquito control measures that residents are encouraged to follow.

Two fairly recent developments have heightened concern among mosquito-fighters.

The public health risk posed by mosquitoes carrying the West Nile Virus was underscored when two cases were confirmed in Newman last year, Heft pointed out.

That heightens concern for this year, he told Mattos Newspapers.

“We have seen (West Nile activity) escalate over the years. When I first got here, we didn’t have much West Nile on the West Side. We started to see (positive) mosquito samples here and there; it got more prevalent last year to where we have a couple of human cases,” Heft commented.

Another concern is the invasive *Aedes aegypti* mosquito has been found in Newman. Often referred to as a Yellow Fever mosquito, the invasive species is capable of transmitting diseases such as Zika, dengue and chikungunya should those diseases be introduced locally.....perhaps by a traveler who has visited a country where those diseases are present.

Heft said the invasive mosquitoes can breed in as little as a bottle cap full of water and are able to complete their entire life cycle indoors.

The mosquitoes which transmit West Nile are most active at dawn and dusk, but the invasive mosquitoes are active during the daytime and are aggressive biters of humans.

“They move and act differently than regular mosquitoes,” Jones explained. “(They are) much more aggressive than a typical mosquito, and they love the urban habitat.”

While the invasive mosquito species has not yet been confirmed in the Gustine area, Jones said, “it is only going to be a matter of time before they are in Gustine. It is going to be inevitable.”

The invasive mosquitoes require a different, more focused eradication approach, Heft said.

“If people are experiencing daytime biters, we want to know about it,” he emphasized. “We have a pretty good idea of where they are at in Newman, but they are going to expand.”

He said the invasive mosquitoes were primarily found to the east of Highway 33 last year, most extensively in the neighborhoods surrounding Sherman Park.

The mosquito abatement districts are gearing up their surveillance and mosquito control programs as spring rolls into summer.

“The season has started and we are fully staffed on that side of the county. If anyone needs service, they should contact us,” said Jones, adding that contacting the district through its website has been the most effective means.

The annual efforts of the districts include mosquito surveillance and testing, abatement/control measures and responding to calls for service.

The Turlock program, Heft said, includes aerial photos of swimming pools in the district and followup on those which appear to be neglected.

The Turlock district attempts to implement effective control measures early in the season in hopes of minimizing the mosquito populations in the fall - when the West Side typically experiences its peak mosquito activity.

“The mosquitoes are kind of like a tidal wave. The longer you can prevent that wave from forming, the smaller it is at the end of the season. We try to push the formation of that wave as far back as we can so when it crashes in October it is not as high as it (otherwise) would be,” he explained.

The Merced County district also tries to be as preemptive as possible early in the season, Jones said, but given the vast number of wetlands and duck clubs in the area “there is going to be a threshold level that we are stuck at. When we have that amount of water, we are going to have mosquitoes.”

The dry winter may prove to be a double-edged sword, Heft said.

On one hand, he said, with minimal rain and no flooding events there is little residual standing water from the winter and ag irrigation is likely to be curtailed this summer due to reduced allocations.

But, Heft added, “the interesting thing is that a lot of time in dry years we actually see a higher percentage of West Nile. The theory is that the reduced number of water sources causes mosquitoes and birds (which serve as a vector for the virus) to interact more. They are sharing smaller water sources.”

Heft and Jones each emphasized that, even though it is early in the season, residents should not only take appropriate mosquito control measures but avoid exposure by limiting outside activity at dawn and dusk, wearing protective clothing and using a mosquito repellent containing DEET, picaridin or oil of lemon eucalyptus.

To report mosquito outbreaks or request service, contact the appropriate abatement district through their respective website or call the Merced County Mosquito Abatement District, 722-1527; or the Turlock Mosquito Abatement District, 634-1234.

# Floodplain restoration helps both fish and people where Tuolumne and San Joaquin meet

By John Holland

Out where the Tuolumne River joins the San Joaquin, an intriguing way of managing water is taking hold.

Dos Rios Ranch is nine years into its restoration, a \$45 million-plus effort across nearly 2,400 acres. It seeks to enhance flood protection, wildlife habitat and water supplies in one grand vision.

Crews have reshaped former farm fields to mimic the floodplains that spread across much of the Central Valley in the time before dams and levees.

In the very wet 2017, these zones took on water that might otherwise have added to the flood threat for homes in Manteca. The water sat for three months as it seeped into the ground, recharging an aquifer tapped by farm and city wells.

The restoration also benefits salmon, which could help local irrigation districts fend off calls to greatly increase reservoir releases.

Newly spawned fish can feed in the shade of native trees that have topped 30 feet in some places a few years after planting. Hawks, rabbits, songbirds and many other creatures seem to like Dos Rios, too.

“The wildlife habitat in these places is just stunning,” said John Cain, director of conservation for River Partners, the nonprofit leading the project.

He spoke during a May 7 tour for a few top state officials, including Wade Crowfoot, natural resources secretary for Gov. Gavin Newsom. They and other attendees car-caravanned around the property, off Paradise Road about 10 miles southwest of Modesto.

Parts of the land remains in agriculture, but the transition could be done in about three years. The public cannot visit for now, but that could change when the property is turned over the U.S. Fish and Wildlife Service in perhaps five years.

The agency operates the adjacent San Joaquin River National Wildlife Refuge, about 7,000 acres of floodplain and other habitat.

## MANY SOURCES PROVIDE \$46 MILLION

River Partners has carried out the effort with help from the Tuolumne River Trust and several federal, state and local agencies.

They have combined for about \$31 million to buy the land and \$15 million for restoration so far. River Partners is seeking at least \$10 million more over the next few years.

It all started with the 2012 purchase of 1,602 acres from the Lyons family, where the floodplain work is close to done. Another 497 acres are a dairy farm just to the south, acquired in 2014. The final 285-acre piece is a farm just north of Grayson, purchased in 2015. These last two portions have not started restoration.

The Lyons land had produced feed for dairy and beef cattle, along with almonds, tomatoes and other crops. Despite levees and other measures, the land flooded six times between 1983 and 2007 with water from the Tuolumne and San Joaquin.

## **IN THE NEWS – The Modesto Bee, May 17, 2021 (Continued Page 2)**

About 4,800 acre-feet of water spread across restored floodplains in 2017, one of the wettest years on record, and stayed there for three months. The above-average 2019 brought about 3,600 acre-feet over two months.

“When you’re not fighting the river ... it actually creates a lot of benefits,” Cain said.

### **TUOLUMNE’S LONG JOURNEY ENDS HERE**

The final three miles of the Tuolumne wind through Dos Rios, which also has five miles of the lower San Joaquin.

The Tuolumne arises in glaciers more than 13,000 feet above sea level and flows freely across most of Yosemite National Park. San Francisco diverts about an eighth of the volume at Hetch Hetchy Reservoir, just inside the park. The Modesto and Turlock irrigation districts take roughly half the watershed runoff at Don Pedro Reservoir.

Downstream of Don Pedro, the Tuolumne can run high in wet years, when demand is easy to meet for farms and cities. Dry years can bring the flow down to as low as 50 cubic feet per second, based on the current federal license for MID and TID.

Environmental and fishing groups have urged much higher releases than the districts propose in their pending license renewal. The critics hope for the same through the State Water Resources Control Board, a process also involving the lower Stanislaus, Merced and San Joaquin rivers.

The districts counter that these releases would take too much water from the farms at the core of the region’s economy. They prefer modest flow increases coupled with salmon habitat improvements - such as the work taking place at Dos Rios.

### **350,000-PLUS PLANTS RISE FROM MUCK**

River Partners has planted more than 350,000 native trees, shrubs and grasses so far. Willows, cottonwoods and ashes have started to stand tall over understory plants such as mugwort, blackberry and rye.

They are irrigated from the rivers for three years, then left to survive on subsurface water.

The trees cast shade each spring for salmon that had hatched upstream the previous autumn. The fish eat bugs that fall from the trees, part of a diet that prepares them for a few years in the Pacific Ocean.

Birdwatchers have counted more than 80 species at Dos Rios, including Swainson’s hawks from Argentina and other migrants and year-round denizens.

The place is home to riparian brush rabbits, which had been declining in the region, and the first deer spotted at Dos Rios in two decades.

“It’s bringing back habitat for the wildlife,” said Nicholas Reynoso, an assistant field manager for River Partners. “We give rabbits, hawks and everything a home.”

The Modesto Bee visited with his crew an hour before the main tour. The task that morning was planting milkweed, a favorite food of monarch butterflies, under a new initiative involving other areas.

About 10 people work full-time at Dos Rios for River Partners, which is based in Chico and has a branch office in Turlock. They get help at times from the Greater Valley Conservation Corps, which trains 18 to 25-year-olds for this kind of labor.

“They are learning about ag,” Director Nicholas Mueller said. “They are getting outdoors and learning about the environment.”



## **HUGE STATE SURPLUS COULD HELP**

Crowfoot is Newsom's top official overseeing water, wildlife, forestry and related functions. He came with three assistant secretaries to see Dos Rios up close.

Crowfoot said such efforts could get a boost in funding thanks to the state's \$75 billion budget surplus. And the projects could align with fighting climate change, since floodplain trees absorb plenty of carbon from the air.

The secretary previously led the Water Foundation, a Sacramento-based nonprofit that has promoted floodplain restoration around the nation.

"Let the river do what it used to do," is how he summed it up.

Only about 5% of the Central Valley's natural floodplains remain thanks to dams and levees built since the 1850s. Dos Rios and similar projects will make only a modest difference, but the advocates think they're worth it amid a changing climate.

River Partners figures that Dos Rios is conserving about 7,000 acre-feet of water a year - the difference between the former farm use and what the native plants need. The surplus can go toward the releases required of irrigation districts into the lower rivers.

"The more that we get of this, the more certain agriculture can be," Crowfoot said.

The Lyons family continues to raise crops and cattle nearby at Mapes Ranch, in ways that have helped wildlife in other ways. Most notable is its help in the recovery of Aleutian geese, which feed in local farm fields during winter.

The Dos Rios tour ended with a socially distanced lunch with family member Bill Lyons Jr., a former secretary of food and agriculture for California.

"You had the opportunity to tour what the results are and what can be done up and down the river," he said.

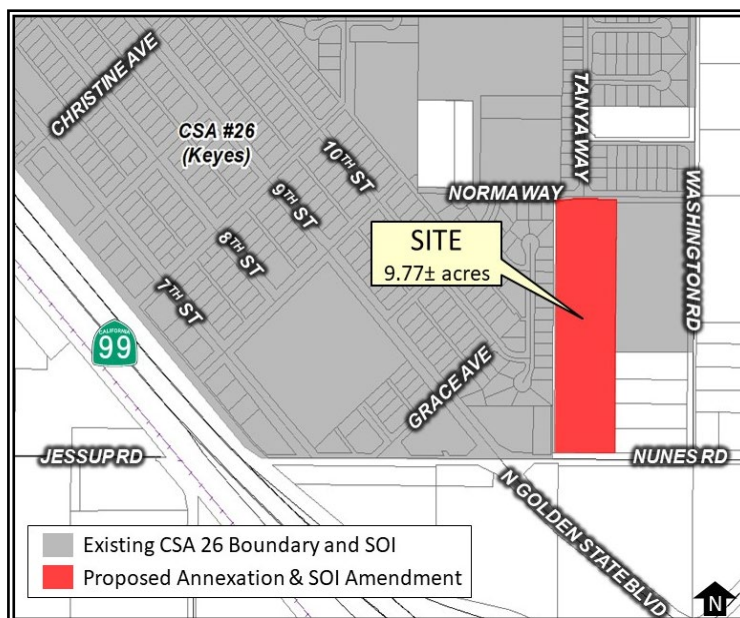
**EXECUTIVE OFFICER'S AGENDA REPORT  
MAY 26, 2021**

**LAFCO APPLICATION NO. 2021-03 & SPHERE OF INFLUENCE  
AMENDMENT NO. 2021-02 –  
NORMA WAY CHANGE OF ORGANIZATION TO COUNTY SERVICE AREA 26 (KEYES)**

**PROPOSAL**

The project is a request to annex approximately 9.77 acres into County Service Area (CSA) 26, located between Norma Way and Nunes Road, west of Washington Road in the Keyes area. The annexation is intended to fund services such as maintenance of storm drain infrastructure, masonry walls, sidewalks, parks and streetscape. The annexation to CSA 26 will also include a sphere of influence amendment (See Exhibit "A" – Map and Legal Description).

1. Applicant: Stanislaus County Public Works
2. Location: The proposal is located in the Keyes area north of Nunes Road and south of Norma Way near the Nunes Road and Washington Road intersection. (See Exhibit "A" – Map and Legal Description.)
3. Parcels Involved and Acreage: The project includes Assessor's Parcel Number (APN) 045-071-006 which contains approximately 9.77 acres. (See Exhibit "A" Map and Legal Description.)



4. Reason for Request: The annexation to CSA 26 will provide the funding mechanism for extended County services including maintenance of storm drain infrastructure, masonry walls, sidewalks, parks and streetscape for a residential subdivision and commercial lot.

**BACKGROUND**

In November of 2018, the Stanislaus County Board of Supervisors approved Vesting Tentative Subdivision Map Application No. 2017-0013, Gold Star Investments, LLC. The map includes 28 single family residential lots and a 4.02-acre commercial remainder. As part of the County's approval, a condition was included that requires that the area annex into County Service Area 26 – Keyes (CSA 26).

**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 factors, as set forth in Government Code Section 56668 and 56668.3:

- a. ***Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other***

***populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.***

The proposed change of organization will serve the Norma Way subdivision. The subdivision was approved in November 2018 by the Stanislaus County Board of Supervisors. The proposed annexation will include 28 single family residential parcels and 4.02-acre commercial remainder. Annexation into CSA 26 is a condition of approval required by Stanislaus County.

The subdivision is considered an infill project and is surrounded by similar low-density residential uses that are already within CSA 26. The project site is zoned R1-US (Single-Family Residential Urban Service District). Annexation to the District will not change or lead to change in the zoning. The subject parcel is located in Tax Code Area 072-014. The current total assessed value for the parcel within the proposed annexation area is \$1,005,000.00.

- b. The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.***

CSA 26 will provide extended county services including maintenance of storm drain infrastructure, masonry walls, sidewalks, parks and streetscape to the annexed territory. Upon annexation, the territory will be subject to the approved formula for calculation and levy of annual assessments to pay for services provided by CSA 26.

- c. The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.***

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. The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in Section 56377.***

The territory is located within an area that is zoned R1-US (low-density residential) by Stanislaus County. The 4.02-acre remainder is currently zoned R1-US but is designated as Commercial in the Keyes Community Plan for future commercial development. The proposed annexation will provide services to approved subdivisions.

- e. The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.***

The proposal will not result in the loss of agricultural land and will not affect the physical and economic integrity of agricultural land. The land is currently zoned for low-density residential uses by Stanislaus County, is designated as low density residential and commercial in the

Keyes Community Plan, and is considered in-fill development.

- f. ***The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting proposed boundaries.***

The proposed boundary includes one existing parcel to be subdivided into 28 low-density residential parcels and a 4.02-acre remainder. The proposed annexation also includes a sphere of influence (SOI) amendment to the CSA 26 SOI. The amendment will result in a coterminous SOI and CSA boundary.

- g. ***A regional transportation plan adopted pursuant to Section 65080***

The Regional Transportation Plan (RTP) is prepared and adopted by the Stanislaus Association of Governments (StanCOG) and is intended to determine the transportation needs of the region as well as strategies for investing in the region's transportation system. According to the CEQA documentation, the developer of the subdivision will be required to pay Keyes Community Plan Mitigation Funding Program fees per the Keyes Community Plan adopted on April 18, 2000. The fees will be applied per dwelling and will be applied towards the future signal improvement at the SR-99 and Keyes Road ramp intersections.

- h. ***The proposal's consistency with city or county general and specific plans***

The proposal is consistent with the Stanislaus County General Plan and Keyes Community Plan, which designates the territory as Low Density Residential and Commercial.

- i. ***The sphere of influence of any local agency, which may be applicable to the proposal being reviewed.***

The proposed change of organization includes a sphere of influence (SOI) amendment to the CSA 26 SOI. The amendment will result in a coterminous SOI and CSA boundary. The proposed territory is also within the Spheres of Influence of the Keyes Fire Protection District, Turlock Mosquito Abatement District, Turlock Irrigation District, and Keyes Community Services District.

- j. ***The comments of any affected local agency or other public agency.***

All affected agencies and jurisdictions have been notified pursuant to State law requirements and the Commission adopted policies. A response letter was received from both the Stanislaus County Environmental Review Committee and Department of Environmental Resources. Both letters provided "no comments" on the proposed annexation. No comments have been received from any other local or public agencies.

- k. ***The ability of the receiving entity to provide services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.***

The services provided by the proposed CSA annexation will be funded by existing and future landowners of the parcels within the territory. The CSA is a dependent district, with

the Stanislaus County Board of Supervisors serving as the district's governing body. Operations and maintenance of the CSA will be provided by the County Public Works Department.

***l. Timely availability of water supplies adequate for projected needs as specified in Government Code Section 65352.5.***

Keyes Community Services District (CSD) has indicated that it is able to provide water service to the subdivision. The territory will be required to annex into the Keyes CSD which will require a future LAFCO application. Currently, the District has 4 groundwater wells that provide drinking water to District customers. The District has some excess water capacity for growth; although, the District is in the process of establishing a treatment process to remediate arsenic levels that are present in the area that currently exceed the State's maximum contaminant levels.

***m. The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.***

The proposed annexation will serve 28 new single family residential lots and a 4.02-acre remainder. The lots will contribute towards regional housing needs.

***n. Any information or comments from the landowner or owners, voters, or residents of the affected territory.***

All of the landowners within the area have consented to the proposed annexation. No information or comments, other than what was provided in the application, have been received as of the drafting of this report.

***o. Any information relating to existing land use designations.***

All territories within the proposal are zoned R-1 US (Single-Family Residential Urban Service District) within the Stanislaus County Zoning Ordinance and are designated as "Low Density Residential" in the General Plan. The 28 proposed lots are designated as low density residential and the 4.02-acre remainder is designated as commercial in the Keyes Community Plan. There are currently no plans to change the land uses.

***p. The extent to which the proposal will promote environmental justice.***

As defined by Government Code §56668, "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 proposal 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.

***q. Information contained in a local mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone pursuant to Section 51178 or maps that identify land determined to be in a state responsibility area pursuant to Section 4102 of the Public Resources Code, if it is***

***determined that such information is relevant to the area that is the subject of the proposal.***

According to the project's Initial Study, the project site has not been identified as being within a very high fire hazard severity zone.

### **SPHERE OF INFLUENCE MODIFICATION**

Spheres of influence that are established for a County Service Area (CSA) are typically coterminous with their boundaries. Expansion of an existing CSA and its sphere of influence is preferred rather than the formation of a new CSA. Pursuant to LAFCO Policies, a minor amendment to the sphere of influence of an agency may be processed and acted upon by the Commission without triggering a new or revised Municipal Service Review (MSR) where a previous MSR has been conducted and the amendment is less than 100 acres or three percent of the acreage within the District's existing SOI. The proposed annexation meets these criteria. Therefore, consistent with Commission policies, the proposal is being processed as a minor sphere amendment with no new Municipal Service Review required.

#### **Sphere of Influence Determinations**

Government Code Section 56425 gives purpose to the determination of a sphere of influence by charging the Commission with the responsibility of "planning and shaping the logical and orderly development of local governmental agencies." In approving a sphere of influence amendment, the Commission is required to make written determinations regarding the following factors:

1. *The present and planned land uses in the area, including agriculture and open-space lands.*

The County retains the responsibility for land use decisions within the CSA boundaries and sphere of influence. The present land use in the area includes residential uses which are consistent with the planned land uses contemplated under the County General Plan and Zoning Ordinance. The 4.02-acre remainder is designated as commercial in the Keyes Community Plan.

2. *The present and probable need for public facilities and services in the area.*

When the County approves development within an unincorporated area, it may require annexation to or formation of a County Service Area in order to provide extended services necessary to serve the land uses within the development boundaries. The present and probable need for public facilities and services in the area has been considered, as reflected in County-approved Engineer's Report for CSA 26 (included in Exhibit "C"). The extended services to be provided by CSA 26 are maintenance of storm drain infrastructure, masonry walls, sidewalks, parks and streetscape.

3. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.*

The project developers will be required to install the necessary improvements to serve the development. Stanislaus County will maintain and operate these facilities with the funding provided through the CSA.

Only those property owners who benefit from the extended services provided by the CSA pay for them, which are funded through an assessment levied on parcels within the CSA boundaries. Based on the information provided by the County, it can be determined that, CSA 26 will have adequate controls and funding streams to provide the appropriate level of extended County services in order to serve the existing and future properties within the boundaries of the CSA.

4. *The existence of any social or economic community of interest in the area if the commission determines that they are relevant to the agency.*

There are no known social or economic communities of interest within the proposed Sphere of Influence.

5. *The present and probable need for sewer, municipal and industrial water, or structural fire protection of any disadvantaged unincorporated communities within the existing sphere of influence.*

The project site is located in Keyes, which qualifies as a disadvantaged unincorporated community. The property is considered infill development and will be served by the Keyes Fire Protection District for fire protection services, Keyes CSD for sewer and water services and CSA 26 for maintenance of storm drain infrastructure, masonry walls, sidewalks, parks and streetscape services.

## **DISCUSSION**

Based on the information provided by Stanislaus County in its application, annexation of the project site can be considered a logical extension of the District's boundaries. Staff has determined that the proposed annexation is consistent with Government Code and LAFCO policies.

### **Waiver of Protest Proceedings**

Pursuant to Government Code Section 56662(d), the Commission may waive protest proceedings for the proposal when the following conditions apply:

1. The territory is uninhabited.
2. All of the owners of land within the affected territory have given their written consent to the change of organization.
3. No subject agency has submitted written opposition to a waiver of protest proceedings.

As all of the above conditions have been met, the Commission may waive the protest proceedings in their entirety.

## **ENVIRONMENTAL REVIEW**

Stanislaus County, as "Lead Agency" under the California Environmental Quality Act (CEQA) prepared an initial study for the approved subdivision. In November of 2018, the Stanislaus County Board of Supervisors approved and adopted a Mitigated Negative Declaration for

General Plan Amendment and Vesting Tentative Subdivision Map Application, PLN2017-0013 – Gold Star Investments, LLC. LAFCO as a Responsible Agency, must consider the environmental documentation prepared by the County. The proposed annexation will not result in a change of land use under the current zoning, which is under Stanislaus County jurisdiction. The Notice of Determination and Initial Study prepared by the County are attached to this report as Exhibit “B”.

### **ALTERNATIVES FOR COMMISSION ACTION**

Following consideration of this report and any testimony or additional materials that are submitted at the public hearing for this proposal, the Commission may take one of the following actions:

- Option 1**      APPROVE the proposal, as submitted by the applicant.
- Option 2**      DENY the proposal.
- Option 3**      CONTINUE this proposal to a future meeting for additional information.

### **STAFF RECOMMENDATION**

Approve Option 1. Based on the information and discussion contained in this staff report, and the evidence presented, it is recommended that the Commission adopt attached Resolution No. 2021-08, which:

- a. Certifies, as a Responsible Agency under CEQA, that the Commission has considered the environmental documentation prepared by Stanislaus County as Lead Agency;
- b. Finds the proposal to be consistent with State law and the Commission's adopted Policies and Procedures;
- c. Waives protest proceedings pursuant to Government Code Section 56662(d); and,
- d. Approves LAFCO Application 2021-03 & Sphere of Influence Amendment 2021-02: Norma Way Change of Organization to County Service Area 26 (Keyes) as outlined in the resolution.

Respectfully submitted,

\_\_\_\_\_

Javier Camarena  
Assistant Executive Officer

Attachments - Exhibit A: Map and Legal Description  
Exhibit B: Stanislaus County Initial Study, Mitigation Monitoring Plan and Notice of Determination  
Exhibit C: CSA 26 Engineer's Report  
Exhibit D: LAFCO Resolution No. 2021-08



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## **EXHIBIT A**

### **Map & Legal Description**

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**ANNEXATION NO. 2021-\_\_\_\_\_**  
**ANNEXATION TO COUNTY SERVICE AREA (CSA) No. 26**  
**(KEYES)**  
**LEGAL DESCRIPTION**

ALL that certain real property, being a portion of and situate in the southeast quarter of the southeast quarter of Section 30, Township 4 South, Range 10 East, Mount Diablo Meridian, County of Stanislaus, State of California, being more particularly described as follows:

COMMENCING at the southeast corner of said southeast quarter of Section 30, said southeast corner being marked with a 1.5" iron pipe in a monument well; thence along the South line of said southeast quarter North 89°43'30" West 423.00 feet to the **THE TRUE POINT OF BEGINNING;**

Course #1: thence continuing along said South line North 89°43'30" West 326.80 feet to a point that is 10 feet East measured at right angles from the southerly extension of the easterly boundary of Subdivision No. 1, "Town of Keyes", as shown on that certain map filed for record in Book 16 of Maps at Page 45, Stanislaus County Records;

Course #2: thence parallel with said easterly boundary and said southerly extension, North 00°15'54" East 1287.04 feet to a point on the South right-of-way line of Norma Way, as described in Road Deed to the County of Stanislaus, filed for record September 12, 2003 as Document No. 2003-0154886, Stanislaus County Records;

Thence along said South right-of-way line the following three (3) courses:

Course #3: South 89°38'49" East 28.26 feet;


Course #4: North 84°22'20" East 86.38 feet;

Course #5: South 89°38'49" East 217.19 feet to a point on the West line of Parcel 2, as shown on that certain map filed for record in Book 34 of Parcel Maps, at Page 76, Stanislaus County Records;

Course #6: thence leaving said South right-of-way line and proceeding along said West line of Parcel 2 and along the West line of Parcels 1 thru 4, as

shown on that certain map filed for record in Book 53 of Parcel Maps, at Page 83, Stanislaus County Records, and its southerly extension thereof, South 00°28'02" West 1295.59 feet to the Point of Beginning.

**Gross Area of Annexation Boundary containing 9.77 acres more or less.**

  
Rien Groenewoud, P.L.S. 6946



01/30/2020

-----  
Parcel name: LAFCO ANNEXATION

	North: 9976.32	East : 24928.99
Line	Course: N 89-43-30 W	Length: 326.80
	North: 9977.89	East : 24602.19
Line	Course: N 00-15-54 E	Length: 1287.04
	North: 11264.92	East : 24608.14
Line	Course: S 89-38-49 E	Length: 28.26
	North: 11264.74	East : 24636.40
Line	Course: N 84-22-20 E	Length: 86.38
	North: 11273.22	East : 24722.37
Line	Course: S 89-38-49 E	Length: 217.19
	North: 11271.88	East : 24939.55
Line	Course: S 00-28-02 W	Length: 1295.59
	North: 9976.33	East : 24928.99

Perimeter: 3241.25    Area: 425,788 SF 9.77 acres

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.01                      Course: N 05-22-19 E

Error North: 0.006                      East : 0.001

Precision 1: 324,126.00

TANYA WAY

VICTORIA PARK  
41-M-55

NORMA

S89°38'49"E

WAY

CENTERLINE  
NORMA WAY

RAYMOND TRACT  
34-M-65

HORN WAY

TOWN OF KEYES  
16-M-45

N00°15'54"E

1287.04'

752.07'

5.75 ACRES

N84°22'20"E

86.38'

S89°38'49"E

28.26'

APN 045-071-006

9.77 ACRES

N89°43'30"W

328.68'

10'

4.02 ACRES

EXISTING CSA  
NO. 26 "KEYES"  
BOUNDARY

SECTION LINE

N89°43'30"W

326.80'

1295.59'

S00°28'02"W

6

1  
53-PM-83

2  
53-PM-83

FD. 1.5" IRON PIPE  
IN MON. WELL AT SE  
COR. SECTION 30,  
T.4S., R.10E.-POINT  
OF COMMENCEMENT

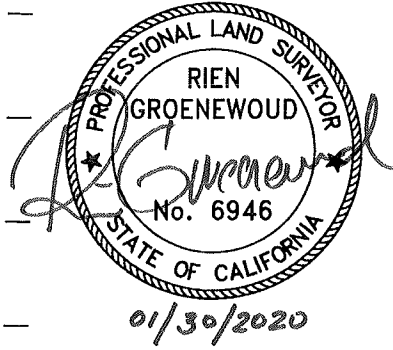
TRUE POINT OF  
BEGINNING

N89°43'30"W

423.00'(TIE)

NUNES ROAD

WASHINGTON ROAD



SCALE: 1" = 200'

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**NorthStar**  
Engineering Group, Inc.  
• CIVIL ENGINEERING • SURVEYING • PLANNING •  
620 12th Street Modesto, CA 95354  
(209) 524-3525 Phone (209) 524-3526 Fax

**PLAT TO ACCOMPANY  
LEGAL DESCRIPTION**

STANISLAUS COUNTY

CALIFORNIA

JOB:	J16-1776
DATE:	01/30/20
SCALE:	1"=200'
DRAWN:	RG
DESIGN:	RG
CHK'D:	RG
SHEET	01 OF 01

## **EXHIBIT B**

### **CEQA Initial Study Mitigation Monitoring Plan & Notice of Determination**



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**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT**

1010 10<sup>TH</sup> Street, Suite 3400, Modesto, CA 95354  
Planning Phone: (209) 525-6330 Fax: (209) 525-5911  
Building Phone: (209) 525-6557 Fax: (209) 525-7759

## CEQA INITIAL STUDY

Adapted from CEQA Guidelines APPENDIX G Environmental Checklist Form, Final Text, December 30, 2009

1. **Project title:** General Plan Amendment Rezone, Vesting Tentative Subdivision Map Application No. PLN2017-0013 – Gold Star Investment, LLC
2. **Lead agency name and address:** Stanislaus County  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354
3. **Contact person and phone number:** Denzel Henderson, Assistant Planner
4. **Project location:** 4827 Nunes Road, south of Norma Way and west of Washington Road, in the Community of Keyes. (APN:045-071-006)
5. **Project sponsor's name and address:** Gold Star Investments, LLC  
528 E. Main Street  
Turlock, CA 95380
6. **General Plan designation:** LDR (Low Density Residential)
7. **Zoning:** R-1 US (Single-Family Residential Urban Services)
8. **Community Plan** Low Density Residential (Northern section)  
Commercial (Southern section)
8. **Description of project:**

This is a request to create 28-residential lots ranging in size from 5,100± square feet to 8,500± square feet and a 4± acre remainder lot from a 9.54± acre site in the R-1 US (Single Family Residential – Urban Services) zoning district. The request also includes an amendment to portions of the Keyes Community Plan from Commercial to Low-Density Residential. The subdivision proposes to connect to the neighboring residential subdivision “Keyes 19 South” drainage basin; however, if the neighboring subdivision improvements fail to be constructed prior to this project, an independent stormwater retention basin has been designed replacing two of the proposed lots, resulting in a 26-residential lot creation. The project will be serviced with water and sewer services from the Keyes Community Services District.

The site has a General Plan designation of Low Density Residential, a zoning designation of Single-Family Residential with Urban Services, and a Community Plan Designation of LDR (Low Density Residential) and Commercial. The site is developed with two single-family dwellings and accessory structures on the south side of the parcel which is proposed to become a remainder parcel.

**STRIVING TOGETHER TO BE THE BEST!**

- 
9. **Surrounding land uses and setting:** The site is surrounded by residential lots to the west and north, and ranchettes to the east. To the south are vacant agriculture and plan development properties, scattered single-family dwellings lots leading to highway 99. Immediately adjacent east is a vacant lot that was recently approved for residential subdivision Keyes 19 South.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Department of Public Works  
Stanislaus Local Agency Formation Commission  
California Department of Transportation  
San Joaquin Valley Air Pollution District  
Turlock Irrigation District  
Keyes Community Service District

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                          | <input type="checkbox"/> Agriculture & Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources                | <input type="checkbox"/> Cultural Resources               | <input type="checkbox"/> Geology / Soils                    |
| <input type="checkbox"/> Greenhouse Gas Emissions            | <input type="checkbox"/> Hazards & Hazardous Materials    | <input type="checkbox"/> Hydrology / Water Quality          |
| <input type="checkbox"/> Land Use / Planning                 | <input type="checkbox"/> Mineral Resources                | <input type="checkbox"/> Noise                              |
| <input type="checkbox"/> Population / Housing                | <input type="checkbox"/> Public Services                  | <input type="checkbox"/> Recreation                         |
| <input checked="" type="checkbox"/> Transportation / Traffic | <input type="checkbox"/> Utilities / Service Systems      | <input type="checkbox"/> Mandatory Findings of Significance |

**DETERMINATION: (To be completed by the Lead Agency)**

On the basis of this initial evaluation:

- ☐ I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- ☐ I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- ☐ I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature on file.  
Signature

July 2, 2018  
Date

**EVALUATION OF ENVIRONMENTAL IMPACTS:**

1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, than the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.

4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration.

Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

a) Earlier Analysis Used. Identify and state where they are available for review.

b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). References to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.

9) The explanation of each issue should identify:

a) the significant criteria or threshold, if any, used to evaluate each question; and

b) the mitigation measure identified, if any, to reduce the impact to less than significant.

## ISSUES

I. AESTHETICS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

**Discussion:** The site is not considered to be a scenic resource or a unique scenic vista. Community standards do not dictate the need or desire for an architectural review of agricultural or residential subdivisions. The project site is currently improved with a single-family dwelling and an accessory structure. The structures will remain on the newly created 4-acre remainder parcel. The northern portion of the lot is proposed to be developed into 28-residential lots along with necessary improvements (street improvements, landscaping, and drainage basin). The project is not expected to degrade any existing visual character of the site or surrounding area. Any lighting installed with the subdivision shall be designed to reduce any potential impacts of glare per the County's Public Works adopted Standards and Specifications.

**Mitigation:** None

**References:** Application; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			X	
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X

d) Result in the loss of forest land or conversion of forest land to non-forest use?				x
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			x	

**Discussion:** The project site is 9.54± acres in size and is improved with a single-family dwelling, accessory structure, and predominately undeveloped land. The project site has soils classified by The California Department of Conservation Farmland Mapping and Monitoring Program as “Urban and Built-Up Land”. The United States Department of Agriculture (USDA) Natural Resources Conservation Service’s Eastern Stanislaus County Soil Survey, shows that the dominant soil present is Dinuba sandy loam, 0 to 1 percent slopes and is grade one with a storie index of 81. A storie Index rating from 80-100 and Grade I and II are considered to be prime farmland; however, this site is zoned R-1 (US) and is designated as Urban and Built-Up Land.

The project site is surrounded by residential parcels to the west, north, and east. The parcel located to the east has been approved for a residential subdivision titled “Keyes 19 South”; and to the south are a mix of scattered single-family dwellings and vacant parcel before highway 99. The location is between the city of Ceres and Turlock. The closest agriculturally zoned property is adjacent to the southern border across Nunes Road; however, the proposed development is located more than 300-feet from the closest Agriculture property which exceeds the Agriculture Buffer requirement.

A referral response received from the Turlock Irrigation District (TID) described a 30-inch irrigation pipeline and control structure on the project site belonging to Improvement District 770. The irrigation facilities are to remain unless the downstream parcels abandon the services. TID also commented that the existing dirt ditch that serves the parcel shall be removed and the opening in the control structure be sealed. TID also requires that all grading be finished to elevations that are at least six inches higher than any adjacent irrigated ground with a protective berm to prevent irrigation water from reaching non-irrigated properties. Conditions of approval will be placed on the project to comply with these requirements.

The project site is considered to be in-fill development and will not contribute to the loss of farmland or forest land. The project is not anticipated to create any adverse impacts to any adjacent agriculture.

**Mitigation:** None

**References:** California State Department of Conservation Farmland Mapping and Monitor Program- Stanislaus County Farmland Finder 2018; United States Department of Agriculture; Referral response received from Turlock Irrigation District dated December 13, 2017; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			x	
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			x	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			x	
d) Expose sensitive receptors to substantial pollutant concentrations?			x	
e) Create objectionable odors affecting a substantial number of people?			x	

**Discussion:** The project site is within the San Joaquin Valley Air Basin, which has been classified as “severe non-attainment” for ozone and respirable particulate matter (PM-10) as defined by the Federal Clean Air Act. The San Joaquin Valley Air Pollution Control District (SJVAPCD) has been established by the State in an effort to control and minimize air pollution. As such, the District maintains permit authority over stationary sources of pollutants.

The project was referred to SJVAPCD who responded, that the project specific annual emissions of criteria pollutants are not expected to exceed any of the following District’s significance thresholds: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter of 10 microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5). Therefore, the District concluded that the Project would have a less than significant impact on air quality when compared to the above-listed annual criteria pollutant emissions significance thresholds. The district also included conditions of approval with ways to further reduce project impacts to air quality to less than significant thresholds.

The project will not conflict with, or obstruct implementation of, any applicable air quality plan. The construction phase of this project will be required to meet SJVAPCD’s standards and to obtain all applicable permits.

**Mitigation:** None

**References:** San Joaquin Valley Air Pollution Control District’s letter dated December 5, 2017; San Joaquin Valley Air Pollution Control District’s Small Project Analysis Level (SPAL) guidance; Stanislaus County General Plan and Support Documentation<sup>1</sup>

IV. BIOLOGICAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			X	

**Discussion:** The project site is currently developed with single-family dwellings and detached accessory structures. The proposed project will subdivide the 9.54± acre parcel into 28 residential lots ranging in size from 5,100 square feet to



8,500 square feet; with a General Plan of LDR (Low Density Residential) , zoning designation of R-1 US (Single Family Residential with Urban Services) and a Keyes Community Plan designation of Low Density Residential. The 4± acre remainder parcel will continue to have a General Plan LDR a zoning designation of R-1 US and Community Plan of Commercial.

The California Department of Fish and Wildlife's California Natural Diversity Database (CNDDDB) website identifies the Ceres quadrant as having four species listed as candidates for endangered or threatened species. The Swainson's Hawk, Tricolored blackbird, Steelhead – Central Valley DPS, and the Valley Elderberry Longhorn Beetle are all identified as candidates for endangered or threatened species for the Ceres quadrant. There is no evidence to suggest that this project would result in impacts to sensitive and endangered species or habitats, locally designated species, wildlife dispersal or mitigation corridors.

The project was referred to the California Department of Fish and Wildlife (CDFW) but no comments have been received as a part of the Early Consultation referral. The project site does not appear to contain streams or ponds that could be considered Waters of the United States. The project will not conflict with a Habitat Conservation Plan, a Natural Community Conservation Plan, or other locally approved conservation plans. Impacts to endangered species or habitats, locally designated species, wildlife dispersal or mitigation corridors are considered to be less than significant.

**Mitigation:** None

**References:** Application Material; California Department of Fish and Wildlife California Natural Diversity Database; Stanislaus County General Plan and Support Documentation<sup>1</sup>

<b>V. CULTURAL RESOURCES -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?</b>			X	
<b>b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?</b>			X	
<b>c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</b>			X	
<b>d) Disturb any human remains, including those interred outside of formal cemeteries?</b>			X	

**Discussion:** The Keyes Community Plan Update identified that a potential exists for discovery of previously identified buried archaeological resources. A records search, prepared by the Central California Information Center (CCIC), indicated that no prehistoric or historic archaeological resources or historic properties known to have value to local cultural groups were formally reported to the CCIC and, as such, the project site has a low-sensitivity for the possible discovery of historical resources. Conditions of approval will be placed on the project to protect any pre-historic or historic resources found during construction activities. Based on the aforementioned record searches, Staff has determined that additional consultation is not warranted; however, a condition of approval will be placed on the project requiring that if any archaeological or cultural resources are found during construction, activities shall halt until an on-site archaeological mitigation program has been approved by a qualified archaeologist.

**Mitigation:** None

**References:** Keyes Community Plan adopted April 18, 2000; Application; Record Search from Central California Information Center dated December 12, 2016; Stanislaus County General Plan and Support Documentation<sup>1</sup>

VI. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:			X	
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil creating substantial risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X

**Discussion:** According to the United States Department of Agriculture NRCS web soil survey, the site is listed as containing Dinuba Sandy Loam soil, 0 to 1 percent slopes. As contained in Chapter Five of the General Plan Support Documentation, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5; however, as per the California Building Code, all of Stanislaus County is located within a geologic hazard zone (Seismic Design Category D, E, or F) and a soils test may be required as part of the building permit process. The applicant provided a preliminary soils report to the Department of Public Works for review. After reviewing the soils report, the Public Works Department provided comments and a condition of approval to address stormwater management to be consistent with the department standards.

Any earth moving must be approved by Public Works as complying with adopted Standards and Specifications, which consider the potential for erosion and run-off prior to permit approval. The Building Division may utilize the results from the soils test, or require additional soils tests, to determine if unstable or expansive soils are present. If such soils are present, special engineering of any structures will be required to compensate for the soil deficiency. Any structures resulting from this project will be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed. Per the County's Safety Element of the General Plan, the site is not located in the most hazardous areas for earthquakes, or flooding areas.

**Mitigation:** None

**References:** Application material; Referral response received from Stanislaus County Department of Public Works dated on April 16, 2018; Stanislaus County General Plan and Support Documentation<sup>1</sup>

<b>VII. GREENHOUSE GAS EMISSIONS -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</b>			X	
<b>b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</b>			X	

**Discussion:** The principal Greenhouse Gases (GHGs) are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), sulfur hexafluoride (SF<sub>6</sub>), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and water vapor (H<sub>2</sub>O). CO<sub>2</sub> is the reference gas for climate change because it is the predominant greenhouse gas emitted. To account for the varying warming potential of different GHGs, GHG emissions are often quantified and reported as CO<sub>2</sub> equivalents (CO<sub>2</sub>e). In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill [AB] No. 32), which requires the California Air Resources Board (ARB) design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020. GHGs emissions resulting from residential projects include emissions from temporary construction activities, energy consumption, and additional vehicle trips.

Minimal greenhouse gas emissions will occur during construction. Construction activities are considered to be less than significant as they are temporary in nature and are subject to meeting SJVAPCD standards for air quality control.

The proposed structures are subject to the mandatory planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and environmental quality measures of the California Green Building Standards (CALGreen) Code (California Code of Regulations, Title 24, Part 11). The California Energy Commission (CEC) has published reports estimating the percentage deductions in energy use resulting from these new standards. Based on CEC's discussion on average savings for Title 24 improvements, these CEC savings percentages by end use can be used to account for a 22.7% reduction in electricity and a 10% reduction in natural gas use for single-family residential units.

As mentioned in the Air Quality section, the project was referred to SJVAPCD and the project specific annual emissions of criteria pollutants are not expected to exceed any of the Air District significance thresholds. The analysis of mobile source pollution within the Air Quality section based on SPAL would apply in regards to Greenhouse Gas Emissions as well. Therefore, the proposed project would pose less than significant impacts air emissions.

**Mitigation:** None

**References:** San Joaquin Valley Air Pollution Control District's letter dated December 5, 2017; San Joaquin Valley Air Pollution Control District's Small Project Analysis Level (SPAL) guidance, California Air Pollution Control Officers Association Quantifying Greenhouse Gas Mitigation Measures (August 2010); Stanislaus County General Plan and Support Documentation<sup>1</sup>

<b>VIII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</b>			X	
<b>b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</b>			X	

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			X	

**Discussion:** The Envirostor Database was accessed to determine if the property was listed as potential hazardous waste or superfund site. The project site located at 4827 Nunes Road was not identified as a hazardous site. No known hazardous materials are on-site. Pesticide exposure is a risk in areas located in the vicinity of agricultural uses. Sources of exposure include contaminated groundwater, which is consumed and drift from spray applications. Applications of sprays are strictly controlled by the Agricultural Commissioner and can only be applied after first obtaining permits. The groundwater is not known to be contaminated in this area. The Department of Environmental Resources (DER) is responsible for overseeing hazardous materials in this area. To date, there has not been any comment letters received from DER or the Stanislaus Consolidated Fire District in regards to hazardous material management. The project is located outside any land designated a fire hazard severity zone by Cal Fire per the County's Safety Element of the General Plan. The property is served by the Keyes Fire Protection District and will pay fire impact fees for all new construction. The project site is not located near an airport and is therefore not included in any airport land use compatibility plan.

**Mitigation:** None

**References:** Application material; Department of Toxic Substances Control (<http://www.envirostor.dtsc.ca.gov>); Airport Land Use Commission Plan<sup>1</sup>; Stanislaus County General Plan and Support Documentation<sup>1</sup>

IX. HYDROLOGY AND WATER QUALITY -- Would the project:				
	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f) Otherwise substantially degrade water quality?			X	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X	
j) Inundation by seiche, tsunami, or mudflow?			X	

**Discussion:** On-site areas subject to flooding have not been identified by the Federal Emergency Management Agency and/or County designated flood areas. Development of the project sites will include paving for the roadway, houses pads, driveways, curb, gutter and sidewalks. This type of development will alter the existing drainage pattern of the sites. Stormwater is being proposed to be managed for the development through a storm drain retention basin; however, it is the preference to connect to the adjoining residential subdivision "Keyes 19 South" drainage basin. If the neighboring subdivision "Keyes 19 South" improvements fail to be constructed prior to this project, an independent stormwater retention basin has been designed replacing two of the proposed lots resulting in a 26-residential lot creation. The stormwater is proposed to be conveyed for the development through gravity by gutter to each basin. Preliminary drainage plans were reviewed and have been conditioned to conform to the Public Works Department Standards. A condition of approval will be added to require the project site to annex into the existing County Service Area (CSA) to provide funding for maintenance of the system in perpetuity.

The proposed project will be served with domestic water from Keyes Community Service District (CSD). The applicant has received a will serve letter from Keyes CSD for each lot. Water quality and supply is monitored by Keyes CSD.

A referral response received from the Central Valley Regional Water Quality Control District provided a list of the Board's permits and programs that may be applicable to the proposed project. The developer will be required to contact Regional Water to determine which permits/standards must be met prior to construction as a condition of approval.

**Mitigation:** None

**References:** Application material; Keyes Community Service District Will Serve Letter dated November 28, 2016; Referral response from the Central Valley Regional Water Quality Control District dated December 11, 2017; Referral response received from Stanislaus County Department of Public Works dated on April 16, 2018; Stanislaus County General Plan and Support Documentation<sup>1</sup>

<b>X. LAND USE AND PLANNING -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Physically divide an established community?</b>			X	
<b>b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?</b>			X	
<b>c) Conflict with any applicable habitat conservation plan or natural community conservation plan?</b>				X

**Discussion:** The land use designations for the project site include a General Plan designation of Low Density Residential (LDR), a Zoning Designation of R-1 US (Single-Family Residential with Urban Services), and a Keyes Community Plan designation of Low Density Residential (LDR) & Commercial. The LDR General Plan designation intent is to provide locations and adequate areas for single-family detached homes in either conventional or clustered configurations. The zoning designation Single-Family Residential – Urban Services zoning district allows for a minimum parcel size of 5,000 square feet when serviced by public water and sewer.

The project site is currently developed with single-family dwelling and detached accessory structure. The proposed project will subdivide the 9.54± acre parcel into 28-residential lots ranging in size from 5,100 square feet to 8,500 square feet, and the Community Plan Designation will be changed from Commercial to LDR. The 4± acre remainder parcel will continue to have a General Plan Designation of LDR, a Zoning Designation of R-1 US and Community Plan Designation of Commercial. The proposed project will not physically divide an established community. The project is a residential in-fill development located within the Community of Keyes.

As described earlier, each lot will be served with domestic water and sewer from the Keyes Community Services District. The proposed project was presented to the Stanislaus County Subdivision Committee and all of the committee's comments have been incorporated into the project.

The proposed project will not conflict with any applicable habitat conservation plan or natural community conservation plan, as there are none in the area.

**Mitigation:** None

**References:** Application; Referral response from Stanislaus County Subdivision Committee dated February 14, 2018; Zoning Ordinance; Stanislaus County General Plan and Support Documentation<sup>1</sup>

<b>XI. MINERAL RESOURCES -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?</b>				X
<b>b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?</b>				X

**Discussion:** The location of all commercially viable mineral resources in Stanislaus County has been mapped by the State Division of Mines and Geology in Special Report 173. There are no known significant resources on the site.

**Mitigation:** None

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>

<b>XII. NOISE -- Would the project result in:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

**Discussion:** New construction would result in a temporary increase in noise and, as such, a standard condition of approval will be added to the project to address the temporary increase in noise by limiting hours of construction. The project is not included in any airport land use compatibility plan, nor is it located near any private airports.

**Mitigation:** None

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>

<b>XIII. POPULATION AND HOUSING -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

**Discussion:** The proposed project will not create significant service extensions or new infrastructure which could be considered as growth inducing, as services are available to neighboring properties. At full build-out the proposed parcels could only create a total of 28 residential units per the R-1 US zoning district. The extension of Keyes Community Services District (CSD) water and sewer services will not induce any further growth as the development is an in-fill project. The site is surrounded by similar low density residential development.

**Mitigation:** None

**References:** Application Materials; Stanislaus County General Plan and Support Documentation<sup>1</sup>

<b>XIV. PUBLIC SERVICES --</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Would the project result in the substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</b>				
<b>Fire protection?</b>			X	
<b>Police protection?</b>			X	
<b>Schools?</b>			X	
<b>Parks?</b>			X	
<b>Other public facilities?</b>			X	

**Discussion:** The County has adopted Public Facilities Fees, school and Fire Facility Fees on behalf of the appropriate district, to address impacts to public services. All new dwellings will be required to pay the applicable Public Facility Fees through the building permit process. The Sheriff's Department also uses a standardized fee for new dwellings that will be incorporated into the Conditions of Approval. The Stanislaus County Department of Parks and Recreation has calculated an in-lieu fee which will be paid by the developer to accommodate increased recreation needs occurring as a result of the residential development. A referral was sent to the Keyes Union School District but no response has been received to date. However, schools fees will be collected prior to issuance of any new dwelling.

A referral response was received from Turlock Irrigation District (TID) regarding impacts to irrigation and electric facilities. The District's comments will be incorporated as conditions of approval to protect the existing infrastructure and allow for safe placement of new infrastructure for irrigation and electrical facilities.

Lastly, a referral response was received by the Local Agency Formation Commission (LAFCO) regarding the water and sewer service being provided to the project site. LAFCO stated that the project site is currently outside the boundaries of the Keyes Community Service District service area. Prior to the commencement of services LAFCO has requested that the project site be annexed into the Keyes Community Service District. A condition of approval will be added to address these concerns.

**Mitigation:** None

**References:** Application material; Referral response from LAFCO, dated December 7, 2017; Referral response from Turlock Irrigation District, dated December 13, 2017; Stanislaus County General Plan and Support Documentation<sup>1</sup>

<b>XV. RECREATION --</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</b>			X	
<b>b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?</b>			X	

**Discussion:** The General Plan requires at least three net acres of developed neighborhood parks, or the maximum number allowed by law, to be provided for every 1,000 residents. Based on the number of lots being created, conditions of approval will be added to the project to require in-lieu park fees of \$2,050. These fees will be required prior to issuance of a building permit for each lot.



**Mitigation:** None

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>

<b>XVI. TRANSPORTATION/TRAFFIC -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?</b>		X		
<b>b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?</b>			X	
<b>c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?</b>			X	
<b>d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</b>			X	
<b>e) Result in inadequate emergency access?</b>			X	
<b>f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?</b>			X	

**Discussion:** According to the Federal Highway Administration the average daily vehicle trips per household is 9.6, which would equal 537.6 additional trips per day as a result of project approval (28 proposed Parcels, 56 new units x 9.6 = 537.6). The project proposes to create two new cul-de-sac (Street B & Tanya Way) and a hammerhead design on Street C until the neighboring parcels develop. The main roads for the Community of Keyes include Faith Home Road, Keyes Road, Golden State Boulevard, and Rohde Road, 7<sup>th</sup> Street, Nunes Road, and Washington Road which are all classified as collectors. No direct access is proposed from Nunes Road, which is located along the southern boundary of the project site. The proposed project also includes curb, gutter, and sidewalks. It is not anticipated that the proposed project will have any significant impacts on transportation or traffic. All development related to the project must be completed to the satisfaction of the Stanislaus County Department of Public Works.

The increased number of vehicle trips per day is not considered to be significant, as the 28 parcels will be in-fill and have been anticipated as residential development within the Keyes Community Plan.

This project was referred to the Department of Public Works and the State of California Department of Transportation (CalTrans). CalTrans responded with conditions of approval to include the fair share improvements to the ramps at State Route 99/Keyes Road; and to be notified when the proposed remainder parcel develops.

The Keyes Community Plan Environmental Impact Report (EIR) anticipated traffic impacts to the Keyes Road and State Route 99 ramp intersections, and adopted mitigation measures to address those impacts. A fair share amount shall be paid prior to the issuance of a building permit for any new dwelling. The County's Environmental Review Committee, submitted a referral response with the applicant's fair share amount, as determined by the Keyes Community Plan. The fair share amount has been updated to account for inflation. These fees have been added as a mitigation measure.

**Mitigation:**

1. Prior to issuance of any building permit for a single-family dwelling, the applicant shall pay the Keyes Community Plan Mitigation Funding Program fees for Low Density Residential (R-1) per the Keyes Community Plan Adopted on April 18, 2000. The fees were calculated in 2003 at \$178.92 per dwelling. With the fees adjusted for inflation using the Engineering News-Record index, the April 2017 fees are \$293.43 per dwelling.

**References:** Application; Referral response from Department of Transportation, dated December 18, 2017; Referral response from Environmental Review Committee, dated February 14, 2018; Keyes Community Plan EIR adopted April 18, 2000; Stanislaus County General Plan and Support Documentation<sup>1</sup>

XVII. UTILITIES AND SERVICE SYSTEMS -- Would the project:				
	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g) Comply with federal, state, and local statutes and regulations related to solid waste?			X	

**Discussion:** The project will be served by the Keyes Community Service District (CSD) with public water and sewer services. A will serve letter received from the Keyes CSD indicates that the developer will be responsible for installing all necessary infrastructure improvements required for the public water and sewer connections. The developer also must submit improvement plans to the District for review and approval. These requirements will be required as conditions of approval for the project.

The project site is currently not located within the Keyes CSD service area and therefore a referral response was received from the Local Agency Formation Commission Organization (LAFCO) that the project site will need to be annexed into the Keyes CSD prior to service. As part of the LAFCO referral response, information regarding the proposed utilities service regarding quantity and quality of the water being served was requested.

The subdivision proposes to connect to the neighboring residential subdivision "Keyes 19 South" drainage basin; however, if the neighboring subdivision improvements fail to be constructed prior to this project, an independent stormwater retention basin has been designed replacing two of the proposed lots resulting in a 26-residential lot creation. County Public Works has reviewed this request and preliminary approved the connection and has attached conditions of approval to ensure compliance with County regulations.

**Mitigation:** None

**References:** Application material; Keyes Community Service District Will Serve Letter, dated November 28, 2016; Referral response from LAFCO, dated December 7, 2017; Referral response received from Stanislaus County Department of Public Works dated on April 16, 2018; Stanislaus County General Plan and Support Documentation<sup>1</sup>

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X	
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

**Discussion:** Review of this project has not indicated any features, which might significantly impact the environmental quality of the site and/or adjacent areas.

<sup>1</sup>Stanislaus County General Plan and Support Documentation adopted in August 23, 2016, as amended. *Housing Element* adopted on April 5, 2016.

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10th Street, Suite 3400, Modesto, CA 95354

Planning Phone: (209) 525-6330 Fax: (209) 525-5911

Building Phone: (209) 525-6557 Fax: (209) 525-7759

**Stanislaus County**  
Planning and Community Development

**Mitigation Monitoring and Reporting Program**

Adapted from CEQA Guidelines sec. 15097 Final Text, October 26, 1998

**May 17, 2018**

1. Project title and location: General Plan Amendment & Vesting Tentative Subdivision Map Application No. PLN2017-0013 – Gold Star Investments, LLC  
4827 Nunes Road, in the Community of Keyes, south of Norma Way and west of Washington Road, between the City of Ceres and Turlock. APN: 045-071-006
2. Project Applicant name and address: Gold Star Investments, LLC  
528 E. Main Street  
Turlock, CA 95380
3. Person Responsible for Implementing Mitigation Program (Applicant Representative): Stanislaus County Department of Public Works
4. Contact person at County: Denzel Henderson, Assistant Planner  
(209) 525-6330

**MITIGATION MEASURES AND MONITORING PROGRAM:**

List all Mitigation Measures by topic as identified in the Mitigated Negative Declaration and complete the form for each measure.

**XVI. TRANSPORTATION/TRAFFIC**

No.1. Prior to issuance of any building permit for a single-family dwelling, the applicant shall pay the Keyes Community Plan Mitigation Funding Program fees for Low Density Residential (R-1) per the Keyes Community Plan Adopted on April 18, 2000. The fees were calculated in 2003 at \$178.92 per dwelling. With the fees adjusted for inflation using the Engineering News-Record index, the April 2017 fees are \$293.43 per dwelling.

- |   |   |
|---|---|
| Who Implements the Measure:             | Applicant   |
| When should the measure be implemented: | At time of permit issuance                                      |
| When should it be completed:            | At time of permit issuance                                      |
| Who verifies compliance:                | Stanislaus County Planning and Community Development Department |
| Other Responsible Agencies:             | Stanislaus County Public Works Department                       |

I, the undersigned, do hereby certify that I understand and agree to be responsible for implementing the Mitigation Program for the above listed project.

**Signature on file.**

Person Responsible for Implementing Mitigation Program

**May 21, 2018**

Date

## MITIGATED NEGATIVE DECLARATION

**NAME OF PROJECT:** General Plan Amendment & Vesting Tentative Subdivision Map Application No. PLN2017-0013 – Gold Star Investments, LLC

**LOCATION OF PROJECT:** 4827 Nunes Road, south of Norma Way and west of Washington Road, in the Community of Keyes. APN: 045-071-006

**PROJECT DEVELOPER:** Gold Star Investments, LLC  
528 E. Main Street  
Turlock, CA 95380

**DESCRIPTION OF PROJECT:** This is a Request to create 28-residential lots, ranging in size from 5,100± square feet to 8,500± square feet, and a 4± acre remainder parcel from a 9.54± acre lot zoned R-1 US (single-family residential Urban Services) zoning district. The request includes an amendment to a portion of the site's Keyes Community Plan Designation from Commercial to Low Density Residential.

Based upon the Initial Study, dated July 2, 2018, the Environmental Coordinator finds as follows:

1. This project does not have the potential to degrade the quality of the environment, nor to curtail the diversity of the environment.
2. This project will not have a detrimental effect upon either short-term or long-term environmental goals.
3. This project will not have impacts which are individually limited but cumulatively considerable.
4. This project will not have environmental impacts which will cause substantial adverse effects upon human beings, either directly or indirectly.

The aforementioned findings are contingent upon the following mitigation measures (if indicated) which shall be incorporated into this project:

### XVI. TRANSPORTATION/TRAFFIC

No.1 Mitigation Measure: Prior to issuance of any building permit for a single-family dwelling, the applicant shall pay the Keyes Community Plan Mitigation Funding Program fees for Low Density Residential (R-1) per the Keyes Community Plan Adopted on April 18, 2000. The fees were calculated in 2003 at \$178.92 per dwelling. With the fees adjusted for inflation using the Engineering News-Record index, the April 2017 fees are \$293.43 per dwelling.

The Initial Study and other environmental documents are available for public review at the Department of Planning and Community Development, 1010 10th Street, Suite 3400, Modesto, California.

Initial Study prepared by: Denzel Henderson, Assistant Planner

Submit comments to: Stanislaus County  
Planning and Community Development Department  
1010 10th Street, Suite 3400  
Modesto, California 95354

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS												
PROJECT: GENERAL PLAN AMENDMENT & VESTING TENTATIVE SUBDIVISION MAP PLN2017-0013 - GOLD STAR INVESTMENTS, LLC												
REFERRED TO:				RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS	
	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
CA DEPT OF FISH & WILDLIFE	X	X	X		X							
CA DEPT OF TRANSPORTATION DIST 10	X	X	X	X		X			X			X
CA OPR STATE CLEARINGHOUSE	X	X	X	X				X		X		X
CA RWQCB CENTRAL VALLEY REGION	X	X	X	X				X		X	X	
CITY OF TURLOCK	X	X	X		X							
COMMUNIUTY SERVICES DISTRICT KEYES	X	X	X		X							
COOPERATIVE EXTENSION	X	X	X		X							
FIRE PROTECTION DIST: KEYES	X	X	X		X							
IRRIGATION DISTRICT: TID	X	X	X	X				X		X	X	
MOSQUITO DISTRICT: TURLOCK	X	X	X		X							
MT VALLEY EMERGENCY MEDICAL	X	X	X		X							
MUNICIPAL ADVISORY COUNCIL: KEYES	X	X	X		X							
PACIFIC GAS & ELECTRIC	X	X	X		X							
POSTMASTER:	X	X	X		X							
RAILROAD: UNION PACIFIC	X	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X	X	X				X		X	X	
SCHOOL DISTRICT 1:KEYES UNION	X	X	X		X							
SCHOOL DISTRICT 2: TURLOCK JOINT UNIFIED	X	X	X		X							
STAN CO AG COMMISSIONER	X	X	X		X							
STAN CO BUILDING PERMITS DIVISION	X	X	X		X							
STAN CO CEO	X	X	X		X							
STAN CO DER	X	X	X		X							
STAN CO ERC	X	X	X	X			X		X			X
STAN CO FARM BUREAU	X	X	X									
STAN CO HAZARDOUS MATERIALS	X	X	X	X							X	
STAN CO PARKS & RECREATION	X	X	X		X							
STAN CO PUBLIC WORKS	X	X	X	X				X		X	X	
STAN CO SHERIFF	X	X	X		X							
STAN CO SUPERVISOR DIST 2: CHIESA	X	X	X		X							
STAN COUNTY COUNSEL	X	X	X		X							
STANCOG	X	X	X									
STANISLAUS FIRE PREVENTION BUREAU	X	X	X		X							
STANISLAUS LAFCO	X	X	X	X				X		X	X	
SURROUNDING LAND OWNERS			X		X							
TELEPHONE COMPANY: ATT	X	X	X		X							
TRIBAL CONTACTS												
(CA Government Code §65352.3)	X	X	X		X							
US MILITARY AGENCIES												
(SB 1462) (5 agencies)	X	X	X		X							
USDA NRCS	X	X	X		X							

STANISLAUS COUNTY  
DEPARTMENT OF PLANNING AND  
COMMUNITY DEVELOPMENT  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, California 95354

---

### NOTICE OF DETERMINATION

Filing of Notice of Determination in Compliance with Section 21108 or 21152 of the Public Resources Code

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**Project Title:** General Plan Amendment & Vesting Tentative Subdivision Map Application No. PLN2017-0013 – Gold Star Investments, LLC

**Applicant Information:** Coy Stark, Gold Star Investments, LLC, 528 E. Main Street, Turlock, CA 95380

**Project Location:** 4827 Nunes Road, south of Norma Way and west of Washington Road, in the Community of Keyes, Stanislaus County. APN: 045-071-006.

**Description of Project:** Request to create 28 residential lots ranging in size from 5,100± to 8,500± square feet and a 4± acre remainder lot from a 9.54± acre site, located in the R-1 US (Single Family Residential – Urban Services) zoning district. The request also includes an amendment to a portion of the Keyes Community Plan from Commercial to Low-Density Residential. The subdivision proposes to connect to the neighboring residential subdivision, approved but not yet developed, "Keyes 19 South" drainage basin, located adjacent to the southeast corner of the proposed subdivision. However, if the neighboring subdivision improvements fail to be constructed prior to this project, an independent stormwater retention basin has been designed replacing two of the proposed lots, resulting in a 26 residential lot creation.

**Name of Agency Approving Project:** Stanislaus County Board of Supervisors

**Lead Agency Contact Person:** Kristin Doud, Senior Planner

**Telephone:** (209) 525-6330

This is to advise that the Stanislaus County Board of Supervisors, on **November 6, 2018**, has approved the above described project and has made the following determinations regarding the above described project:

1. The project will not have a significant effect on the environment.
2. A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.

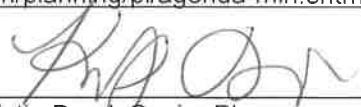
The **Mitigated Negative Declaration** and record of project approval may be examined at:  
Stanislaus County Department of Planning and Community Development  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, California 95354

3. Mitigation measures **were** made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan **was** adopted for this project.
5. A statement of Overriding Considerations **was not** adopted for this project.
6. Findings **were** made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the Negative Declaration, is available to the General Public @ <http://www.stancounty.com/planning/pl/agenda-min.shtm>

Dated

11/6/2018

  
\_\_\_\_\_  
Kristin Doud, Senior Planner  
Stanislaus County Planning & Community Development

## **EXHIBIT C**

### **Engineer's Report CSA 26**



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**COUNTY SERVICE AREA NO. 26  
ANNUAL ENGINEER'S REPORT**

**KEYES**

**FISCAL YEAR 2021-2022**

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## ENGINEER'S REPORT AFFIDAVIT

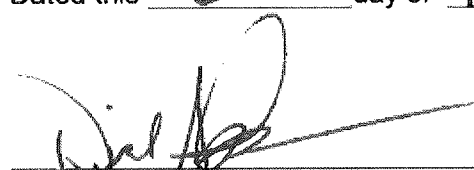
County of Stanislaus, State of California

### CSA NO. 26- KEYES

This report describes the CSA and all relevant zones therein including the budget(s), parcels and assessments to be levied for the Fiscal Year 2021-2022. Reference is hereby made to the Stanislaus County Assessor's maps for a detailed description of the lines and dimensions of parcels within the County Service Area (CSA).

The undersigned respectfully submits the enclosed report as directed by the Board of Supervisors.

Dated this 2 day of February, 2021

  
DAVID A. LEAMON, DIRECTOR, PE, MPA  
Stanislaus County Department of Public Works



**COUNTY SERVICE AREA NO. 26  
ANNUAL ENGINEER'S REPORT  
FISCAL YEAR 2021-2022**

**INTRODUCTION:**

County Service Area No. 26 (CSA 26) was established in July 2009 to provide extended maintenance services for the storm drain system, landscaping at the storm drain basin, and landscaping of the park system. CSA's 6, 13, and 17 were dissolved and merged into CSA 26.

Government Code Section 25210 et seq. requires that the board adapt an annual budget and assessments provided on the written report containing a description of each parcel of real property receiving the extended service.

**PART I – PLANS AND SPECIFICATIONS**

**A. Description of the service area**

There are total of 1,179 parcels within CSA 26 consisting of: Bonita Ranch Estates subdivisions (Zone 1 with total of 1,174 lots) and Keyes 19 North/Keyes 19 South subdivisions (Zone 2 with total of 5 lots). On May 16, 2017, the Board of Supervisors approved improvements and release of services and maintenance of a new subdivision Bonita Ranch Estates, Unit #5, which is located at north-west of CSA 26. On October 30, 2018 the Board of Supervisors approved annexation of two subdivisions: Keyes 19 North and Keyes 19 South, which are located on the west side of Washington Road just north and south of Norma Way respectively.

Currently, the CSA 26, Zone 1 is 332.3 acres and consisting of: 1049 residential parcels, 26 multi-family parcels, 1 undeveloped residential parcel, 4 parks, 1 park/streetscape, 2 park/storm basins, 3 storm basins, 3 schools, 6 congregation parcels, and 35 commercial/industrial parcels. The CSA 26, Zone 2 is 20.34 acres and consisting of: planned residential development parcels, which eventually will be subdivided to: 91 residential parcels, 1 park/storm basin, and 1 storm basin. Assessor map attached hereto as exhibits "B" and "B1".

On February 23, 2021, the annexation of a subdivision Norma Way, which is located west of Washington Road and South of Norma Way in the south-east Keyes area, is scheduled to go before the Board of Supervisors for approval. If the annexation of Norma Way into CSA 26, Zone 2 is approved, this zone will be 30.11 acres and consisting of: planned residential development parcels, which eventually will be subdivided to: 119 residential parcels, 1 park/storm basin, 1 storm basin and a commercial lot. Assessor map is attached hereto as exhibits "B". The CSA 26 will encompass an area of land totaling approximately 362.41 acres. The boundary of CSA 26 is shown on Exhibits "A" that are attached hereto and made a part of this Engineer's Report. The Development is generally located:

**Zone 1**

- North of Keyes Road
- East of State Route 99
- West of Washington Road

- Southeast of Faith Home Road;

#### Zone 2

- North of Norma Way
- South of Norma Way
- West of Washington Road.

### **B. Description of Improvements and Services**

The purpose of this CSA is to insure the ongoing maintenance, operation and servicing of the storm drain system, storm drain basin, and parks. The special benefit assessments to be levied for this CSA are intended to provide a revenue source for all the maintenance, and servicing of the service area's improvements including, but not limited to the materials, equipment, labor, and administrative expenses. However, the assessments are not intended to fund reconstruction or major renovations of the improvements and facilities. The maintenance, operation, and servicing of the storm drain system are funded entirely or partially through the service area assessments and generally described as:

#### Zone 1

- Periodic cleaning and maintenance (as needed) on 457 linear feet of 12" inch pipe, 7,156 linear feet of 18-inch pipe, 1525 linear feet of 24" pipe 632 linear feet 30" pipe, and 38,940 linear feet of curb and gutter;
- One outfall pump and four lift station pumps;
- Periodic cleaning and maintenance of 68 catch basins and 41 manholes;
- Repair curb and gutter as needed to maintain the storm drain system (38,940 linear feet of curb and gutter);
- Periodic street sweeping to prevent buildup of silt and other damaging materials to the storm drain system. All debris is contained and hauled off site with containment bins;
- Annual repairs and general maintenance to storm drain basin (erosion control, weed spraying, grading/excavation as needed);
- Remove silt build up next to the wall of the separator with the use of the suction truck;
- The Parks and Recreation Department provides continual maintenance of all parks, park/basin public use areas, open lots, and streetscapes within the Service Area (i.e. irrigation, mowing, weed abatement, tree care, and playground equipment maintenance).

#### Zone 2

- Periodic cleaning and maintenance (as needed) on 379 linear feet of 12" inch pipe, 1,273 linear feet of 18" pipe, 1,096 linear feet of 24" pipe, 1,950 linear feet of 24"

perforated storm pipe, 19 bubble-up structures with Rip Rap, and 10,951 linear feet of curbs and gutters;

- Periodic cleaning and maintenance of 19 catch basins and 14 manholes;
- Repair curb and gutter as needed to maintain the storm drain system (10,951 linear feet of curb and gutter);
- Periodic street sweeping to prevent buildup of silt and other damaging materials to the storm drain system. All debris is contained and hauled off site with containment bins;
- Annual repairs and general maintenance to storm drain basins (erosion control, weed spraying, grading/excavation as needed, repair of the chain link fence as needed);
- Remove silt build up next to the wall of the separator with the use of the suction truck;
- Repair concrete sidewalks as needed (44,868 square feet of sidewalks);
- Repair 8- ft masonry wall as needed (642 linear feet of masonry wall);
- Repair chain-link fence as needed (approximately 1,258 linear feet of chain-link fence).
- The Parks and Recreation Department provides continual maintenance of all parks, park/basin public use areas, open lots, and streetscapes within the Service Area (i.e. irrigation, mowing, weed abatement, tree care, and playground equipment maintenance, masonry wall maintenance and repair).

## **PART II - METHOD OF APPORTIONMENT**

### **A. Benefit Analysis**

The method of apportionment described in this report for allocation of special benefit assessments utilizes commonly accepted engineering practices. The formula used for calculating assessments for the CSA reflects the composition of the parcels and improvements provided to fairly apportion the costs based on special benefits to each parcel. Furthermore, pursuant to the Constitution Article XIID Section 4, a parcel's assessment may not exceed the reasonable cost of the proportional special benefit conferred on that parcel and a parcel may only be assessed for special benefits received.

All the improvements and services associated with the CSA have been identified as necessary, required and/or desired for the orderly development of the properties within the CSA to their full potential and consistent with the proposed development plans. As such, these improvements would be necessary and required of individual property owners for the development of such properties and the ongoing operation, servicing and maintenance of the improvements and facilities would be the financial obligation of those properties. Therefore, the storm drain facilities and the infrastructure, and the annual costs

of ensuring the maintenance and operation of these improvements provide special benefits to the properties within the CSA.

The storm drain basin and the parks are public property and treated as individual parcels. These public properties are being created for the sole purpose of providing benefit (storm drainage control and open space) to the residential lots. Services provided by CSA No. 26 are storm drain system services, park maintenance services for the storm drain basins in the CSA which are also landscaped as parks, maintenance of some community landscaping, and special additional benefit funding to provide landscape and maintenance services for Hatch Park. All of these benefits are special benefits provided to the Keyes area that are over and above those provided to county wide property owners in general.

## **B. Assessment Methodology**

The method of apportionment for the CSA calculates the receipt of special benefits from the respective improvements based on the actual or the proposed land use of the parcels within the CSA. The special benefit received by each lot or parcel is equated to the overall land use of the parcels within the CSA based on the parcel's actual land use or proposed development.

Upon review of the proposed improvements, it has been determined that each of the residential parcel within the CSA receives special benefits from all the improvements to be funded by annual assessments and based on the planned property development a single zone of benefits appropriate for the allocation of the assessments and proportional benefit. The parcels within the CSA may be identified by one of the following land use classifications and is assigned a weighting factor known as Equivalent Benefit Unit (EBU). The EBU calculated for a specific parcel defines the parcel's proportional special benefits from the CSA's improvements, facilities and services.

### **Equivalent Benefit Units (EBU):**

To assess benefits equitably, it is necessary to relate each property's proportional special benefits to the special benefits of all other property in the CSA. The EBU method of apportioning assessments uses the single-family home site as the basic unit of assessment. A single-family home site equals one EBU. All other land uses are converted to EBU's based on an assessment formula that equates the property's specific development status, type of development (land use) and size of property, as compared to a single-family home site.

The EBU method of apportioning special benefits is typically seen as the most appropriate and equitable assessment methodology, as the benefits to each parcel from the improvements are apportioned as a function of land use type, size and development. Not all land use types described in the following are necessarily applicable to the development of properties within the CSA but are presented for comparison purposes to support the proportional special benefit applied to those land use types within the CSA.

### **EBU Application by Land Use:**

**Single Family Residential-** This land use is defined as a fully subdivided residential home site with or without structure. This land use is assessed 1.00 EBU per parcel or lot. This is the base value that all other properties are compared and weighted against.



**Multi-family Residential-** This land use is defined as a fully subdivided residential parcel that has more than one residential unit developed on the property typically includes apartments, duplexes, triplex etc. (It does not typically include condominiums, town-homes, or mobile home parks). Based on average population densities and the size of the structure as compared to a typical single-family residential unit, multi-family residential parcels shall be proportionally assessed for the parcels total number of residential units utilizing a sliding benefit scale. Although multi-family properties typically receive similar benefits to that of a single family residential, it would not be reasonable to conclude that on a per unit basis, the benefits are equal. Studies have consistently shown that the average multi-family unit impacts infrastructure approximately 75% as much as a single-family residence (sample sources: Institute of Transportation Engineers Informational Report Trip Generation, Fifth Edition; Metcalf and Eddy, Wastewater Engineering Treatment, Disposal, Reuse, Third Addition). These various studies indicate the most public improvements and infrastructure are utilized and impacted at reduced levels by multi-family residential units and a similar reduction in proportional benefit is appropriate. Furthermore, it is also reasonable to conclude that as the density (number of units) increases the proportional benefit per unit tends to decline because the unit size and people per unit usually decreases. Based on these considerations and the improvements provided by the CSA, it has been determined that an appropriate allocation of special benefit for multifamily residential properties as compared to a single family residential is best represented by the following special benefit assignment: 0.75 EBU per unit for the first 5 units; 0.50 EBU per unit for units 6 through 50; and 0.25 EBU per unit for all remaining units.

**Condominium/Town-Home Units-** Condominiums and town-homes tend to share attributes of both a single-family residential and multi-family residential properties and for this reason are identified as a separate land use classification. Like most single-family residential properties, these properties are not usually considered rental property and generally the County assigns each unit a separate APN or assessment number. However, condominiums and town homes often have similarities to multi-family residential properties in that they are generally zoned medium to high density and in some cases may involve multiple units on a single APN. In consideration of these factors, it has been determined that an appropriate allocation of special benefit for condominiums, town-homes and similar residential properties is best represented by an assignment of 0.75 EBU per unit regardless of whether each unit is assigned an individual APN or there are multiple units assigned to the APN. There is not an adjustment factor for parcels with more than five units.

**Planned-Residential Development-** This land use is defined as any property for which a tentative or final tract map has been filed and approved (a specific number of residential lots and units has been identified) and the property is expected to be subdivided within the fiscal year or is part of the overall improvement and development plan for the CSA. This land use classification often times involves more than a single parcel (e.g. the approved tract map encompasses more than a single APN). Each parcel that is part of the approved tract map shall be assessed proportionally for the proposed or estimated residential type and units to be developed on that parcel as part of the approved tract map. Accordingly, each parcel is assigned an appropriate number of benefit units that reflects the development of that property at build-out. (The EBU assigned to each parcel shall represent the combination of single family, condominium, multi-family units to be developed).

**Exempt Parcels-** This land use identifies properties that are not assessed and are assigned 0.00 EBU. This land use classification may include but is not limited to:

- Lots or parcels identified as public streets and other roadways (typically not assigned an APN by the County);
- Dedicated public easements including open space areas, utility rights-of-way, greenbelts or other publicly owned properties that are part of the CSA improvements or that have little or no improvement value;
- Private properties that cannot be developed independently for an adjacent property, such as common areas, sliver parcels or bifurcated lots or properties with very restrictive development use.

These types of parcels are considered to receive little or no benefit from the improvements and are therefore exempted from assessment.

**Special Cases-** in many CSA's where multiple land use classifications are involved there are usually one or more properties that the standard land use classifications or usual calculation of benefit will not accurately identify the special benefits received from the improvements. For example, a parcel may be identified as a vacant residential property, however only a small percentage of the parcel's total acreage can actually be developed. In this case, an appropriate calculation would be based on the net acreage that can be utilized rather than the gross acreage of the parcel. The following table provides a summary of land use types, the EBU factors used to calculate each parcel individual EBU as outlined above:

**Land use and Equivalent benefit units**

Property type	EBU	Multiplier
Single Family Residential	1.00	Per unit/lot(parcel)
Multi-Family Residential	0.75	Per unit for the first 5 units
	0.50	Per unit for units 6 thru 50
	0.25	Per units > 50
Condominium/Town- Home Units	0.75	Per Unit
Planned Residential Development	1.00	Per planned Residential lot
	0.75	Per planned Condominium
	0.75	Per unit for the first 5 units
	0.50	Per unit for units 6-50
	0.25	Per unit >50
Vacant/Undeveloped Residential Land	0.00	Per Acre
Public Park	0.40	Per Acre
Public Storm Drain Basin	0.40	Per Acre
Public School	2.20	Per Acre
Commercial/Industrial Parcel	3.50	Per Acre
Undeveloped Commercial/Industrial Parcel	1.00	Per Acre
Rural/ Agricultural	1.00	Per Acre
Exempt Parcels	0.00	Per parcel

The following formula is used to calculate each parcel's EBU (proportional benefit):

$$\text{Parcel Type EBU} \times \text{Acres or Units} = \text{Parcel EBU}$$

The total number of EBU's is the sum of all individual EBU's applied to parcels that receive special benefit from the improvements. An assessment amount per EBU (assessment rate) for the improvements is established by taking the total cost of the improvements and dividing the amount by the total number of EBU's of all benefiting parcels from the improvements. The rate is then applied back to each parcel's individual EBU to determine the parcel's proportionate benefit and assessment obligation for the improvements.

$$\text{Total Balance to Levy} / \text{Total EBU's} = \text{Levy per EBU}$$

$$\text{Levy per EBU} \times \text{Parcel EBU} = \text{Parcel Levy Amount}$$

### **PART III – BUDGET ANALYSIS**

#### **A. Fund Balance**

The estimated fund balance for Zone 1 as of June 30, 2021 is \$404,817. This includes a capital improvement reserve of \$163,132 for eventual replacement of the outfall pump and four lift pumps and \$25,000 for park equipment and/or vandalism related capital costs. This fiscal approach is aimed at accumulating a sufficient reserve by the time the pumps are replaced so that no increase in the annual assessment will be necessary to cover these costs.

The estimated fund balance for Zone 2 as of June 30, 2021 is \$33,252. A drain basin in the south subdivision is surrounded with the chain link fence that is approximately 1,258 linear feet long (Public Works maintenance). In order to replace the fence at the end of a 30-year life cycle, a capital reserve target of \$18,543 has been determined for Public Works. This includes the cost of the material and labor required to complete the installation.

East side of the south subdivision has a masonry wall of approximately 642 linear feet (Park maintenance) that separates residential area from Washington Road and protects residential lots from traffic sound. In order to make a capital repair of the wall, a capital reserve target of \$50,400 has been determined for Parks. This includes the cost of the material and the labor required to complete the work.

The threat to stormwater quality comes from the urbanized areas within the County, which the CSA's encompass. The County is mandated by the State Water Resources Control Board, Water Quality Order No. 2013-0001-DWQ to regulate stormwater within these urbanized areas. The CSA's receive additional services above the General Benefit for the following permit areas: Education and Outreach (E.7), Public Involvement and Participation Program (E.8), Illicit Discharge Detection and Elimination Program (E.9), Post-Construction Stormwater Management Program (E.12), Water Quality Monitoring (E.13), Program Effectiveness Assessment and Improvement (E.14), Total Maximum Daily Loads Compliance Requirements (E.15) and the Annual Reporting Program (E.16).

The fee structure to implement the state requirements has not been determined for Fiscal Year 2021-2022. An estimated annual fee of \$5 per parcel is included in this year's

budget. Any surplus or shortfall will be adjusted in future calculations.

Fiscal Year's 2021-2022 assessment for Zone 1 is \$113.02 per Equivalent Benefit Unit (EBU), which is the same as the previous year's assessment. An amount of \$68,905 will be used from available fund balance to offset operations and maintenance costs, thereby keeping the assessment equal to the previous year.

Fiscal Year's 2021-2022 assessment for Zone 2 is and \$571.75 per EBU. An amount of \$3,235 will be used from available fund balance to offset operations and maintenance costs.

The fiscal year is the 12-month period from July 1<sup>st</sup> through June 30<sup>th</sup> of the following year. The annual assessment is received with property taxes collected in December and April. This means that the fiscal year starts on July 1<sup>st</sup>, but the first installment of the annual assessment will not be collected until December, creating a 6-month lag in receiving the money necessary to maintain the various services provided. Therefore, a reserve of \$104,533 for Zone 1 and \$16,626 for Zone 2, one half of the annual operating budget, will be carried forward from available fund balance to cover costs from July 1<sup>st</sup> to December 31<sup>st</sup>.

## **B. Budget Formula**

Proposition 218, a statewide initiative approved by the voters in November 1996 and which took effect July 1, 1997, requires property owners approve any change in the method of calculating assessment and any increase in the assessment rate through a ballot procedure. An assessment ballot procedure occurred during the formation of CSA 26 in 2008. A majority protest was not filed regarding the formula for calculating the annual assessment and the levy of the annual assessment to pay for the services provided by CSA 26. The property owners cast majority votes supporting the formula and levy of annual assessment to pay for the services provided by CSA 26. Therefore, the formula for calculating the annual assessment has been approved and is in place. The formula that is being used to calculate the assessment is the total cost to operate and maintain the storm drain system, parks, and streetscape within CSA 26.

$$\text{Parcel Type EBU} \times \text{Acres or Units} = \text{Parcel EBU}$$

$$\text{Total Balance to Levy} / \text{Total EBU's} = \text{Levy per EBU}$$

$$\text{Levy per EBU} \times \text{Parcel EBU} = \text{Parcel Levy Amount}$$

The annual assessment calculated using the Method is proportional to the special benefit derived by each identified parcel in relationship to the cost of the service being provided by the CSA. Due to variation in the type of parcel use, each parcel benefits differently in the services provided. Therefore, the total cost to operate the CSA is based on the above method to determine the annual assessment for each parcel in the CSA. This method is proposed in order to support an equitable spread of assessments between residential lots, public properties, and developed commercial and industrial properties. The annual assessment is levied without regard to property valuation.

**Total Equivalent Benefit Units by Property Type - CSA No. 26 (Zone 1)**

<b>PROPERTY TYPE (acres/parcels/units x EBU factor)</b>	<b>TOTAL EQUIVALENT BENEFIT UNIT (E.B.U.)</b>
Undeveloped Residential (1 parcel x 0)	.00
Undeveloped Commercial	.00
Developed Residential (1093 parcels x 1)	1093.15
Multi-Family Residential (69 units x 0.75)	51.75
Multi-Family Residential (20 units x 0.5)	10.00
Multi-Family Residential	0.00
Road Easement (0 x .55)	0.00
Storm Water Basin (0.7 acres x 0.4)	.28
Storm Water Basin / Park	.00
Park (16.85 acres x .40)	6.74
Public School (10.95 acres x 2.2)	24.09
Streetscape (0.71 acres x 0.4)	.28
Developed Commercial (12.51 acres x 3.5)	43.78
Developed Commercial Church (2.56 acres x 3.5)	8.96
Industrial (0 x 3.5)	.00
<b>Totals:</b>	<b>1240.15</b>

**Total Equivalent Benefit Units by Property Type - CSA No. 26 (Zone 2)**

<b>PROPERTY TYPE (acres/parcels/units x EBU factor)</b>	<b>TOTAL EQUIVALENT BENEFIT UNIT (E.B.U.)</b>
Planned Residential Development (6 parcel)	84.63
<b>Totals:</b>	<b>84.63</b>

**Assessment Per Equivalent Benefit Unit (E.B.U.). – CSA No. 26 (Zone 1)**

<b>DESCRIPTION</b>	<b>AMOUNT</b>
Required Funds	140,161.64
Total Equivalent Benefit Units	1,240.15
<b>Calculated Assessment Per Equivalent</b>	<b>\$113.02</b>

**Assessment Per Equivalent Benefit Unit (E.B.U.). – CSA No. 26 (Zone 2)**

DESCRIPTION	AMOUNT
Required Funds	\$30,016.86
Total Equivalent Benefit Units	52.50
Calculated Assessment Per	\$571.75

## PART IV - SERVICE AREA BUDGET

EXPENSE DESCRIPTION	TOTAL BUDGET Zone 1	TOTAL BUDGET Zone 2
	94.2%	5.8%
<b>ADMINISTRATION</b>		
County Administration	\$ 1,080	\$ 95
Miscellaneous/Other Admin Fees	\$ -	\$ -
<b>Total</b>	<b>\$ 1,080</b>	<b>\$ 95</b>
<b>PARKS &amp; RECREATION</b>		
Parks Labor	\$ 58,212	\$ 11,268
Parks Vandalism & Graffiti	\$ 1,640	\$ -
Parks Utilities	\$ 51,353	\$ 8,932
Parks Other Supplies	\$ 5,223	\$ 1,786
Parks Maintenance Structure & Grounds	\$ 5,865	\$ -
<b>Total</b>	<b>\$ 122,293</b>	<b>\$ 21,986</b>
<b>PUBLIC WORKS</b>		
SWRCB Permit Requirement	\$ 5,865	\$ 30
Pond Excavation	\$ -	\$ -
Pump Replacement	\$ -	\$ -
Cleaning Drainage System	\$ 14,551	\$ 792
Street Sweeping	\$ 48,621	\$ 8,544
Curb & Gutter Repair	\$ -	\$ -
Weed Spraying	\$ 3,013	\$ 139
Erosion Control	\$ 5,093	\$ 945
Separator Cleaning	\$ 5,675	\$ 617
Sidewalk Repair	\$ -	\$ 1,420
Utilities	\$ 10,355	\$ -
<b>Total</b>	<b>\$ 93,173</b>	<b>\$ 12,486</b>
<b>Capital Improvement Reserve</b>		
General Benefit	\$ (7,480)	\$ (1,314)
<b>Total Administration, Parks &amp; Rec, Public Works Budget</b>	<b>\$ 209,067</b>	<b>\$ 33,252</b>
<b>Fund Balance Information</b>		
Beginning Fund Balance (Estimated for FY 2021-2022)	\$ 404,817	\$ 33,252
Capital Improvement Reserve-Parks (-)	\$ (25,000)	\$ (562)
Capital Improvement Reserve-Public Works (-)	\$ (163,132)	\$ (294)
<b>Available Fund Balance</b>	<b>\$ 216,685</b>	<b>\$ 32,396</b>
<b>Adjustments to Available Fund Balance</b>		
General Fund (or PW) Loan Repayment/Advance (+)	\$ -	
Other Revenues/General Fund (Contributions i.e. Grants) (+)	\$ -	
6 Months Operating Reserve (-)	\$ (104,533)	\$ (16,626)
Use of Fund Balance for FY2021-2022 (-)	\$ (68,905)	\$ (3,235)
Contingency Reserve (-)		
<b>Total Adjustments</b>	<b>\$ (173,438)</b>	<b>\$ (19,862)</b>
<b>Remaining Available Fund Balance</b>	<b>\$ 43,247</b>	<b>\$ 12,534</b>
<b>Total Administration, Parks &amp; Rec, Public Works Budget</b>	<b>\$ 209,067</b>	<b>\$ 33,252</b>
<b>Use of Fund Balance (-)</b>	<b>\$ (68,905)</b>	<b>\$ (3,235)</b>
<b>Balance to Levy</b>	<b>\$ 140,162</b>	<b>\$ 30,017</b>
<b>District Statistics</b>		
Total Parcels	1,174	6
Parcels Levied	1,173	5
Total EBU	1,240.15	52.5
Levy EBU	\$ 113.02	\$ 571.75
Capital Reserve Target-Parks	\$ 25,000	\$ 50,400
Capital Reserve Target-PW	\$ 163,132	\$ 18,543

## **PART V – ASSESSMENTS**

2021-2022 Assessment Zone 1 = \$140,161.64 / 1,240.149 EBU = \$113.02 per EBU

2021-2022 Assessment Zone 2\* = \$30,016.88 / 52.50 EBU = \$571.75

2020-2021 Assessment Zone 1 = \$140,161.64 / 1,240.149 EBU = \$113.02 per EBU

2020-2021 Assessment Zone 2\* = \$0

\*The assessment of a proposed parcel in Zone 2 will start in Fiscal Year 2022-2023. If the annexation is approved, a deposit from a developer that covers 1<sup>st</sup> year of O&M will be transferred to CSA 26, Zone 2 fund. Thus, the fund balance of Zone 2 will be sufficient to cover services provided in this zone.

Since a formula or method for calculating the annual assessment has been approved per Proposition 218, no ballot procedure is necessary to approve the change in assessment. Therefore, the Fiscal Year 2021-2022 assessment is in compliance with Proposition 218.

The parcels subject to the assessment are listed on Exhibit "D" that is attached hereto and made a part of this Engineer's Report.



EXHIBIT "A"

LEGAL DESCRIPTION

FORMATION OF COUNTY SERVICE AREA NO.26 (KEYES)

All that portion of Section 30 of Township 4 South, Range 10 East Mount Diablo Base and Meridian, more particularly described as follows:

Commencing at the Southeast Corner of said Section 30, said point being the intersection of the centerlines Nunes and Washington Roads, thence along the south line of said Section 30 and the centerline of said Nunes Road, North 89° 43' 30" West 760.10 feet to the True Point of Beginning of this description, said point being on the southerly extension of the east line of the Raymond Tract Subdivision. (1) Thence continuing on said south line of Section 30 and centerline of Nunes Road, North 89° 43' 30" West, 1582.49 feet to a point on the northeasterly right-of-way of State Highway 99. (2) Thence North 50° 20' 49" West, 105.12 feet along said right-of-way to an angle point. (3) Thence continuing along said right-of-way, North 41° 56' 25" west, 1885.01 to an angle point. (4) Thence North 71° 56' 10" West, 40.39 feet to an angle point. (5) Thence North 41° 57' 49" West, 2635.94 feet to the intersection of said right-of-way and the centerline of Faith Home Road. (6) Thence North 0° 12' 22" East, 950.88 feet along said centerline to the beginning of a curve. (7) Thence along said curve concave to the east with a central angle of 10° 15' 30" and a radius of 2000.00 feet a length of 358.08 feet to the end of said curve. (8) Thence South 79° 32' 03" East, 30.00 feet to a point on the easterly right-of-way of said Faith Home Road, said point being the beginning of a non-tangent curve with a radial bearing of South 79° 32' 03" East. (9) Thence along said curve, concave to the east, with a central angle of 1° 05' 44" and a radius of 1970 feet, a length of 37.67 feet to the end of said curve, also being an angle point in said right-of-way. (10) Thence North 89° 56' 00" East 95.28 feet along said right-of-way and it's easterly extension to a point 20.00 east of the west line of said Section 30 and the northerly extension of the east right-of-way of Molsinger Road. (11) Thence South 0° 14' 03" West, 726.40 feet along the said northerly extension and east right-of-way of said Molsinger Road to the west extension of the north line of Block "A" of the Warda Tract. (12) Thence South 89° 37' 42 East, 1383.77 feet along said north line to the northeast corner of Lot 1 of said Block "A", being a point on the west right-of-way of Seventh Street, said point also being the southwest corner of the Keyes North Subdivision (13) Thence North 0° 25' 18" East, 384.77 feet along the west boundary of said North Keyes Subdivision to the northwest corner of Lot 6 thereof. (14) Thence South 89° 29' 12" East, 669.92 feet along the north line of said subdivision to the northeast corner of Lot 17 thereof, said point also being the northwest corner of Lot 13 of the La Jolla Subdivision. (15) Thence continuing South 89° 29' 12' East, 649.92 feet along the north line to the northeast corner of Lot 6 of said subdivision, said point also being the Northwest Corner of Lot A1 of the Bonita Ranch Phase 1 Subdivision. (16) Thence South 89° 29' 20" East, 1111.19 feet, along the north line of said Lot A1 and the Remainder parcel of said

## EXHIBIT 'A'

subdivision to an angle point. (17) Thence South  $0^{\circ} 19' 50''$  West, 446.75 feet to an angle point

(18) Thence South  $89^{\circ} 35' 04''$  East, 528.03 to an angle point. (19) Thence South  $0^{\circ} 27' 49''$  West, 804.03 feet to an angle point, said point being the northwest corner of the well site as shown on Record of Survey, Volume 26, Page 17. (20) Thence South  $89^{\circ} 43' 02''$  East, 100.00 feet. (21) Thence South  $0^{\circ} 27' 49''$  West, 100.00 feet to a point on the north right-of-way of Lucinda Avenue. (22) Thence South  $89^{\circ} 43' 02''$  East, 904.10 feet along the north line of said Lucinda Avenue and it's easterly extension to the centerline of said Washington Road. (23) Thence South  $0^{\circ} 27' 49''$  West, 1219.99 feet, along the centerline of said Washington Road to the easterly extension of the north line of Parcel 1, recorded in Book 41 of Parcel Maps, at Page 49, also being a portion of the south line of the Bonita Ranch Unit 3 Subdivision. (24) Thence North  $89^{\circ} 38' 24''$  West, 601.25 feet to a point on the centerline of Tanya Way. (25) Thence South  $0^{\circ} 26' 43''$  West, 170.53 feet to the centerline intersection of Tanya Way and Kim Drive. (26) Thence South  $89^{\circ} 38' 21''$  East, 601.19 feet along said centerline of Kim Drive to it's intersection with the centerline of said Washington Road. (27) Thence South  $0^{\circ} 27' 49''$  West, 311.37 feet on said centerline to the easterly extension of the south right-of-way of Norma Way. (28) Thence North  $89^{\circ} 39' 21''$  West, 422.88 feet to an angle point in said right of way. (29) Thence North  $0^{\circ} 28' 35''$  East, 15.00 feet to an angle point. (30) Thence North  $89^{\circ} 38' 21''$  West, 217.19 feet. (31) Thence South  $84^{\circ} 23' 11''$  West, 86.47 feet, to a point on the east line of the Raymond Tract Subdivision. (32) Thence leaving said south right-of-way of Norma Way, South  $0^{\circ} 27' 49''$  West, 1286.99 feet along the east line of said Raymond Tract Subdivision and it's southerly extension to the True point of Beginning of this description.

Excepting there from, commencing at course number (31) said point being on the south right-of-way of Norma Way and on the east line of the Raymond Tract Subdivision. Thence North  $0^{\circ} 18' 28''$  East, 34.00 feet to the Point of Beginning of this exception. (1) Thence South  $89^{\circ} 38' 21''$  East, 38.35 feet to a point on the southerly extension of the west line of Victoria Park Subdivision. (2) Thence North  $0^{\circ} 26' 43''$  East, 441.90 feet to the northwest corner of Lot 1 of said subdivision, also being the southwest corner of Lot 323 of the Bonita Ranch Unit 3 Subdivision. (3) Thence North  $0^{\circ} 25' 19''$  East, 49.05 feet, to an angle point. (4) Thence South  $89^{\circ} 38' 24''$  East, 6.43 feet. (5) Thence North  $00^{\circ} 25' 43''$  East, 405.47 feet along the west line of said subdivision to a point on the south line of Bonita Ranch Unit 2 Subdivision. (6) Thence North  $89^{\circ} 39' 07''$  West, 785.70 feet, along the south line of said subdivision to a point on the east line of the Bonita Ranch Unit 1 Subdivision. (7) Thence South  $0^{\circ} 25' 28''$  West, 143.59 feet to the southeast corner of Lot B of said subdivision. (8) Thence continuing South  $0^{\circ} 25' 28''$  West, 753.66 feet to an angle point. (9) Thence South  $89^{\circ} 38' 21''$  East, 741.35 feet to the Point of Beginning.

Having an area of 332.3 acres.


The Basis of Bearing for this description is NAD 83 DATUM from Record of Survey 27-S-40, also being County Survey # 1756.


Approved as to description

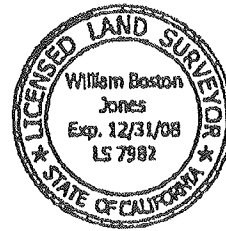
ON 7/30/2010

BY [Signature]

EXHIBIT 'A'

  
Matt Machado P.E.  
Director  
Department of Public Works

  
William Boston Jones  
County Surveyor LS 7982  
Department of Public Works



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ALL INFORMATION CONTAINED  
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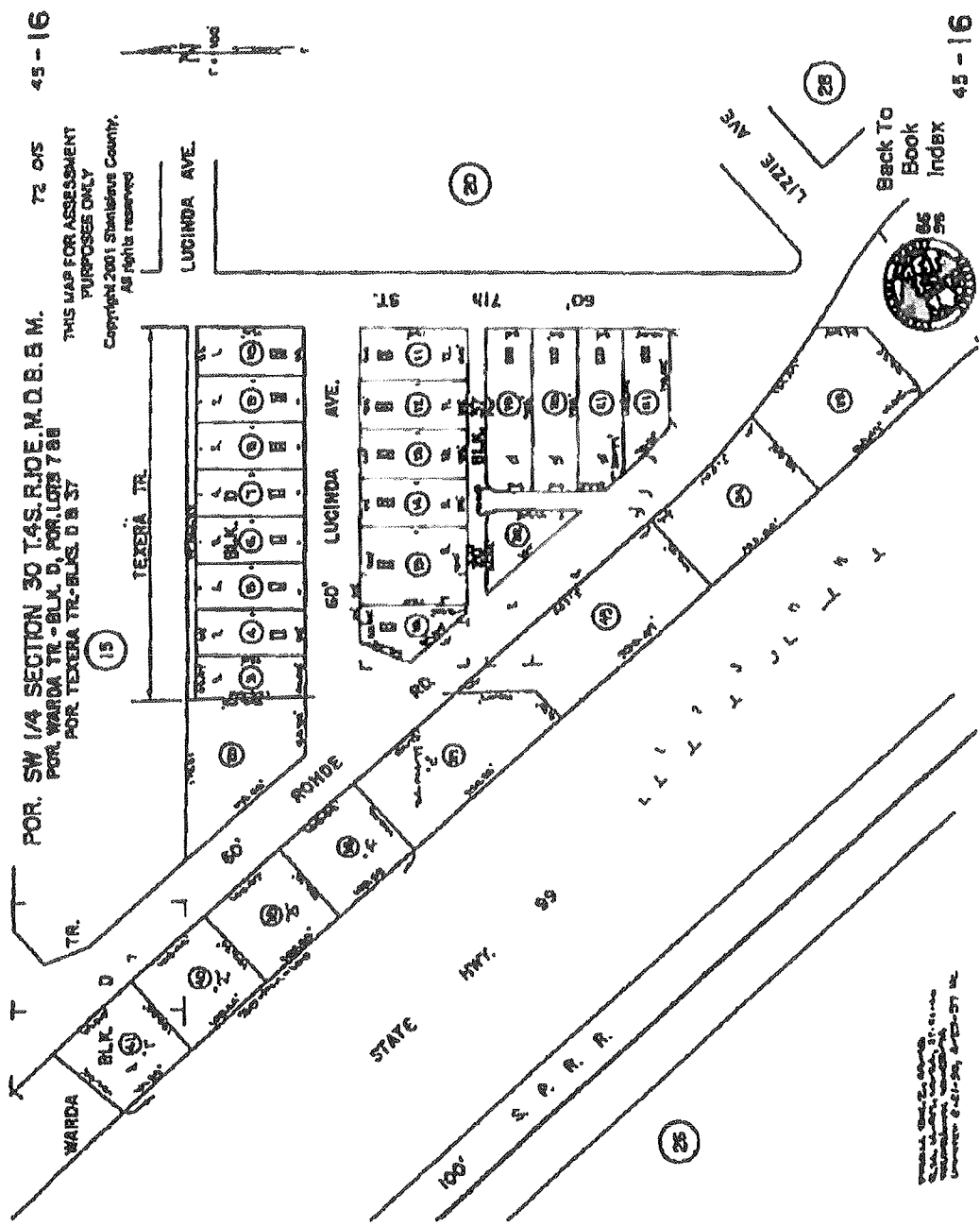
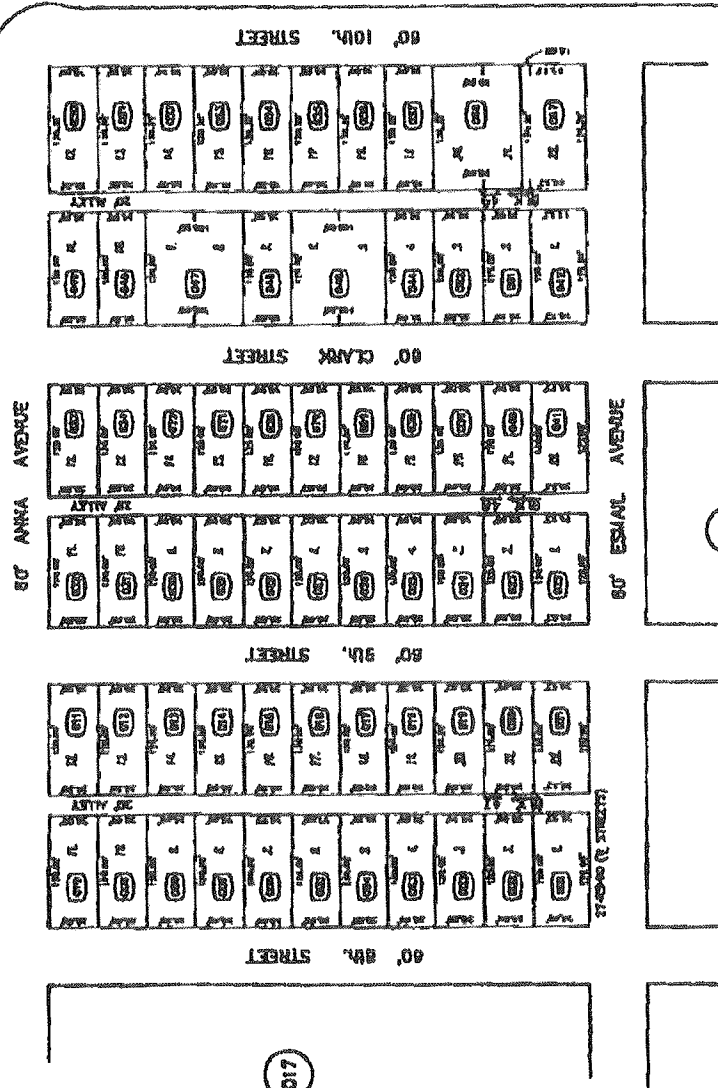


EXHIBIT "B" p. 2

POR. N 1/2 SECTION 30 T.4S. R.10E. M.D.B. & M.  
 POR. TEXERA TRACT, BLOCKS 47, 48 & 49 (10424)

072 015 045 - 018

FOR MAP FOR  
 ASSIGNMENT PURPOSES ONLY



021

017

018



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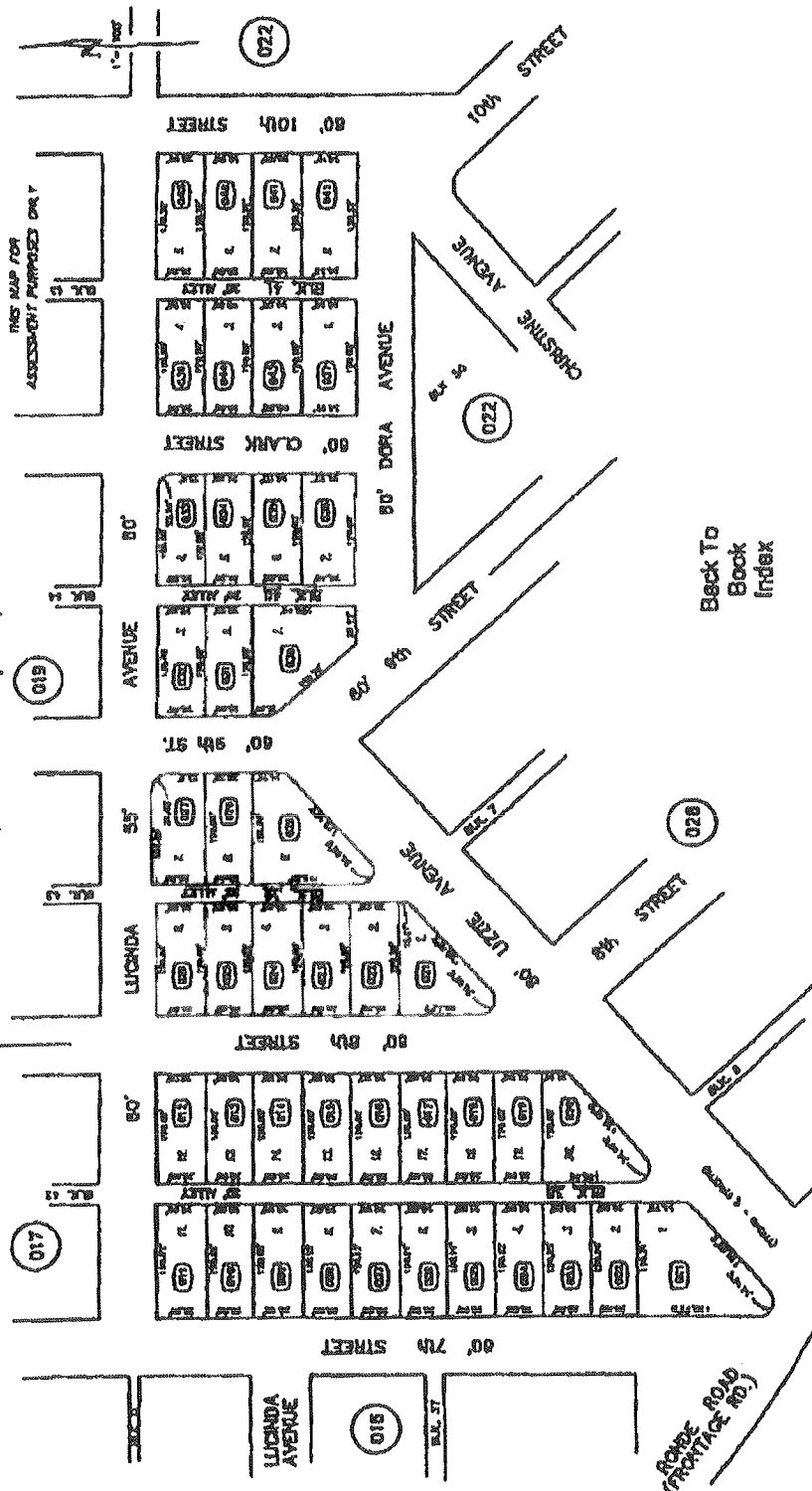
FROM REC. 2, 640-078  
 PREPARED BY: J. L. HAYES  
 PERIOD: 3-1-82, 3-1-81, 12-8-81, 4-28-82, 4-1-81

045 - 018

55,01,06,07

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EXHIBIT "B" p.3



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56.07  
Stamps  
County  
Recorder

045 - 020

67-2048  
JAN 1968  
JAN 1968

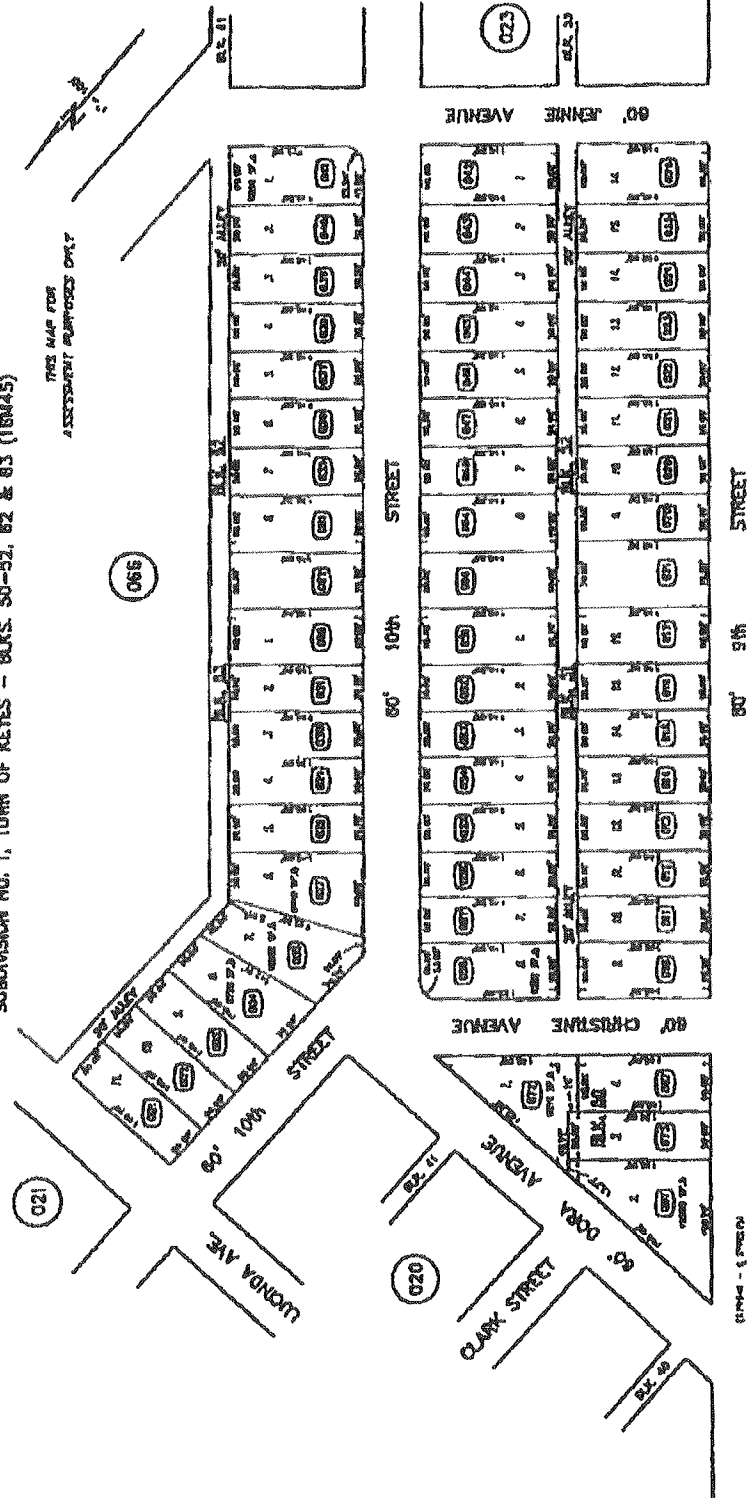
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EXHIBIT 'B' p. 4



POR. S 1/2 SECTION 30 T.4S. R.10E. N.D.B. & M.  
 SUBDIVISION NO. 1, TOWN OF KETES - BLS. 50-52, 52 & 53 (18445)

072 015 045 - 022



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Stensland  
Copy  
Printer

045 - 022

THINK (S-15, 045-022)  
 PLANNING (S-15, 045-022)  
 RECORDS (S-15, 045-022)

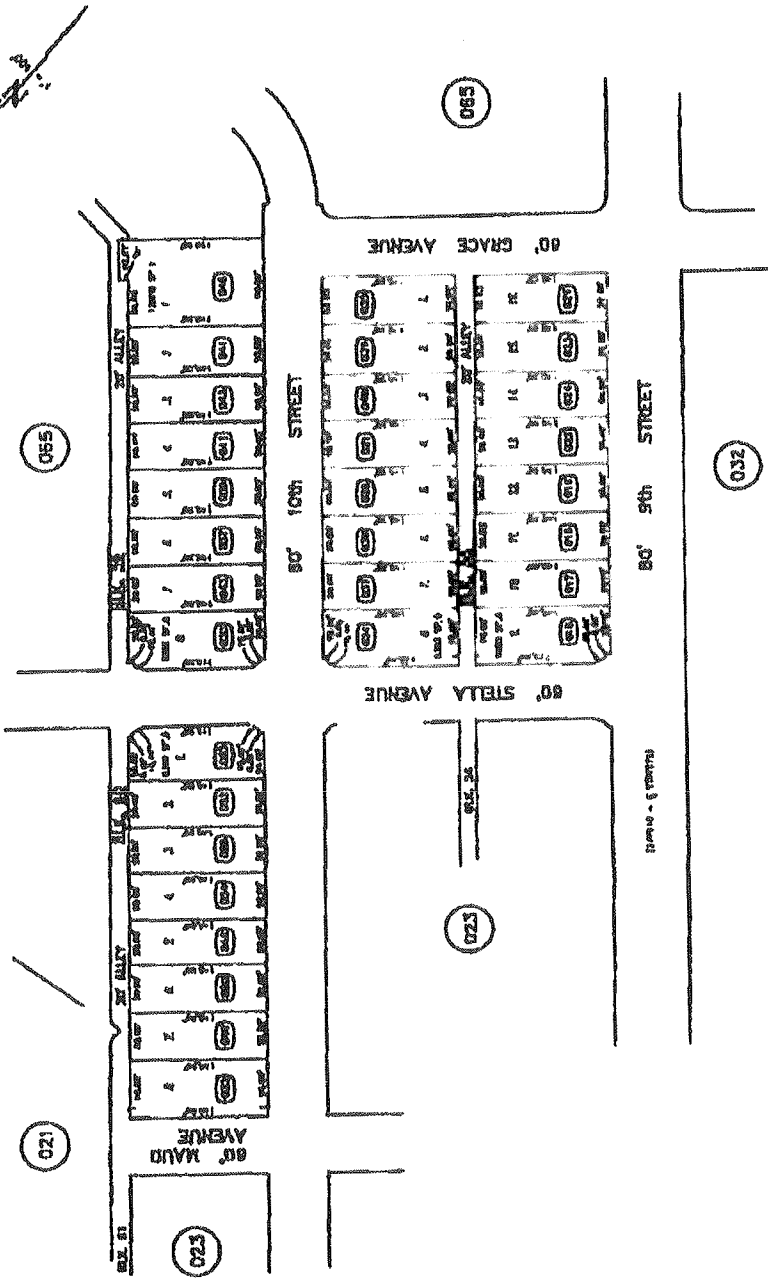
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EXHIBIT "B" p.5

POR. SE 1/4 SECTION 30 T.4S. R.10E. M.D.B. & M.  
 SUBDIVISION NO. 1, TOWN OF KETES - BLKS. 55, 59 & 60 (16445)

072 015 045 - 024

RES MAP FOR  
 ASSESSMENT PURPOSES ONLY



Stanislaus  
 County  
 Recorder

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FILED 10-17-04 PAGES 424  
 DEWANE 10-18-04  
 RECORDED 10-18-04 3:25-PM BY

045 - 024

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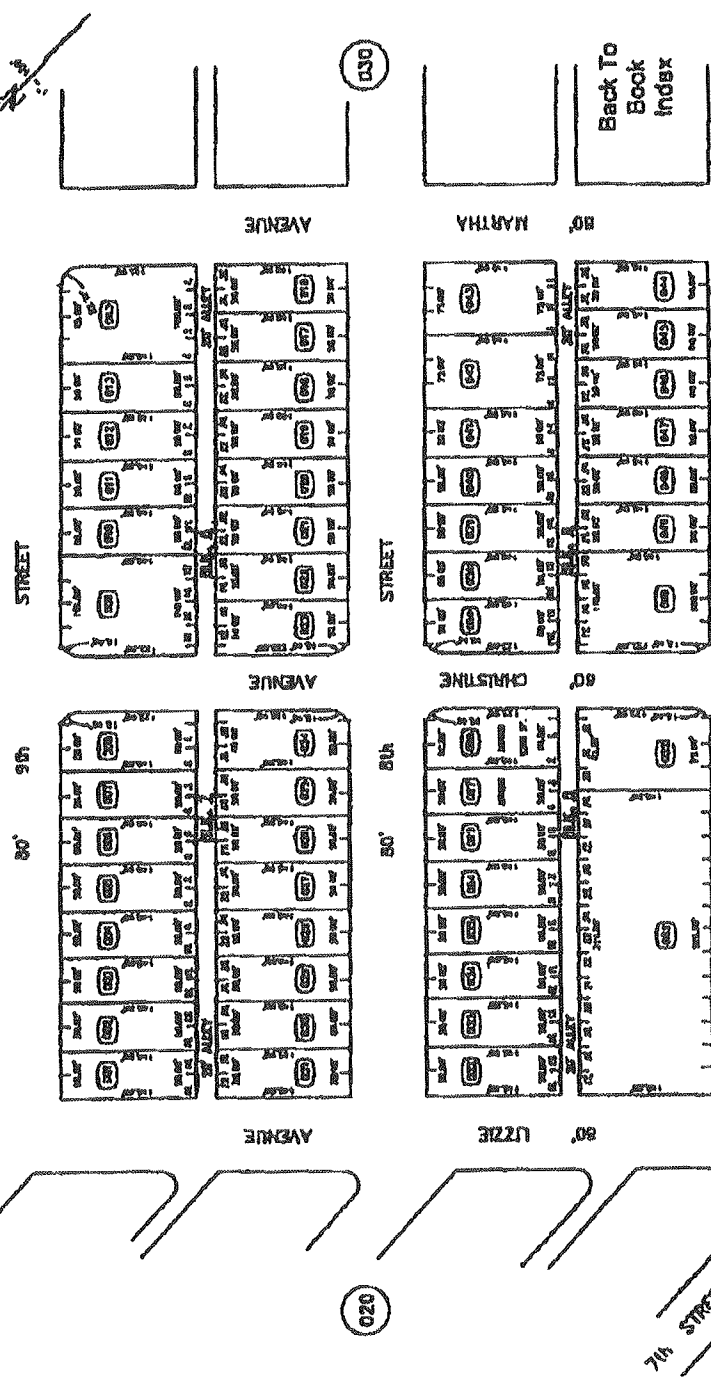
EXHIBIT "B" p 6

POR. S. 1/2 SECTION 30 T.4S. R.10E. M.D.B.& M.  
 FOR TOWN OF KEYES, BLOCKS 6 - 9 (04108)

072 D15 045 - 028

THIS MAP FOR  
 ASSESSMENT PURPOSES ONLY

022



045 - 028

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 FROM 138-0015, 0415-070  
 DELETED 10-20-79  
 REVENUE 0-1-81, 2-1-84, 5-11-04(1) W

EXHIBIT "B" p.7

PORTION S. 1/2 SECTION 30 T.4S. R.10E. M.D.B. & M.

TOWN OF KEYES - BLKS. 4, 5, 10, 11 (048108)

072 D15 045 - 030

THIS MAP FOR  
ASSESSMENT PURPOSES ONLY

022

023

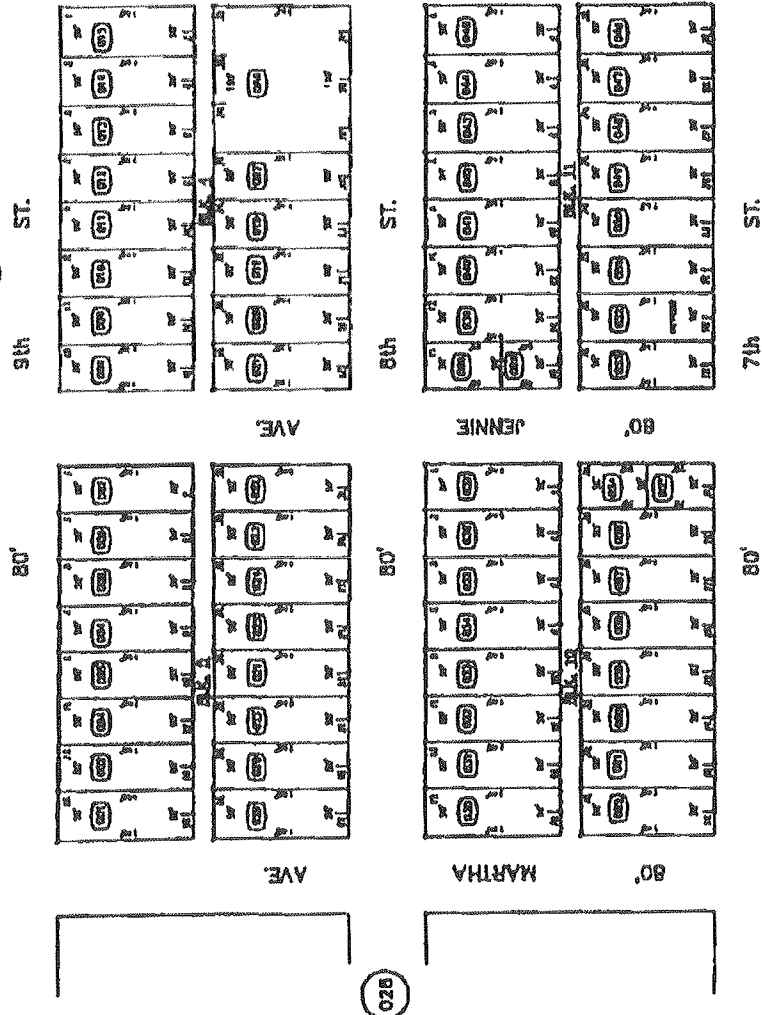


FIGURE 178-002, 003-004 & 1770104  
CALLED  
REVISION 10-24-74, 07-18-83 MC, 03-07-83 MC, 03-24-88 (M) MC, 11-20-88 MC

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045 - 030

EXHIBIT "B" p 8

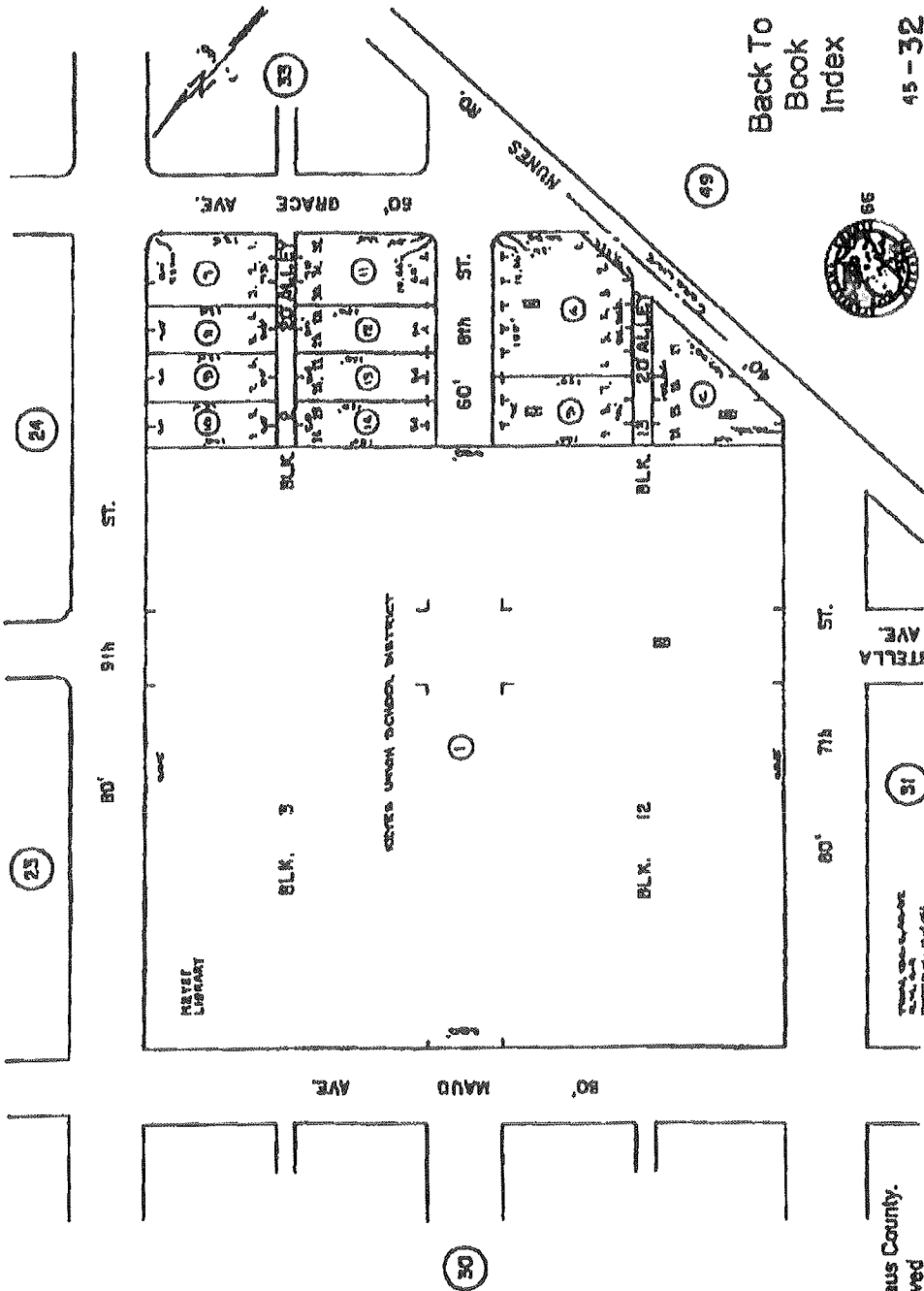


EXHIBIT "B" p. 9

45-64  
 DT2 014  
 DT2 015  
 DT2 016  
 DT2 017

PORTION N1/2 SECTION 30 T4S. R10E. M.D.B.M.  
 KEYES NORTH  
 LA JOLLA

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 PURPOSES ONLY  
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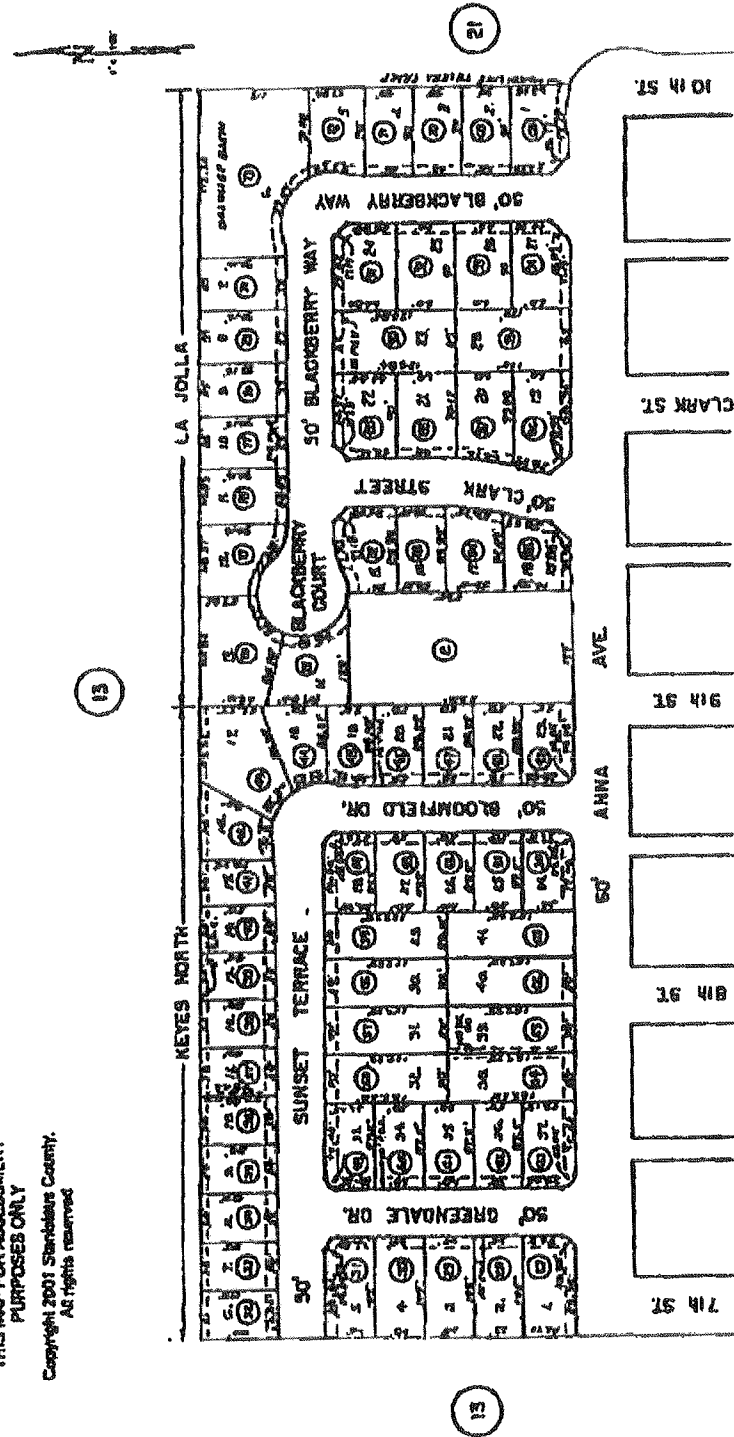


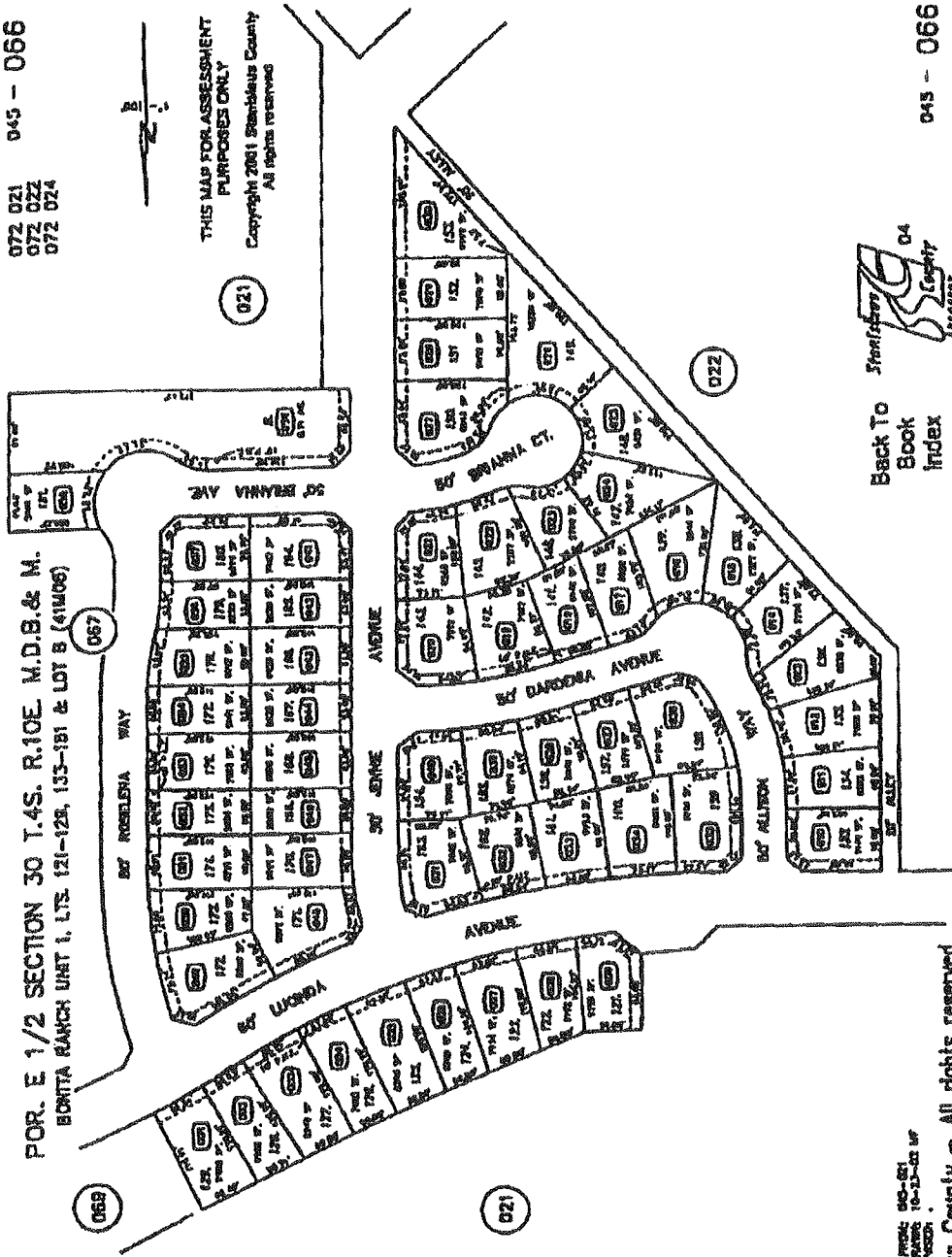
EXHIBIT 'B' p 10

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 80.89.52  
 45-64

072 021  
072 022  
072 024

045 - 066

FOR E 1/2 SECTION 30 T.4S. R.10E. M.D.B. & M.  
BORITA RANCH UNIT 1, LITS. 121-128, 133-151 & LOT 8 (41M06)



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Stanislaus  
County  
Assessor

Printed: 06-08-01  
Drawing: 10-13-01 W  
Revision:

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045 - 066

EXHIBIT "B" p. 11

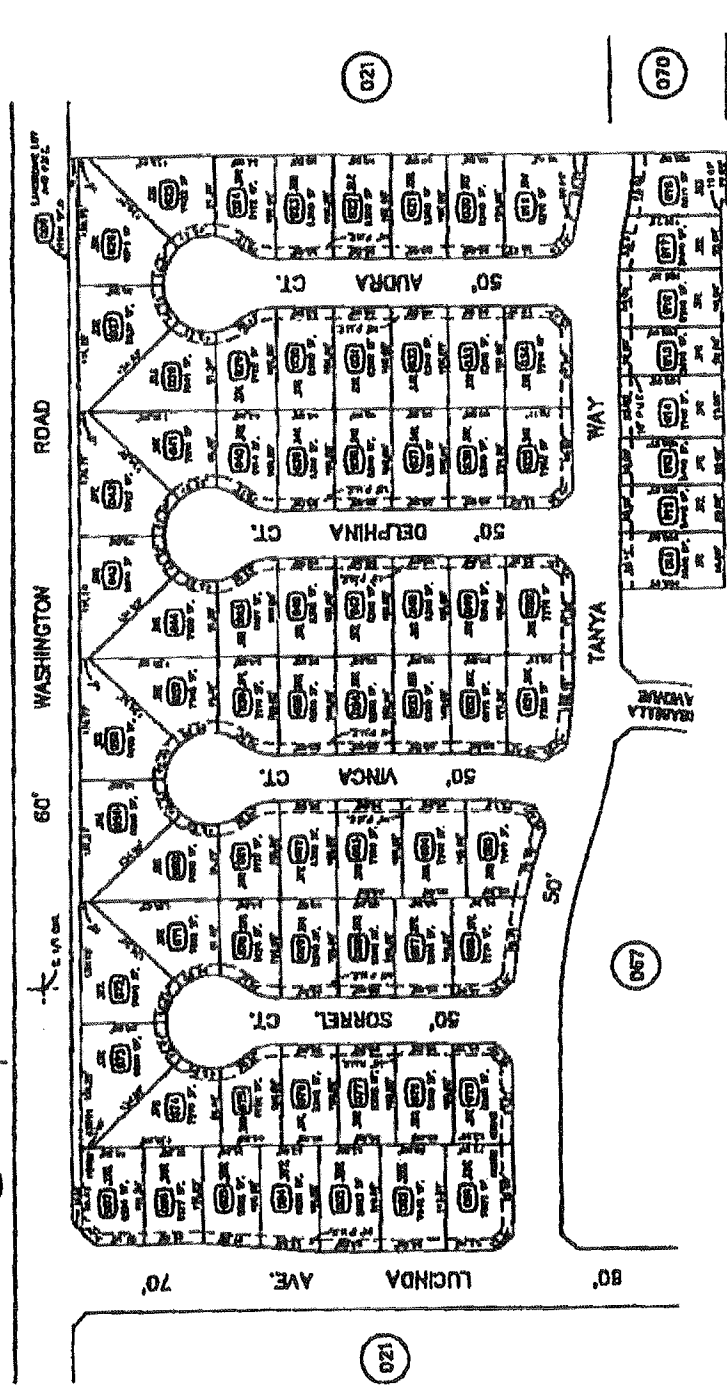
POR. E 1/2 SECTION 30 T.4S. R.10E. M.D.B.& M.  
 POR BONITA RANCH UNIT 1, LTS. 364 - 369 (41408)  
 BONITA RANCH UNIT 3 (43415)

072 024 045 - 068

THIS MAP FOR  
 ASSESSMENT PURPOSES ONLY

034

035



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021

Stanley  
 04.05.07  
 County  
 2/1/11

DATE: 04-05-07  
 DRAWN BY: J. J. J. J.  
 CHECKED BY: J. J. J. J.  
 REVISION: 1.0-01 04, 12-17-04 04, 09-27-06 04.

045 - 068

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EXHIBIT "B" p. 12



POR. SE 1/4 SEC. 30 T.4S. R.10E. M.D.B.& M.  
VICTORIA PARK (41155)

072 027 045 - 07C

THIS MAP FOR ASSESSMENT  
PURPOSES ONLY

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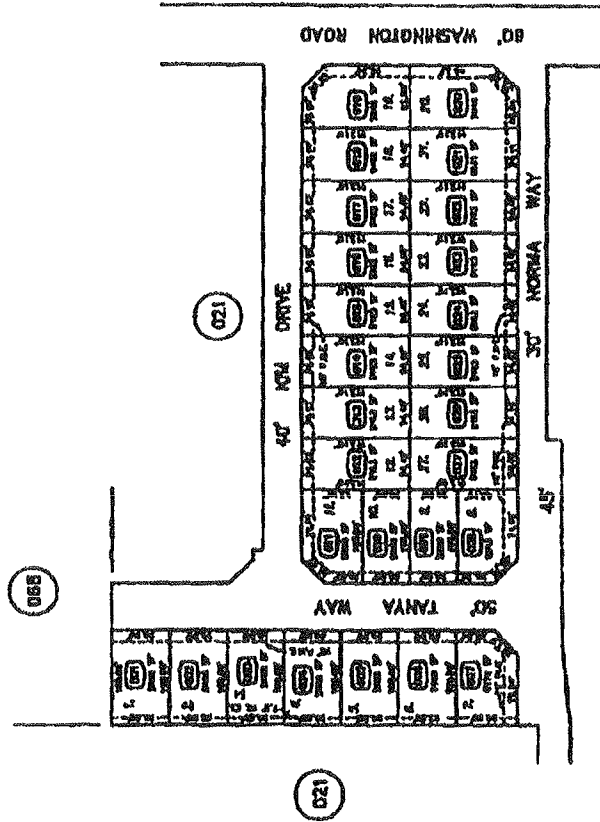


EXHIBIT "B" p. 13

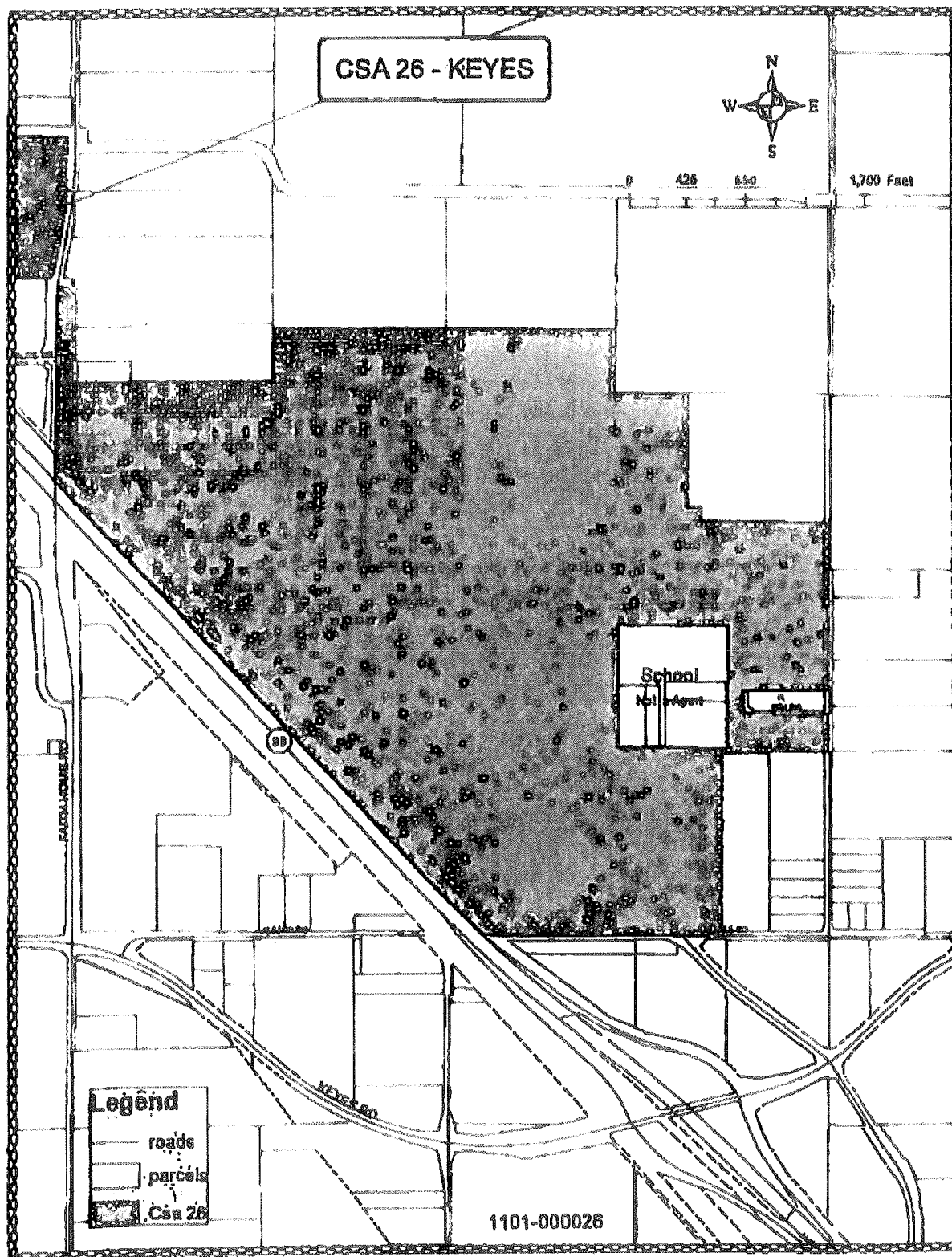
FROM 8-15-01  
COUNCIL 8-15-01 BY  
REVISED 8-15-01 BY

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045 - 070



**EXHIBIT "A"**  
**LEGAL DESCRIPTION OF KEYES 19 NORTH**  
**ANNEXATION TO CSA 26 - KEYES**

Situate in the North half of the Southeast Quarter of Section 30, Township 4 South, Range 10 East, Mount Diablo Meridian in the County of Stanislaus, State of California, said Area 1 also being described as follows:

**BEGINNING** at the Southwest corner of Parcel 1 as shown on that certain Parcel Map filed for record in Book 34 of Parcel Maps, at Page 76, Stanislaus County Records, being also the Southeast boundary corner of the area described as "Exception" from the Boundary of County Service Area (GSA) No. 26 (Keyes);

thence, along the existing boundary of said GSA No. 26, being also the South line of that property described in Individual Quit Claim Deed to Vernon Doyle Christopher recorded February 27, 1986 as Instrument No. 047618, Stanislaus County Records, the following three (3) courses:

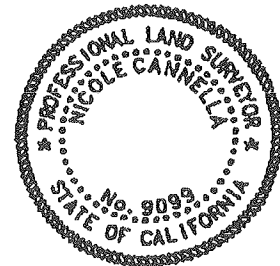
1. Along the South line of the Northeast Quarter of the Southeast Quarter of said Section 30, North 89°40'26" West 594.99 feet to the Southeast Sixteenth corner of the Southeast Quarter of said Section 30; thence
2. Along the South line of the Northwest Quarter of said Southeast Quarter, North 89°41'58" West 185.00 feet to the Southerly extension of the East line of that certain Parcel Map filed for record in Book 32 of Parcel Maps, at Page 27, Stanislaus County Records; thence
3. Along said Southerly Extension, North 00°27'12" East 30.00 feet to a point which is 30.00 feet distant at right angles from said South line of the Northwest Quarter of the Southeast Quarter; thence leaving said existing GSA No. 26 boundary and continuing along said Christopher property the following four (4) courses:
4. Parallel with said South line of the Northwest Quarter of the Southeast Quarter, South 89°41'58" East 184.93 feet; thence
5. Parallel with said South line of the Northeast Quarter of the Southeast Quarter, South 89°40'26" East 115.07 feet; thence
6. North 00°27'12" East 435.40 feet;
7. North 89°41'58" West 300.00 feet to a point on the East line of the Remainder Parcel as shown on said Parcel Map filed for record in Book 32 of Parcel Maps, at Page 27, Stanislaus County Records, being also a point on said existing GSA No. 26 boundary; thence along said existing GSA No. 26 boundary the following five (5) courses:

8. Along said East line of said Remainder Parcel and the Easterly line of that certain map entitled "Bonita Ranch, Unit No. 1", filed for record in Book 41 of Maps, at Page 8, Stanislaus County Records, North 00°27'12" East 431.35 feet to the Southwesterly corner of Parcel B as shown on that certain Parcel Map filed for record in Book 25, at Page 112, Stanislaus County Records; thence
9. Along the Southerly line of said Parcel B, South 89°38'23" East 785.79 feet; thence
10. Along the Westerly line of said Parcel B, South 00°27'06" West 405.45 feet; thence
11. Continuing along the Westerly line of said Parcel B, North 89°40'26" West 6.21 feet; thence
12. Continuing along the Westerly line of said Parcel Band Parcel A of said Parcel Map filed for record in Book 25 of Parcel Maps, at Page 112, South 00°24'26" West 490.69 feet to the point of beginning.

Containing 13.10 acres more or less

This legal description as described is delineated on the accompanying "Plat to Accompany Legal Description" and made a part hereof for reference purposes.

  
Nicole Cannella, P.L.S. 9099



5-14-18

**EXHIBIT "A 1"**  
**LEGAL DESCRIPTION OF KEYES 19 SOUTH**  
**ANNEXATION TO CSA 26 - KEYES**

Situate in the Southeast Quarter of the Southeast Quarter of Section 30, Township 4 South, Range 10 East, Mount Diablo Meridian in the County of Stanislaus, State of California, said Area 2 also being described as follows:

COMMENCING at the Southeast Corner of said Section 30; thence

1. Along the East line of said Section 30, being also the centerline of Washington Road, North 00°27'45" East 535.04 feet to the intersection with the easterly prolongation of the south line of Parcel 2 as shown on that certain Parcel Map filed for record in Book 34 of Parcel Maps, at Page 76, Stanislaus County Records and TRUE POINT OF BEGINNING of this description; thence
2. Along said South line of Parcel 2 and the Easterly prolongation thereof, North 89°44'05" West 422.95 feet to the Southwest corner of said Parcel 2; thence
3. Along the West line of said Parcel 2, North 00°28'02" East 745.62 feet to a point on the South right of way line of Norma Way being 30.00 feet distance at right angles from the centerline of Norma Way as shown on that certain Map entitled Victoria Park, filed for record in Book 41 of Maps, at Page 55, Stanislaus County Records, being also a point on the boundary of the existing County Service Area (CSA) No. 26 (Keyes); thence
4. Along said existing CSA No. 26 boundary, parallel with said centerline, being also said South Right of Way line and its Easterly prolongation thereof to said East line of Section 30, being also said centerline of Washington Road, South 89°38'49" East 422.89 feet; thence
5. Leaving said existing CSA No. 26 boundary and along said East line of Section 30, being also said centerline of Washington Road, South 00°27'45" West 744.97 feet to the point of beginning.

Containing 7.24 acres more or less

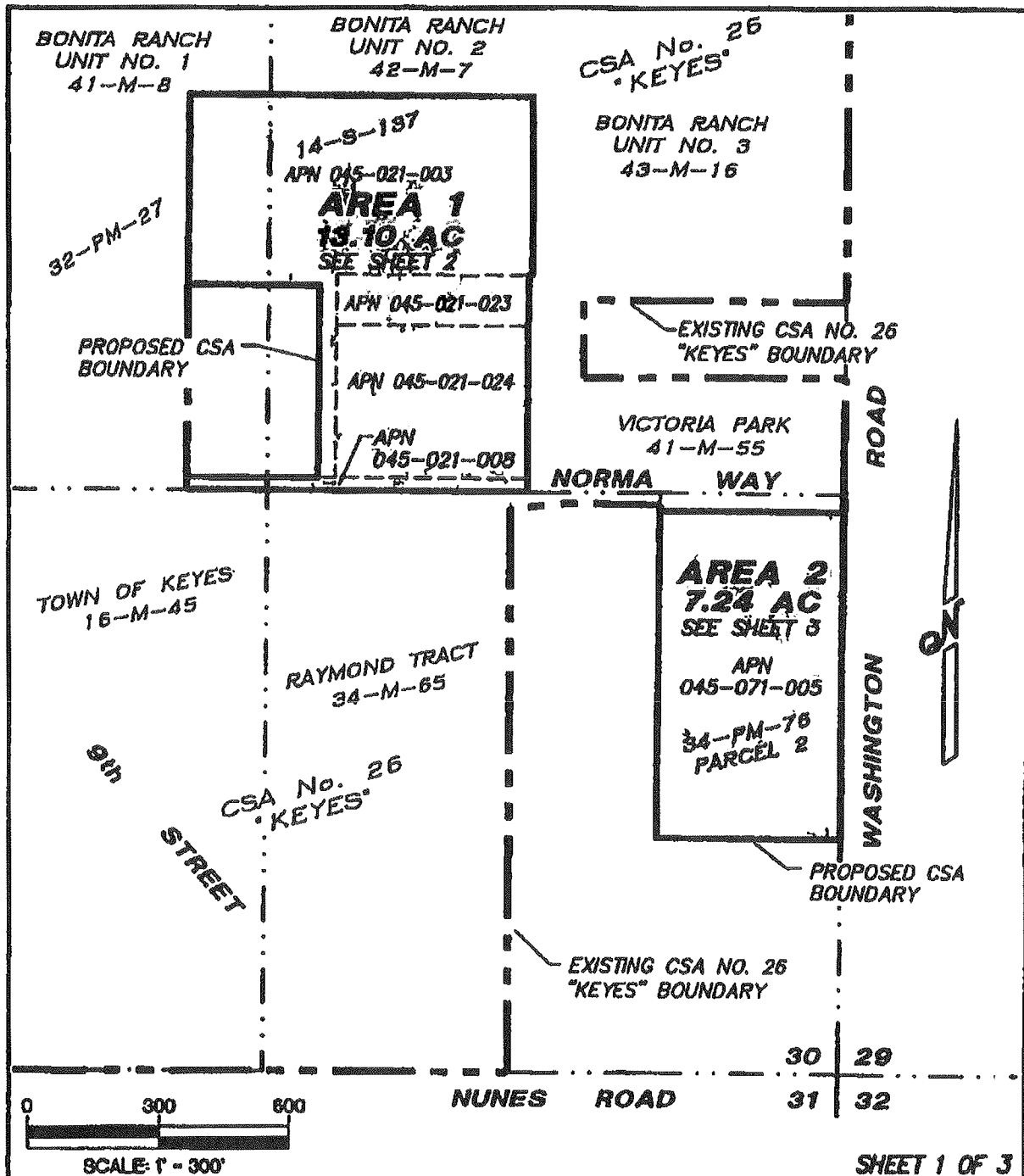
This legal description as described is delineated on the accompanying "Plat to Accompany Legal Description" and made a part hereof for reference purposes.


  
Nicole Cannella, P.L.S. 9099



5.14.18

# EXHIBIT "B"



 <p><b>North Star</b> <b>Engineering Group, Inc.</b></p> <p>• CIVIL ENGINEERING • SURVEYING • PLANNING •</p> <p>620 12th Street Modesto, CA 95354 (209) 524-3525 Phone (209) 524-3526 Fax</p>	<p><b><u>PLAT TO ACCOMPANY</u></b> <b><u>LEGAL DESCRIPTION</u></b></p> <p>OF A PORTION OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 4 SOUTH, RANGE 10 EAST, MOUNT Diablo MERIDIAN.</p> <p>STANISLAUS COUNTY, STATE OF CALIFORNIA</p>	<p><b>JOB NO:</b> J17-2068</p> <p><b>SCALE:</b> 1"=300'</p> <p><b>DR BY:</b> NC</p> <p><b>FILE:</b> 17-2068 case annotation exhibit cover sheet</p> <p><b>DATE:</b> May 14, 2018</p>

CSA No. 26  
"KEYES"

BONITA RANCH  
UNIT NO. 1  
41-M-8

BONITA RANCH  
UNIT NO. 2  
42-M-7

EXISTING CSA NO. 26  
"KEYES" BOUNDARY

BONITA RANCH  
UNIT NO. 3  
43-M-16

14-5-197

APN 045-021-003

**AREA 1  
13.10 AC**

APN 045-021-023

APN 045-021-024

POINT OF BEGINNING  
AREA 1

APN 045-021-008

NORMA N89°40'26"W 594.99' WAY

SOUTHEAST  
1/16 CORNER

RAYMOND TRACT  
34-M-65

CSA No. 26  
"KEYES"

TOWN OF KEYES  
16-M-45

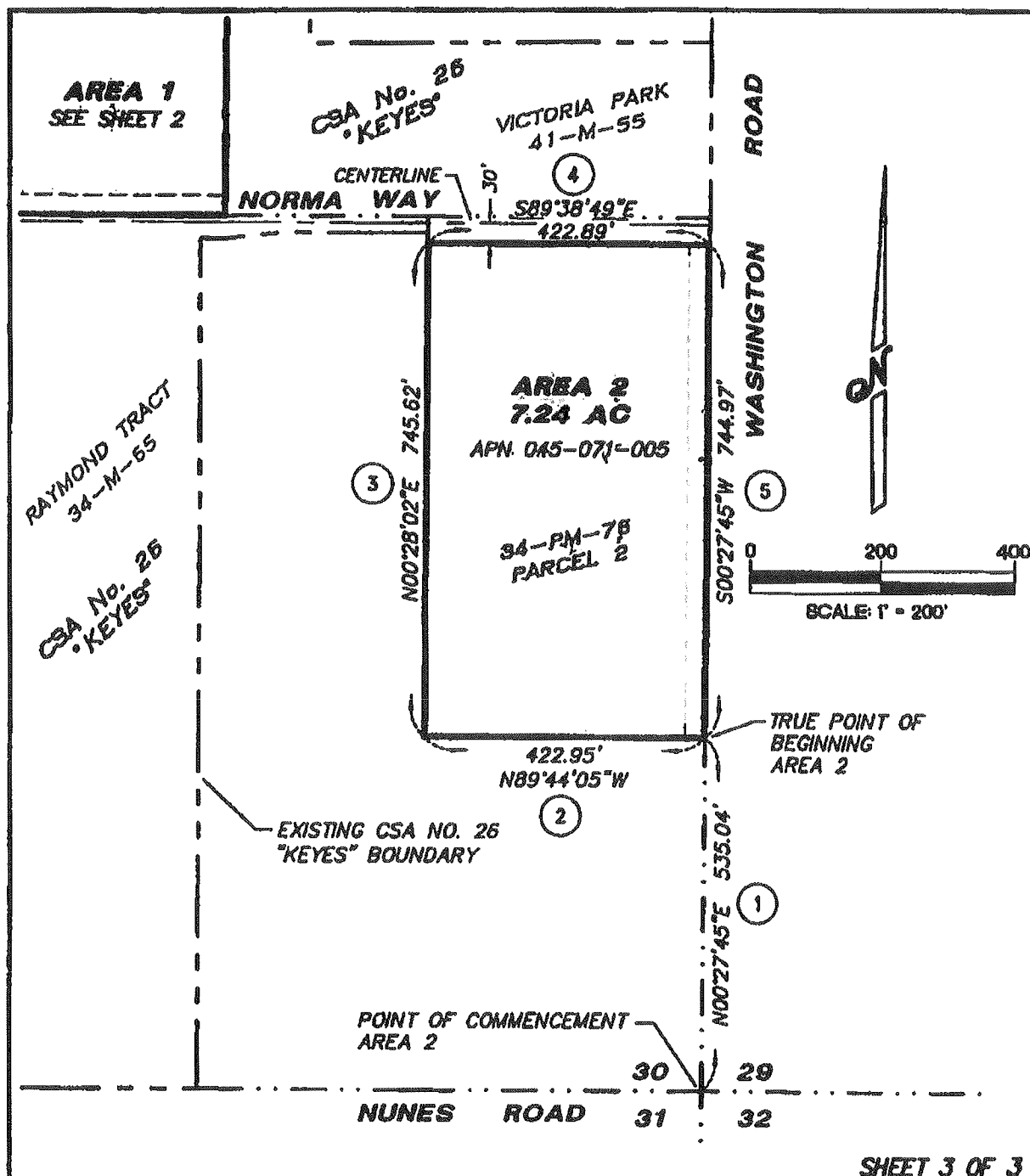
VICTORIA PARK  
41-M-55


0 150 300  
SCALE: 1" = 150'

SHEET 2 OF 3

78

# EXHIBIT "B" - KEYES 19 SOUTH



 <p><b>North Star</b> <b>Engineering Group, Inc.</b></p> <p>CIVIL ENGINEERING • SURVEYING • PLANNING • 620 12th Street Modesto, CA 95354 (209) 524-3525 Phone (209) 524-3526 Fax</p>	<p><b>PLAT TO ACCOMPANY</b> <b>LEGAL DESCRIPTION</b></p> <p>OF A PORTION OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 4 SOUTH, RANGE 10 EAST, MOUNT Diablo MERIDIAN.</p> <p>STANISLAUS COUNTY, STATE OF CALIFORNIA</p>	<p>JOB NO: J17-2068</p> <p>SCALE: 1"=300'</p> <p>DR BY: NC</p> <p>FILE: 17-2068 csa annexation exhibit.dwg</p> <p>DATE: May 14, 2018</p>
---	--	--



**Exhibit A - Annexation of  
4827 Norma Way**

**ANNEXATION NO. 2019-\_\_  
ANNEXATION TO COUNTY SERVICE AREA (CSA) No. 26  
(KEYES)  
LEGAL DESCRIPTION**

ALL that certain real property, being a portion of and situate in the southeast quarter of the southeast quarter of Section 30, Township 4 South, Range 10 East, Mount Diablo Meridian, County of Stanislaus, State of California, being more particularly described as follows:

COMMENCING at the southeast corner of said southeast quarter of Section 30, said southeast corner being marked with a 1.5" iron pipe in a monument well; thence along the South line of said southeast quarter North 89°43'30" West 423.00 feet to the **THE TRUE POINT OF BEGINNING;**

Course #1: thence continuing along said South line North 89°43'30" West 326.80 feet to a point that is 10 feet East measured at right angles from the southerly extension of the easterly boundary of Subdivision No. 1, "Town of Keyes", as shown on that certain map filed for record in Book 16 of Maps at Page 45, Stanislaus County Records;

Course #2: thence parallel with said easterly boundary and said southerly extension, North 00°15'54" East 1287.04 feet to a point on the South right-of-way line of Norma Way, as described in Road Deed to the County of Stanislaus, filed for record September 12, 2003 as Document No. 2003-0154886, Stanislaus County Records;

Thence along said South right-of-way line the following three (3) courses:

Course #3: South 89°38'49" East 28.26 feet;


Course #4: North 84°22'20" East 86.38 feet;

Course #5: South 89°38'49" East 217.19 feet to a point on the West line of Parcel 2, as shown on that certain map filed for record in Book 34 of Parcel Maps, at Page 76, Stanislaus County Records;

Course #6: thence leaving said South right-of-way line and proceeding along said West line of Parcel 2 and along the West line of Parcels 1 thru 4, as

shown on that certain map filed for record in Book 53 of Parcel Maps, at Page 83, Stanislaus County Records, and its southerly extension thereof, South 00°28'02" West 1295.59 feet to the Point of Beginning.

**Gross Area of Annexation Boundary containing 9.77 acres more or less.**

  
Rien Groenewoud, P.L.S. 6946



01/30/2020

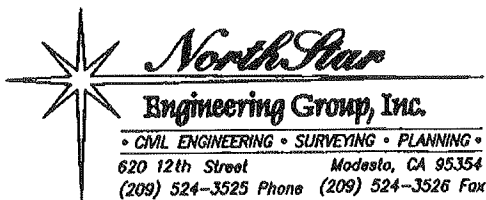
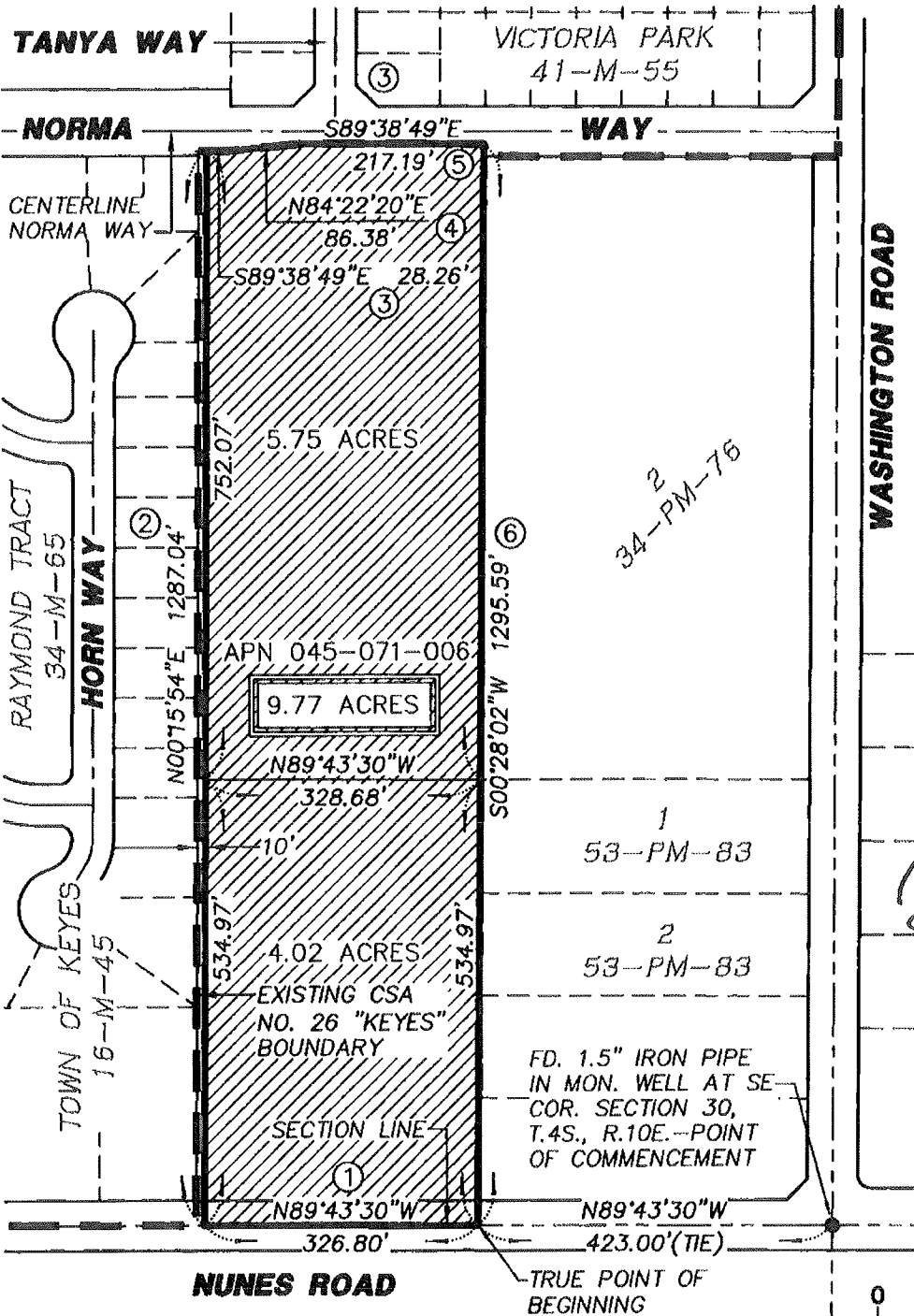
Parcel name: LAFCO ANNEXATION

North: 9976.32 East : 24928.99  
Line Course: N 89-43-30 W Length: 326.80  
North: 9977.89 East : 24602.19  
Line Course: N 00-15-54 E Length: 1287.04  
North: 11264.92 East : 24608.14  
Line Course: S 89-38-49 E Length: 28.26  
North: 11264.74 East : 24636.40  
Line Course: N 84-22-20 E Length: 86.38  
North: 11273.22 East : 24722.37  
Line Course: S 89-38-49 E Length: 217.19  
North: 11271.88 East : 24939.55  
Line Course: S 00-28-02 W Length: 1295.59  
North: 9976.33 East : 24928.99

Perimeter: 3241.25 Area: 425,788 SF 9.77 acres

Mapcheck Closure - (Uses listed courses, radii, and deltas)  
Error Closure: 0.01 Course: N 05-22-19 E  
Error North: 0.006 East : 0.001  
Precision 1: 324,126.00

Exhibit B - Annexation of 4827 Norma Way to County Service Area No. 26 - Keyes



**PLAT TO ACCOMPANY  
LEGAL DESCRIPTION**

**STANISLAUS COUNTY**

**CALIFORNIA**

JOB:	J16-1776
DATE:	01/30/20
SCALE:	1" = 200'
DRAWN:	RG
DESIGN:	RG
CHK'D:	RG
SHEET	01
	OF 01

The Assessor's parcels listed below are subject to the annual assessment

Page 1 of 14

**EXHIBIT "D"**  
**PARCEL COUNT FOR**  
**COUNTY SERVICE AREA NO. 26**  
**KEYES, KEYES**  
**F SCAL YEAR 2021-2022**

The Assessor's parcels listed below are subject to the annual assessment:

A.P.N.	ZONE	ACRES	ASSESSMENT	EBU	A.P.N.	ZONE	ACRES	ASSESSMENT	EBU
045-015-012			\$113.02	1	045-015-057			\$113.02	1
045-015-013			\$113.02	1	045-015-058			\$113.02	1
045-015-014			\$113.02	1	045-015-059			\$113.02	1
045-015-015			\$113.02	1	045-015-060			\$113.02	1
045-015-016			\$113.02	1	045-015-061			\$113.02	1
045-015-017			\$113.02	1	045-015-062			\$113.02	1
045-015-018			\$113.02	1	045-015-063			\$113.02	1
					045-015-064			\$113.02	1
045-015-021			\$113.02	1	045-015-065			\$113.02	1
045-015-022			\$113.02	1	045-015-066			\$113.02	1
					045-015-067			\$113.02	1
045-015-027	DC	0.17	\$67.25	0.595	045-015-068			\$113.02	1
045-015-028			\$113.02	1			TOTAL	\$2,260.40	20.00
045-015-029			\$113.02	1					
045-015-030	Multi Fam(4)		\$339.06	3.00					
					045-016-003			\$113.02	1
045-015-033			\$113.02	1	045-016-004			\$113.02	1
045-015-034			\$113.02	1	045-016-005			\$113.02	1
					045-016-006			\$113.02	1
045-015-036			\$113.02	1	045-016-007			\$113.02	1
					045-016-008			\$113.02	1
045-015-038			\$113.02	1	045-016-009			\$113.02	1
045-015-039			\$113.02	1	045-016-010			\$113.02	1
045-015-040			\$113.02	1	045-016-011			\$113.02	1
045-015-041			\$113.02	1	045-016-012			\$113.02	1
045-015-042			\$113.02	1	045-016-013			\$113.02	1
					045-016-014			\$113.02	1
045-015-046	DC	0.52	\$205.70	1.82	045-016-015			\$113.02	1
045-015-047			\$113.02	1	045-016-016			\$113.02	1
045-015-048			\$113.02	1	045-017-014			\$113.02	1
045-016-019			\$113.02	1	045-017-015			\$113.02	1
045-016-020			\$113.02	1	045-017-016			\$113.02	1
045-016-021			\$113.02	1	045-017-017			\$113.02	1
					045-017-018			\$113.02	1
045-016-025	Multi Fam(2)		\$169.53	1.50	045-017-019			\$113.02	1
					045-017-020			\$113.02	1
045-016-029	DC	0.34	\$134.49	1.19	045-017-021			\$113.02	1
					045-017-022			\$113.02	1
045-016-031			\$113.02	1					
045-016-032			\$113.02	1	045-017-024			\$113.02	1
					045-017-025			\$113.02	1
045-016-034	DC	0.4	\$158.23	1.4	045-017-026			\$113.02	1
					045-017-027			\$113.02	1
045-016-037	DC	0.46	\$181.96	1.61	045-017-028			\$113.02	1
045-016-038	DC	0.25	\$98.89	0.875	045-017-029			\$113.02	1
045-016-039	DC	0.25	\$98.89	0.875	045-017-030			\$113.02	1
045-016-040	DC	0.25	\$98.89	0.875	045-017-031			\$113.02	1
045-016-041	DC	0.25	\$98.89	0.875	045-017-032			\$113.02	1
					045-017-033			\$113.02	1
045-016-043	DC	0.58	\$229.43	2.03	045-017-034			\$113.02	1
		TOTAL	\$4,141.62	36.65					

The Assessor's parcels listed below are subject to the annual assessment:

Page 3 of 14

The Assessor's parcels listed below are subject to the annual assessment:

Page 4 of 14



**EXHIBIT "D"**  
**PARCEL COUNT FOR**  
**COUNTY SERVICE AREA NO. 26**  
**KEYES, KEYES**  
**FISCAL YEAR 2021-2022**

The Assessor's parcels listed below are subject to the annual assessment:

A.P.N.	ZONE	ACRES	ASSESSMENT	EBU	A.P.N.	ZONE	ACRES	ASSESSMENT	EBU
045-020-009			\$113.02	1	045-021-021	PARK	4.80	\$217.00	1.92
045-020-010			\$113.02	1	045-021-022	Storm Basin	0.14	\$6.33	0.056
045-020-011			\$113.02	1					
045-020-012			\$113.02	1	045-021-033	MM/Fire Dep	0.21	\$83.07	0.735
045-020-013			\$113.02	1					
045-020-014			\$113.02	1	045-021-036	PARK	1.13	\$51.09	0.452
045-020-015			\$113.02	1	045-021-037	PARK	6.82	\$308.32	2.728
045-020-016	Multi-Fam(2)		\$169.53	1.5	045-021-038	PARK/Drain	3.68	\$166.37	1.472
045-020-017			\$113.02	1		TOTAL		\$832.17	7.36
045-020-018			\$113.02	1					
045-020-019			\$113.02	1					
045-020-020			\$113.02	1					
045-020-021			\$113.02	1					
045-020-022			\$113.02	1					
045-020-023			\$113.02	1	045-022-041			\$113.02	1
045-020-024			\$113.02	1	045-022-042			\$113.02	1
045-020-025			\$113.02	1	045-022-043			\$113.02	1
045-020-026			\$113.02	1	045-022-044			\$113.02	1
045-020-027			\$113.02	1	045-022-045			\$113.02	1
045-020-028			\$113.02	1	045-022-046			\$113.02	1
045-020-029	Multi-Fam(3)		\$254.30	2.25	045-022-047			\$113.02	1
045-020-030			\$113.02	1	045-022-048			\$113.02	1
045-020-031			\$113.02	1					
045-020-032			\$113.02	1	045-022-051			\$113.02	1
045-020-033			\$113.02	1	045-022-052			\$113.02	1
045-020-034			\$113.02	1	045-022-053			\$113.02	1
045-020-035			\$113.02	1	045-022-054			\$113.02	1
045-020-036			\$113.02	1	045-022-055			\$113.02	1
045-020-037			\$113.02	1	045-022-056			\$113.02	1
					045-022-057			\$113.02	1
045-022-001			\$113.02	1	045-022-058			\$113.02	1
045-022-002			\$113.02	1					
045-022-003			\$113.02	1	045-022-060			\$113.02	1
045-022-004			\$113.02	1	045-022-061			\$113.02	1
045-022-005			\$113.02	1	045-022-062			\$113.02	1
045-022-007			\$113.02	1	045-022-064			\$113.02	1
045-022-010			\$113.02	1	045-022-066			\$113.02	1
045-022-011			\$113.02	1	045-022-067			\$113.02	1
045-022-012			\$113.02	1					
045-022-013			\$113.02	1	045-022-070	COMM/Fire I	0.15	\$59.34	0.525
045-022-014			\$113.02	1	045-022-071			\$113.02	1
045-022-015			\$113.02	1	045-022-072			\$113.02	1
045-022-016			\$113.02	1	045-022-073			\$113.02	1
045-022-017			\$113.02	1		TOTAL		\$6,501.48	57.53

**EXHIBIT "D"**  
**PARCEL COUNT FOR**  
**COUNTY SERVICE AREA NO 26**  
**KEYES, KEYES**  
**FISCAL YEAR 2021-2022**

The Assessor's parcels listed below are subject to the annual assessment

A.P.N.	ZONE	ACRES	ASSESSMENT	EBU	A.P.N.	ZONE	ACRES	ASSESSMENT	EBU
045-022-020			\$113.02	1					
045-022-021			\$113.02	1	045-023-044			\$113.02	1
045-022-022			\$113.02	1					
045-022-023			\$113.02	1	045-023-046			\$113.02	1
045-022-024			\$113.02	1	045-023-047			\$113.02	1
045-022-025			\$113.02	1	045-023-048			\$113.02	1
045-022-026			\$113.02	1	045-023-049			\$113.02	1
045-022-027			\$113.02	1	045-023-050			\$113.02	1
045-022-028			\$113.02	1	045-023-051			\$113.02	1
045-022-029			\$113.02	1	045-023-052			\$113.02	1
045-022-030			\$113.02	1	045-023-053			\$113.02	1
045-022-031			\$113.02	1					
					045-023-056			\$113.02	1
045-022-035			\$113.02	1	045-023-057			\$113.02	1
045-022-036			\$113.02	1	045-023-058			\$113.02	1
045-022-037			\$113.02	1					
045-022-038			\$113.02	1					
045-022-039			\$113.02	1					
045-022-040			\$113.02	1					
045-023-002			\$113.02	1	045-024-052			\$113.02	1
					045-024-053			\$113.02	1
045-023-005			\$113.02	1	045-024-054			\$113.02	1
045-023-006			\$113.02	1	045-024-055			\$113.02	1
045-023-007			\$113.02	1	045-024-056			\$113.02	1
045-023-008			\$113.02	1	045-024-057			\$113.02	1
045-023-009			\$113.02	1					
045-023-010			\$113.02	1					
045-023-011			\$113.02	1					
045-023-012			\$113.02	1					
045-023-014			\$113.02	1	045-027-012 DC	0.2		\$79.11	0.70
					045-027-013 DC	0.26		\$102.85	0.91
					045-027-014 DC	0.13		\$51.42	0.46
045-023-017			\$113.02	1	045-027-015 DC	0.12		\$47.47	0.42
					045-027-016 DC	0.24		\$94.94	0.84
					045-027-019 DC	0.05		\$19.78	0.18
045-023-020			\$113.02	1	045-027-020 DC	0.98		\$387.66	3.43
045-023-021			\$113.02	1	045-027-021 DC	0.96		\$379.75	3.36
045-023-023			\$113.02	1					
045-023-026			\$113.02	1	045-028-042			\$113.02	1
					045-028-043			\$113.02	1
045-023-028			\$113.02	1	045-028-044 DC	0.16		\$63.29	0.56
045-023-029			\$113.02	1	045-028-045			\$113.02	1
045-023-030			\$113.02	1	045-028-046			\$113.02	1
045-023-031			\$113.02	1	045-028-047			\$113.02	1
045-023-032			\$113.02	1	045-028-048 Multi-Fam(2)			\$169.53	1.5
045-023-033			\$113.02	1	045-028-049 Multi-Fam(2)			\$169.53	1.5
045-023-034			\$113.02	1					
045-023-035			\$113.02	1	045-028-052			\$113.02	1
045-023-036			\$113.02	1					
					045-028-058			\$113.02	1
045-023-038			\$113.02	1	045-028-059			\$113.02	1
045-023-039			\$113.02	1					
045-023-040			\$113.02	1	045-028-062 Church	1.04		\$411.39	3.64
045-023-041			\$113.02	1	045-028-063 Church	0.28		\$110.76	0.98
					045-028-064			\$113.02	1

**EXHIBIT "D"**  
**PARCEL COUNT FOR**  
**COUNTY SERVICE AREA NO. 26**  
**KEYES, KEYES**  
**FISCAL YEAR 2021-2022**

The Assessor's parcels listed below are subject to the annual assessment:

A.P.N.	ZONE	ACRES	ASSESSMENT	EBU	A.P.N.	ZONE	ACRES	ASSESSMENT	EBU
045-024-015			\$113.02	1	045-028-065			\$113.02	1
045-024-016			\$113.02	1	045-028-066 DC	0.35	\$138.45	1.225	
045-024-017			\$113.02	1	045-028-067		\$113.02	1	
045-024-018			\$113.02	1	045-028-068		\$113.02	1	
					TOTAL		\$6,438.18	56.97	
045-024-021			\$113.02	1	045-029-001 Multi-Fam(2)		\$169.53	1.5	
045-024-022			\$113.02	1	045-029-002		\$113.02	1	
045-024-024			\$113.02	1	045-029-003 DC	0.32	\$126.58	1.12	
045-024-025			\$113.02	1	045-029-007 COMM/Fire [	0.22	\$87.03	0.77	
045-024-026			\$113.02	1	045-029-008 COMM/Fire [	0.32	\$126.58	1.12	
045-024-028			\$113.02	1	045-029-022 DC	0.16	\$63.29	0.56	
045-024-030			\$113.02	1	045-029-023 DC	0.32	\$126.58	1.12	
045-024-032			\$113.02	1	045-029-024 COMM/Fire [	0.24	\$94.94	0.84	
045-024-034			\$113.02	1	045-029-026 COMM/Fire [	0.48	\$189.87	1.68	
045-024-035			\$113.02	1	TOTAL		\$1,097.42	9.71	
045-024-037			\$113.02	1	045-030-039 Multi-Fam(2)		\$169.53	1.5	
045-024-038			\$113.02	1	045-030-040		\$113.02	1	
045-024-039			\$113.02	1	045-030-041		\$113.02	1	
045-024-040			\$113.02	1	045-030-042		\$113.02	1	
045-024-041			\$113.02	1	045-030-043		\$113.02	1	
045-024-042			\$113.02	1	045-030-044		\$113.02	1	
045-024-043			\$113.02	1	045-030-045		\$113.02	1	
045-024-045			\$113.02	1	045-030-046		\$113.02	1	
045-024-046			\$113.02	1	045-030-047		\$113.02	1	
045-024-048			\$113.02	1	045-030-048		\$113.02	1	
045-024-049			\$113.02	1	045-030-049		\$113.02	1	
045-024-050			\$113.02	1	045-030-050		\$113.02	1	
045-028-001			\$113.02	1	045-030-051		\$113.02	1	
045-028-002			\$113.02	1	045-030-052		\$113.02	1	
045-028-003			\$113.02	1	045-030-053		\$113.02	1	
045-028-004			\$113.02	1	045-030-054		\$113.02	1	
045-028-005			\$113.02	1	045-030-055 DC	0.08	\$31.65	0.28	
045-028-006			\$113.02	1	045-030-056		\$113.02	1	
045-028-007			\$113.02	1	045-030-057		\$113.02	1	
045-028-008			\$113.02	1	045-030-058		\$113.02	1	
045-028-009			\$113.02	1	045-030-059		\$113.02	1	
045-028-010			\$113.02	1	045-030-060		\$113.02	1	
045-028-011			\$113.02	1	045-030-061		\$113.02	1	
045-028-012			\$113.02	1	045-030-062 DC	0.16	\$63.29	0.56	
045-028-013			\$113.02	1	045-030-064		\$113.02	1	
					045-030-065		\$113.02	1	
					045-030-066 Church	0.48	\$189.87	1.68	
					045-030-067		\$113.02	1	
					045-030-068		\$113.02	1	
					045-030-069		\$113.02	1	
					TOTAL		\$7,433.33	65.77	

**EXHIBIT "D"**  
**PARCEL COUNT FOR**  
**COUNTY SERVICE AREA NO. 26**  
**KEYES, KEYES**  
**FISCAL YEAR 2021-2022**

The Assessor's parcels listed below are subject to the annual assessment:

A.P.N.	ZONE	ACRES	ASSESSMENT	EBU	A.P.N.	ZONE	ACRES	ASSESSMENT	EBU
045-028-016	Church	0.16	\$63.29	0.56					
045-028-017			\$113.02	1					
045-028-018			\$113.02	1	045-064-034			\$113.02	1
045-028-019			\$113.02	1	045-064-035			\$113.02	1
045-028-020			\$113.02	1	045-064-036			\$113.02	1
045-028-021			\$113.02	1	045-064-037			\$113.02	1
045-028-022			\$113.02	1	045-064-038			\$113.02	1
045-028-023			\$113.02	1	045-064-039			\$113.02	1
045-028-024			\$113.02	1	045-064-040			\$113.02	1
045-028-025			\$113.02	1	045-064-041			\$113.02	1
045-028-026			\$113.02	1	045-064-042			\$113.02	1
045-028-027			\$113.02	1	045-064-043			\$113.02	1
045-028-028			\$113.02	1	045-064-044			\$113.02	1
045-028-029			\$113.02	1	045-064-045			\$113.02	1
045-028-030			\$113.02	1	045-064-046			\$113.02	1
045-028-031			\$113.02	1	045-064-047			\$113.02	1
045-028-032			\$113.02	1	045-064-048			\$113.02	1
045-028-033			\$113.02	1	045-064-049			\$113.02	1
045-028-034			\$113.02	1	045-064-050			\$113.02	1
045-028-035			\$113.02	1	045-064-051			\$113.02	1
					045-064-052			\$113.02	1
045-028-039			\$113.02	1	045-064-053			\$113.02	1
045-028-040			\$113.02	1	045-064-054			\$113.02	1
045-028-041			\$113.02	1	045-064-055			\$113.02	1
045-030-001			\$113.02	1	045-064-056			\$113.02	1
045-030-002			\$113.02	1	045-064-057 DR.BASIN	0.14	\$6.33	0.056	
					045-064-058 DR.BASIN	0.14	\$6.33	0.056	
045-030-004			\$113.02	1	045-064-059			\$113.02	1
045-030-005			\$113.02	1	045-064-060			\$113.02	1
045-030-006			\$113.02	1	045-064-061			\$113.02	1
045-030-007			\$113.02	1	045-064-062			\$113.02	1
045-030-008			\$113.02	1	045-064-063			\$113.02	1
045-030-009			\$113.02	1	045-064-064			\$113.02	1
045-030-010			\$113.02	1	045-064-065			\$113.02	1
045-030-011			\$113.02	1	045-064-066			\$113.02	1
045-030-012			\$113.02	1	045-064-067			\$113.02	1
045-030-013			\$113.02	1	045-064-068			\$113.02	1
045-030-014			\$113.02	1	045-064-069			\$113.02	1
045-030-015			\$113.02	1	045-064-070			\$113.02	1
045-030-018			\$113.02	1					
045-030-019			\$113.02	1	045-065-011			\$113.02	1
045-030-020			\$113.02	1	045-065-012			\$113.02	1
045-030-021			\$113.02	1	045-065-013			\$113.02	1
045-030-022			\$113.02	1	045-065-014			\$113.02	1
045-030-023 Multi-Fam(2)		\$169.53	1.5		045-065-015			\$113.02	1
045-030-024		\$113.02	1		045-065-016			\$113.02	1
045-030-025		\$113.02	1		045-065-017			\$113.02	1
045-030-026		\$113.02	1		045-065-018			\$113.02	1
045-030-027		\$113.02	1		045-065-019			\$113.02	1
045-030-028		\$113.02	1		045-065-020			\$113.02	1
045-030-029		\$113.02	1		045-065-021			\$113.02	1
045-030-030		\$113.02	1		045-065-022			\$113.02	1
045-030-031		\$113.02	1		045-065-023			\$113.02	1
045-030-032		\$113.02	1		045-065-024			\$113.02	1
045-030-033		\$113.02	1		045-065-025			\$113.02	1
045-030-034		\$113.02	1		045-065-026			\$113.02	1
045-030-035		\$113.02	1		045-065-027			\$113.02	1
045-030-036		\$113.02	1		045-065-028			\$113.02	1
045-030-037 Multi-Fam(3)		\$254.30	2.25		045-065-029			\$113.02	1

**EXHIBIT "D"**  
**PARCEL COUNT FOR**  
**COUNTY SERVICE AREA NO. 26**  
**KEYES, KEYES**  
**FISCAL YEAR 2021-2022**

The Assessor's parcels listed below are subject to the annual assessment.

A.P.N.	ZONE	ACRES	ASSESSMENT	EBU	A.P.N.	ZONE	ACRES	ASSESSMENT	EBU
045-031-001	DC	0.32	\$126.58	1 12	045-065-030			\$113.02	1
045-031-010	DC	0.32	\$126.58	1 12	045-065-031			\$113.02	1
045-031-012	DC	0.32	\$126.58	1 12	045-065-032			\$113.02	1
045-031-013	DC	0.77	\$304.59	2 695	045-065-033			\$113.02	1
	TOTAL		\$684.34	6 06	045-065-034			\$113.02	1
045-032-001	SCHOOL	10.22	\$2 541.14	22 484	045-065-035			\$113.02	1
045-032-004	SCHOOL	0.48	\$119.35	1 056	045-065-036			\$113.02	1
045-032-005	SCHOOL	0.25	\$62.16	0 55	045-065-037			\$113.02	1
045-032-006			\$113.02	1	045-065-038			\$113.02	1
045-032-007			\$113.02	1	045-065-039			\$113.02	1
045-032-008			\$113.02	1	045-065-040			\$113.02	1
045-032-009			\$113.02	1	045-065-041			\$113.02	1
045-032-010			\$113.02	1	045-065-042			\$113.02	1
045-032-011	Multi-Fam(2)		\$169.53	1.5	045-065-043			\$113.02	1
045-032-012	Multi-Fam(2)		\$169.53	1.5	045-065-044	DRAIN BASI	0.42	\$18.99	0.168
045-032-013	Multi-Fam(2)		\$169.53	1.5	045-065-045			\$113.02	1
045-032-014	Multi-Fam(2)		\$169.53	1.5	045-065-046			\$113.02	1
	TOTAL		\$3,965.87	35.09		TOTAL		\$5,528.71	48.92
045-033-007	DC	1.46	\$577.53	5 11	045-066-038			\$113.02	1
	TOTAL		\$577.53	5 11	045-066-039			\$113.02	1
045-064-002	Resid.w/Ext L	0.65	\$256.33	2.27	045-066-040			\$113.02	1
045-064-027			\$113.02	1	045-066-041			\$113.02	1
045-064-028			\$113.02	1	045-066-042			\$113.02	1
045-064-029			\$113.02	1	045-066-043			\$113.02	1
045-064-030			\$113.02	1	045-066-044			\$113.02	1
045-064-031			\$113.02	1	045-066-045			\$113.02	1
045-064-032			\$113.02	1	045-066-046			\$113.02	1
045-064-033			\$113.02	1	045-066-047			\$113.02	1
045-064-071			\$113.02	1	045-066-048			\$113.02	1
045-064-072			\$113.02	1	045-066-049			\$113.02	1
045-064-073			\$113.02	1	045-066-050			\$113.02	1
045-064-074			\$113.02	1	045-066-051			\$113.02	1
045-064-075			\$113.02	1	045-066-052			\$113.02	1
045-064-076			\$113.02	1	045-066-053			\$113.02	1
045-064-077			\$113.02	1	045-066-054			\$113.02	1
045-064-078			\$113.02	1	045-066-055			\$113.02	1
045-064-079			\$113.02	1	045-066-056			\$113.02	1
045-064-080			\$113.02	1	045-066-057			\$113.02	1
045-064-081			\$113.02	1	045-066-058			\$113.02	1
045-064-082			\$113.02	1	045-066-059	STREETSCA	0.71	\$32.10	0.284
045-064-083			\$113.02	1		TOTAL		\$6,587.26	58.28
045-064-084			\$113.02	1	045-067-001			\$113.02	1
045-064-085			\$113.02	1	045-067-002			\$113.02	1
045-064-086			\$113.02	1	045-067-003			\$113.02	1
045-064-087			\$113.02	1	045-067-004			\$113.02	1
					045-067-005			\$113.02	1
					045-067-006			\$113.02	1
					045-067-007			\$113.02	1
					045-067-008			\$113.02	1
					045-067-009			\$113.02	1
					045-067-010			\$113.02	1
					045-067-011			\$113.02	1
					045-067-012			\$113.02	1
					045-067-014			\$113.02	1

**EXHIBIT "D"**  
**PARCEL COUNT FOR**  
**COUNTY SERVICE AREA NO. 26**  
**KEYES, KEYES**  
**FISCAL YEAR 2021-2022**

The Assessor's parcels listed below are subject to the annual assessment:

A.P.N.	ZONE	ACRES	ASSESSMENT	EBU	A.P.N.	ZONE	ACRES	ASSESSMENT	EBU
045-064-088			\$113.02	1					
045-064-089			\$113.02	1	045-067-051			\$113.02	1
045-064-090			\$113.02	1	045-067-052			\$113.02	1
045-064-091			\$113.02	1	045-067-053			\$113.02	1
045-064-092			\$113.02	1	045-067-054			\$113.02	1
045-064-093			\$113.02	1	045-067-055			\$113.02	1
045-064-094			\$113.02	1	045-067-056			\$113.02	1
045-064-095			\$113.02	1	045-067-057			\$113.02	1
TOTAL \$7,841.33				69.38	045-067-058			\$113.02	1
					045-067-059			\$113.02	1
					045-067-060			\$113.02	1
045-065-001	UR	0.52	\$0.00	0	045-067-061			\$113.02	1
045-065-002	Multi-Fam(9)	1.3	\$649.87	5.75	045-067-062			\$113.02	1
045-065-003			\$113.02	1	045-067-063			\$113.02	1
045-065-004			\$113.02	1	045-067-064			\$113.02	1
045-065-005			\$113.02	1	045-067-065			\$113.02	1
045-065-006			\$113.02	1	045-067-066			\$113.02	1
045-065-007			\$113.02	1	045-067-067			\$113.02	1
045-065-008			\$113.02	1	045-067-068			\$113.02	1
045-065-009			\$113.02	1	045-067-069			\$113.02	1
045-065-010			\$113.02	1	045-067-070			\$113.02	1
045-066-001			\$113.02	1	045-067-071			\$113.02	1
045-066-002			\$113.02	1	045-067-072			\$113.02	1
045-066-003			\$113.02	1	045-067-073			\$113.02	1
045-066-004			\$113.02	1	045-067-074			\$113.02	1
045-066-005			\$113.02	1	045-067-075			\$113.02	1
045-066-006			\$113.02	1	045-067-076			\$113.02	1
045-066-007			\$113.02	1	045-067-077			\$113.02	1
045-066-008			\$113.02	1	045-067-078			\$113.02	1
045-066-009			\$113.02	1	045-067-079			\$113.02	1
045-066-010			\$113.02	1	045-067-080			\$113.02	1
045-066-011			\$113.02	1	045-067-081			\$113.02	1
045-066-012			\$113.02	1	045-067-082			\$113.02	1
045-066-013			\$113.02	1	045-067-083			\$113.02	1
045-066-014			\$113.02	1	045-067-084			\$113.02	1
045-066-015			\$113.02	1	045-067-085			\$113.02	1
045-066-016			\$113.02	1	TOTAL \$9,493.68				84
045-066-017			\$113.02	1					
045-066-018			\$113.02	1	045-068-038			\$113.02	1
045-066-019			\$113.02	1	045-068-039			\$113.02	1
045-066-020			\$113.02	1	045-068-040			\$113.02	1
045-066-021			\$113.02	1	045-068-041			\$113.02	1
045-066-022			\$113.02	1	045-068-042			\$113.02	1
045-066-023			\$113.02	1	045-068-043			\$113.02	1
045-066-024			\$113.02	1	045-068-044			\$113.02	1
045-066-025			\$113.02	1	045-068-045			\$113.02	1
045-066-026			\$113.02	1	045-068-046			\$113.02	1
045-066-027			\$113.02	1	045-068-047			\$113.02	1
045-066-028			\$113.02	1	045-068-048			\$113.02	1
045-066-029			\$113.02	1	045-068-049			\$113.02	1
045-066-030			\$113.02	1	045-068-050			\$113.02	1
045-066-031			\$113.02	1	045-068-051			\$113.02	1
045-066-032			\$113.02	1	045-068-052			\$113.02	1
045-066-033			\$113.02	1	045-068-053			\$113.02	1
045-066-034			\$113.02	1	045-068-054			\$113.02	1
045-066-035			\$113.02	1	045-068-055			\$113.02	1
045-066-036			\$113.02	1	045-068-056			\$113.02	1
045-066-037			\$113.02	1	045-068-057			\$113.02	1

**EXHIBIT "D"**  
**PARCEL COUNT FOR**  
**COUNTY SERVICE AREA NO. 26**  
**KEYES, KEYES**  
**FISCAL YEAR 2021-2022**

The Assessor's parcels listed below are subject to the annual assessment:

A.P.N.	ZONE	ACRES	ASSESSMENT	EBU	A.P.N.	ZONE	ACRES	ASSESSMENT	EBU
045-067-015			\$113.02	1	045-068-058			\$113.02	1
045-067-016			\$113.02	1	045-068-059			\$113.02	1
045-067-017			\$113.02	1	045-068-060			\$113.02	1
045-067-018			\$113.02	1	045-068-061			\$113.02	1
045-067-019			\$113.02	1	045-068-062			\$113.02	1
045-067-020			\$113.02	1	045-068-063			\$113.02	1
045-067-021			\$113.02	1	045-068-064			\$113.02	1
045-067-022			\$113.02	1	045-068-065			\$113.02	1
045-067-023			\$113.02	1	045-068-066			\$113.02	1
045-067-024			\$113.02	1	045-068-067			\$113.02	1
045-067-025			\$113.02	1	045-068-068			\$113.02	1
045-067-026			\$113.02	1	045-068-069			\$113.02	1
045-067-027			\$113.02	1	045-068-070			\$113.02	1
045-067-028			\$113.02	1	045-068-071			\$113.02	1
045-067-029			\$113.02	1	045-068-072			\$113.02	1
045-067-030			\$113.02	1	045-068-073			\$113.02	1
045-067-031			\$113.02	1	045-068-074			\$113.02	1
045-067-032			\$113.02	1	045-069-032			\$113.02	1
045-067-033			\$113.02	1	045-069-033			\$113.02	1
045-067-034			\$113.02	1	045-069-034			\$113.02	1
045-067-035			\$113.02	1	045-069-037			\$113.02	1
045-067-036			\$113.02	1	045-069-038			\$113.02	1
045-067-037			\$113.02	1	045-069-039			\$113.02	1
045-067-038			\$113.02	1	045-069-040			\$113.02	1
045-067-039			\$113.02	1	045-069-041			\$113.02	1
045-067-040			\$113.02	1	045-069-042			\$113.02	1
045-067-041			\$113.02	1	045-069-043			\$113.02	1
045-067-042			\$113.02	1	045-069-044			\$113.02	1
045-067-043			\$113.02	1	045-069-045			\$113.02	1
045-067-044			\$113.02	1	045-069-046			\$113.02	1
045-067-045			\$113.02	1	045-069-047			\$113.02	1
045-067-046			\$113.02	1	045-069-048			\$113.02	1
045-067-047			\$113.02	1	045-069-049			\$113.02	1
045-067-048			\$113.02	1	045-069-050			\$113.02	1
045-067-049			\$113.02	1					
045-067-050			\$113.02	1					
							TOTAL	\$5,311.94	47.00





**EXHIBIT "D"**  
**PARCEL COUNT FOR**  
**COUNTY SERVICE AREA NO. 26**  
**KEYES, KEYES**  
**FISCAL YEAR 2021-2022**

The Assessor's parcels listed below are subject to the annual assessment:

A.P.N.	ZONE	ACRES	ASSESSMENT	EBU	A.P.N.	ZONE	ACRES	ASSESSMENT	EBU
045-069-017			\$113.02	1					
045-069-018			\$113.02	1	045-073-001			\$113.02	1
045-069-019			\$113.02	1	045-073-002			\$113.02	1
045-069-020			\$113.02	1	045-073-003			\$113.02	1
045-069-021			\$113.02	1	045-073-004			\$113.02	1
045-069-022			\$113.02	1	045-073-005			\$113.02	1
045-069-023			\$113.02	1	045-073-006			\$113.02	1
045-069-024			\$113.02	1	045-073-007			\$113.02	1
045-069-025			\$113.02	1	045-073-008			\$113.02	1
045-069-026			\$113.02	1	045-073-009			\$113.02	1
045-069-027			\$113.02	1	045-073-010			\$113.02	1
045-069-028			\$113.02	1	045-073-012			\$113.02	1
045-069-029			\$113.02	1	045-073-013			\$113.02	1
045-069-030			\$113.02	1	045-073-014			\$113.02	1
045-069-031			\$113.02	1	045-073-015			\$113.02	1
					045-073-016			\$113.02	1
					045-073-017			\$113.02	1
045-070-019			\$113.02	1	045-073-018			\$113.02	1
045-070-020			\$113.02	1	045-073-019			\$113.02	1
045-070-021			\$113.02	1	045-073-020			\$113.02	1
045-070-022			\$113.02	1	045-073-021			\$113.02	1
045-070-023			\$113.02	1	045-073-022			\$113.02	1
045-070-024			\$113.02	1	045-073-023			\$113.02	1
045-070-025			\$113.02	1	045-073-024			\$113.02	1
045-070-026			\$113.02	1	045-073-025			\$113.02	1
045-070-027			\$113.02	1	045-073-026			\$113.02	1
		TOTAL	\$3,051.54	27	045-073-027			\$113.02	1
					045-073-028			\$113.02	1
045-072-001			\$113.02	1	045-073-029			\$113.02	1
045-072-002			\$113.02	1	045-073-030			\$113.02	1
045-072-003			\$113.02	1	045-073-031			\$113.02	1
045-072-004			\$113.02	1	045-073-032			\$113.02	1
045-072-005			\$113.02	1	045-073-033			\$113.02	1
045-072-006			\$113.02	1	045-073-034			\$113.02	1
045-072-007			\$113.02	1	045-073-035			\$113.02	1
045-072-008			\$113.02	1	045-073-036			\$113.02	1
045-072-009			\$113.02	1	045-073-037			\$113.02	1
045-072-010			\$113.02	1	045-073-038			\$113.02	1
045-072-011			\$113.02	1	045-073-039			\$113.02	1
045-072-012			\$113.02	1	045-073-040			\$113.02	1
045-072-013			\$113.02	1	045-073-041			\$113.02	1
045-072-014			\$113.02	1	045-073-042			\$113.02	1
045-072-015			\$113.02	1	045-073-043			\$113.02	1
045-072-016			\$113.02	1	045-073-044			\$113.02	1
045-072-017			\$113.02	1	045-073-045			\$113.02	1
045-072-018			\$113.02	1	045-073-046			\$113.02	1
045-072-019			\$113.02	1	045-073-047			\$113.02	1
045-072-020			\$113.02	1	045-073-048			\$113.02	1
045-072-021			\$113.02	1	045-073-049			\$113.02	1
045-072-022			\$113.02	1	045-073-050			\$113.02	1
045-072-023			\$113.02	1	045-073-051			\$113.02	1
045-072-024			\$113.02	1	045-073-052			\$113.02	1
045-072-025			\$113.02	1	045-073-053			\$113.02	1
045-072-026			\$113.02	1	045-073-054			\$113.02	1
045-072-027			\$113.02	1	045-073-055			\$113.02	1
045-072-028			\$113.02	1	045-073-056			\$113.02	1
045-072-029			\$113.02	1			TOTAL	\$6,216.10	55
045-072-030			\$113.02	1					

**EXHIBIT "D"**  
**PARCEL COUNT FOR**  
**COUNTY SERVICE AREA NO. 26**  
**KEYES, KEYES**  
**FISCAL YEAR 2021-2022**

The Assessor's parcels listed below are subject to the annual assessment:

A.P.N.	ZONE	ACRES	ASSESSMENT	EBU	A.P.N.	ZONE	ACRES	ASSESSMENT	EBU
Zone 2									
Keyes 19 North									
045-021-003	Planned Resi 37 un		\$ 11,292.06	19.75					
045-021-023	Planned Resi 8 un		\$ 3,430.50	6.00					
045-021-024	Planned Resi 19 un		\$ 6,146.31	10.75					
045-021-008	Planned Resi 1 un		\$ 428.81	0.75					
TOTAL			\$ 21,297.69	37.25					
Keyes 19 South									
045-071-005	Planned Resi 28 un		\$ 8,719.19	15.25					
TOTAL			\$ 8,719.19	15.25					
4827 Norma Way									
045-071-006	Planned Resi 28 un+1		\$ -	32.128					
TOTAL			\$ -	32.128					

ZONE 1	11/1	\$140 161.64	1,240.149
ZONE 2	6	\$30 016.88	52.50

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**EXHIBIT D**

**Draft LAFCO Resolution No. 2021-08**

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**STANISLAUS COUNTY LOCAL AGENCY  
FORMATION COMMISSION**

**RESOLUTION**

**DATE:** May 26, 2021

**NO.** 2021-08

**SUBJECT: LAFCO APPLICATION NO. 2021-03 & SPHERE OF INFLUENCE AMENDMENT  
NO. 2021-02 – NORMA WAY CHANGE OF ORGANIZATION TO COUNTY  
SERVICE AREA 26 (KEYES) (SOI)**

On the motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and  
approved by the following vote:

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

**THE FOLLOWING RESOLUTION WAS ADOPTED:**

**WHEREAS**, Stanislaus County has requested to annex approximately 9.77 acres located between Norma Way and Nunes Road into County Service Area 26 (Keyes);

**WHEREAS**, the Commission has conducted a public hearing to consider the proposal on May 26, 2021, and notice of said hearing was given at the time and in the form and manner provided by law;

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

**WHEREAS**, the purpose of the proposal is to allow the subject territory to receive extended county services offered by County Service Area No. 26, including maintenance of storm drain infrastructure, masonry walls, sidewalks, parks and streetscape;

**WHEREAS**, Stanislaus County, as Lead Agency, prepared and subsequently approved a Mitigated Negative Declaration for the proposal in compliance with the California Environmental Quality Act (CEQA);

**WHEREAS**, the proposal would not result in the loss of agricultural land, as the development is considered infill;

**WHEREAS**, the proposal includes a simultaneous sphere of influence amendment, coterminous with the annexation, in order to maintain consistency with the sphere of influence of CSA 26;

**WHEREAS**, proceedings for adoption and amendment of a sphere of influence are governed by the Cortese-Knox-Hertzberg local Government Reorganization Act, Section 56000 et seq. of the Government Code;

**WHEREAS**, Commission policies allow a minor amendment to a sphere of influence of any agency without triggering a new or revised Municipal Service Review (MSR) when a previous MSR has been conducted;

**WHEREAS**, on March 2, 2021, the Stanislaus County Board of Supervisors adopted Resolution No. 2018-0540 requesting the annexation to County Service Area No. 26;

**WHEREAS**, Stanislaus County has prepared an Engineer's Study identifying the assessment formula to be applied to the territory and its compliance with Proposition 218;

**WHEREAS**, in the form and manner provided by law pursuant to Government Code Sections 56153 and 56157, the Executive Officer has given notice of the public hearing by the Commission on this matter; and

**WHEREAS**, the Commission has, in evaluating the proposal, considered the report submitted by the Executive Officer, which included determinations and factors set forth in Government Code Sections 56425 and 56668, and any testimony and evidence presented at the meeting held on May 26, 2021.

**NOW, THEREFORE, BE IT RESOLVED** that the Commission:

1. Certifies, in accordance with CEQA, as a Responsible Agency, that it has considered the Mitigated Negative Declarations prepared by Stanislaus County.
2. Determines that: (a) the subject territory will be within the County Service Area 26 Sphere of Influence with approval of the modification; (b) approval of the proposal is consistent with all applicable spheres of influence, overall Commission policies and local general plans; (c) there are less than twelve (12) registered voters within the territory and it is considered uninhabited; (d) all the owners of land within the subject territory have given their written consent to the annexation; (e) no subject agencies have submitted written protest to a waiver of protest proceedings; and (f) the proposal is in the interest of the landowners within the territory.
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 brought against any of them, the purpose of which is to attack, set aside, void or annul LAFCO's action on a 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. In accordance with Government Code Sections 56886(t) and 57330, the subject territory shall be subject to the levying and collection of all previously authorized charges, fees, assessments or taxes of County Service Area 26.

- d. The effective date of the change of organization shall be the date of recordation of the Certificate of Completion.
  - e. The application submitted has been processed as a change of organization consisting of annexation to County Service Area 26.
- 4. Designates the proposal as the "Norma Way Change of Organization to County Service Area 26".
  - 5. Waives the protest proceedings pursuant to Government Code Section 56662(d) and orders the change of organization subject to the requirements of Government Code Section 57200 et. seq.
  - 6. Authorizes and directs the Executive Officer to prepare and execute a Certificate of Completion in accordance with Government Code Section 57203, upon receipt of a map and legal description prepared pursuant to the requirements of the State Board of Equalization and accepted to form by the Executive Officer, subject to the specified terms and conditions.

**ATTEST:**

\_\_\_\_\_  
Sara Lytle-Pinhey  
Executive Officer



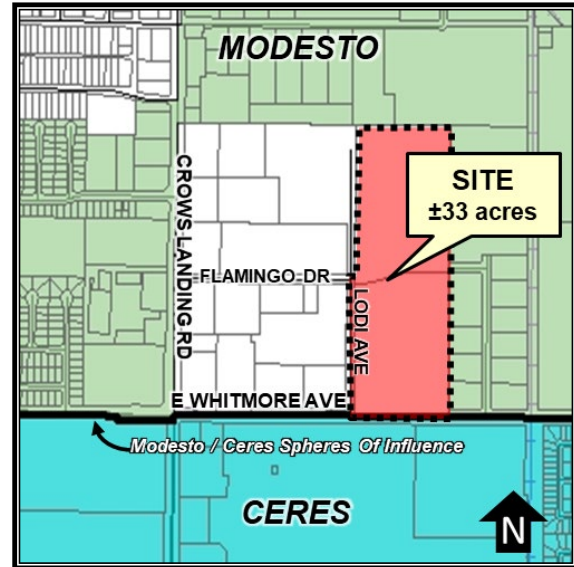
**EXECUTIVE OFFICER'S AGENDA REPORT  
MAY 26, 2021**

**LAFCO APPLICATION NO. 2021-02  
LODI-WHITMORE CHANGE OF ORGANIZATION  
TO THE CITY OF MODESTO**

**PROPOSAL**

The proposal is a request to annex approximately 33 acres located on the northeast corner of the Lodi Avenue and East Whitmore Avenue intersection, east of Crows Landing Road to the City of Modesto. The annexation is within the City's Sphere of Influence and is meant to accommodate industrial development.

1. Applicant: City of Modesto
2. Location: The project site is located within an unincorporated island, northeast of Crows Landing Rd and East Whitmore Avenue, adjacent to the City of Modesto and City of Ceres. (See Exhibit A – Map & Legal Description.)
3. Parcels Involved and Acreage:  
The project includes approximately 33 acres and includes two Assessor's parcels (APNs: 086-013-017 & 018).
4. Reason for Request: The City of Modesto adopted a resolution of application (attached as Exhibit B) requesting annexation of the site to accommodate new industrial development within the City. The northerly parcel is currently owned by Dot Foods, who also owns the property just east of the site, already within the Modesto City Limits. The southerly parcel is currently owned by G3 Enterprises, who has facilities just south of the site in the City of Ceres.



**BACKGROUND**

The proposed annexation represents the undeveloped portion of the unincorporated island. The territory is zoned M-Industrial in the Stanislaus County Zoning Ordinance and designated Industrial in the General Plan. The territory is also prezoned (P)M-2 Heavy Industrial and is designated Industrial in the City of Modesto General Plan. The project site is surrounded by industrial uses and is adjacent to the current City of Modesto boundary to the north and east, and City of Ceres boundary to the south.

**ENVIRONMENTAL REVIEW**

The City of Modesto, as Lead Agency, prepared an initial study for the project which determined that the project is within the scope of the City's General Plan Master Environmental Impact Report (MEIR) and will have no additional significant environmental effect, as defined in the California Environmental Quality Act (CEQA) Section 21158, that was not identified in the MEIR. LAFCO, as a Responsible Agency, must certify that it has considered the environmental documentation prepared by the City of Modesto (attached as Exhibit C).

## **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 factors, as set forth in Government Code Section 56668:

- a. ***Population and population density; land area and land use; assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.***

The project area is considered uninhabited territory as there are less than 12 registered voters. The site currently consists of vacant land and is designated for industrial uses by both the County and City's respective general plans and zoning or prezoning. The remainder of the unincorporated island is already developed with industrial uses.

The City currently has a Master Property Tax Agreement with the County. The subject territory is located in Tax Rate Area 054-023. The current total assessed land value of the territory is \$1,302,691.

- b. ***The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.***

Essential governmental services that are currently provided to the subject area and those services that will be provided after the reorganization is finalized are summarized in the following chart:

Type	Current Service Provider	Future Service Provider (Following Annexation)
Law Enforcement	Stanislaus County Sheriff	City of Modesto Police Dept.
Fire Protection	Industrial Fire Protection District (operated by the City of Modesto as part of a JPA with the City of Ceres)	Same
Planning & Building Inspection	Stanislaus County	City of Modesto
School District	Modesto City Schools	Same
Water (Potable)	None	City of Modesto
Sewer	None	City of Modesto
Roads	Stanislaus County	City of Modesto
Mosquito Abatement	Eastside Mosquito Abatement	Same

Commission policies state that it will consider the ability of the City to deliver adequate, reliable and sustainable services and will not approve a proposal that has the potential to

significantly diminish the level of service(s) within the City's current boundaries. According to the City's Plan for Services (Exhibit D), the City can provide the necessary services to the subject territory without impacting existing service levels.

- c. ***The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.***

The City and County have a master property tax agreement approved in 1983, updated in 1996 and amended in 2006. According to the tax sharing agreement, after annexation, the City shall receive a 30 percent share of the County's property tax attributable to an increase in assessed valuation above the base amount. While the tax sharing agreement offers an increase in tax share allocation as an incentive for annexation of *entire* unincorporated islands areas, the current proposal would receive the standard amount as it does not capture the entire unincorporated island.

- d. ***The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in Section 56377.***

LAFCO policies and priorities are intended to guide development away from existing prime agricultural lands and encourage development of existing vacant or nonprime agricultural land for urban uses within the existing jurisdiction of a local agency or within the sphere of influence of a local agency. Although the site has been used for row crops in the past, it has been designated industrial and surrounded by other industrial uses for decades. Based on its located and designation, the annexation is considered infill development, which is encouraged by LAFCO policies.

- e. ***The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.***

The property is vacant and is surrounded by industrial lots and uses to the north, east, south and west. The City determined that due to its location, industrial designation, and surrounding urban development, there is no impact to agricultural land. As the proposal would not impact agricultural lands, it is considered exempt from the requirement to prepare a Plan for Agricultural Preservation, consistent with Commission Policy 22.

- f. ***The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting proposed boundaries.***

The proposed annexation includes two Assessor's Parcel Numbers totaling approximately 33 acres. The adjacent road right-of-way along Lodi Avenue and Whitmore Avenue are also included in the proposed annexation, as shown on the map and legal description (Exhibit A). The territory is a portion of an existing, larger 91-acre unincorporated island. State law and adopted Commission policies encourage elimination of county islands in order to improve the agency's boundaries and eliminate duplication of services within those islands. Although the current annexation would reduce the size of the unincorporated island, LAFCO policies prefer the annexation of the entire 91-acre unincorporated island in order to

eliminate alternating City/County jurisdiction in the area.

**g. *A regional transportation plan adopted pursuant to Section 65080***

The Regional Transportation Plan (RTP) is prepared and adopted by the Stanislaus Association of Governments (StanCOG) and is intended to determine the transportation needs of the region as well as the strategies for investing in the region's transportation system. The RTP was considered as part of the City's environmental review and it was concluded that the project does not appear to conflict with StanCOG's currently adopted Regional Transportation Plan or any specific plans.

**h. *The proposal's consistency with city or county general and specific plans***

The proposed annexation is consistent with the County and City General Plans. The area is currently zoned by Stanislaus County as M (Industrial) and is designated Industrial in the General Plan. The City of Modesto has pre-zoned the territory to (P)M-2 Heavy Industrial and has designated the territory as Industrial in the City's General Plan.

**i. *The sphere of influence of any local agency, which may be applicable to the proposal being reviewed.***

The territory is located within the City of Modesto's Sphere of Influence and Primary Area. In addition, it is within the Sphere of Influence of the following agencies: Industrial Fire Protection District, Turlock Mosquito Abatement District, and the Turlock Irrigation District. No changes to City or Districts' spheres of influence would occur as a result of this annexation.

**j. *The comments of any affected local agency or other public agency.***

All affected agencies and jurisdictions have been notified pursuant to State law requirements and the Commission adopted policies.

Staff received a comment letter from Stanislaus County dated April 8, 2021 (attached as Exhibit E) requesting that the annexation proposal either be amended to include the entire island area or be continued to allow additional time for the City and County to develop a plan for the annexation of the entire island. The letter acknowledges the shared goal of the City, County, and LAFCO to eliminate islands and the larger effort that will need to occur for all the unincorporated pockets and islands in and around Modesto. The County also states that because the current proposal represents the last two vacant lots in the unincorporated island, annexation of the remaining island area remains uncertain.

**k. *The ability of the receiving entity to provide services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.***

City of Modesto will provide municipal services to the area, such as: domestic water, sanitary sewer, storm drainage, street construction/maintenance, police protection and street lighting. Services will be financed through applicable utility, services and permit fees, as well as property tax revenues and general fund resources. The City provided a Plan for Services (attached as Exhibit D) that identifies that many services provided by the City are

already at or in close proximity to the site, including sewer, water, and fire service (provided by the City via JPA with the Industrial Fire Protection District). No service-related issues were identified.

***l. Timely availability of water supplies adequate for projected needs as specified in Government Code Section 65352.5.***

Water connections are present on Flamingo Avenue and Whitmore Avenue adjacent to the proposed territory. The City's Plan for Services states it has adequate water supply to serve the proposed annexation. Connection will be at the expense of the developer.

***m. The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.***

The proposed annexation is surrounded by and will include industrial type uses. No housing is proposed as part of the annexation nor will the annexation contribute to any jurisdiction's fair shares of regional housing.

***n. Any information or comments from the landowner or owners, voters, or residents of the affected territory.***

There are no registered voters within the affected territory and the two property owners within the proposed annexation have consented to the proposal. Should the Commission approve the annexation in its current form, Staff has included the appropriate language to waive the protest proceedings based on the two property owners having consented to the proposal.

LAFCO Staff sent a notice of public hearing regarding the annexation proposal to the property owners of affected annexation area, surrounding properties, and those property owners within the remainder of the unincorporated island. As of the drafting of this report, one property owner in the unincorporated island contacted LAFCO Staff with questions regarding the annexation. While the property owner did not indicate whether they were for or against the proposal, they were interested in the potential benefits or impacts of annexation on their property.

***o. Any information relating to existing land use designations.***

As previously mentioned, the area is currently zoned by Stanislaus County as M (Industrial) and is designated Industrial in the General Plan. The City of Modesto has rezoned the territory to (P)M-2 Heavy Industrial and has designated the territory as Industrial in the City's General Plan.

***p. The extent to which the proposal will promote environmental justice.***

As defined by Government Code §56668, "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. There is no documentation or evidence suggesting the proposal will have a measurable effect for or against promoting environmental justice.

- q. Information contained in a local mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone pursuant to Section 51178 or maps that identify land determined to be in a state responsibility area pursuant to Section 4102 of the Public Resources Code, if it is determined that such information is relevant to the area that is the subject of the proposal.***

According to the Initial Study, the project site has not been identified as being within a very high fire hazard severity zone.

## **DISCUSSION**

During the City's initial referral for the annexation, LAFCO Staff provided a comment letter dated October 30, 2020 requesting that the proposal be amended to include the entire island area in order to be more consistent with City/County goals, plans, agreements, State law and LAFCO policies that all encourage the elimination of unincorporated islands. (The letter is attached as Exhibit F.)

Specifically, Policy 20 of Stanislaus LAFCO's Policies and Procedures states that the Commission shall consider the following factors favorable when determining logical boundaries for a proposal:

- A. The Commission encourages the creation of logical boundaries and proposals which do not create islands and would eliminate existing islands, corridors, or other distortion of existing boundaries.
- B. Proposals which are orderly and will either improve or maintain the agency's logical boundary are encouraged.

A key component in the process to eliminate unincorporated islands is the willingness of the City to submit an annexation application for the entire area. Annexation applications are typically triggered by new development and/or a request for City services. The current request involves the last properties with development potential in the unincorporated island. Most of the area has curb, gutter, and sidewalk and is already being served with City sewer and water. The proposed annexation would leave the remainder of the island area, although served by Modesto, within County jurisdiction. Based on existing City services and development in the unincorporated island, the possibility of a development-initiated annexation application that may eliminate the island in the future is virtually eliminated. Additional uncertainty exists with regards to when or if the City would initiate its own application for the remainder of the unincorporated island.

The City of Modesto's policies require that all public infrastructure within a developed unincorporated area be improved to City standards *prior* to annexation. For the two vacant lots involved in the current annexation area, the City will be requiring the developer to dedicate and construct roadway improvements along the project frontages of both Whitmore and Lodi Avenues and the extension of Flamingo Drive/Jayann Way to City standards. However, when considering inclusion of the entire unincorporated island, the City is concerned about unimproved areas, including a roadway section along Whitmore Avenue, that have not yet been improved to City standards. Stanislaus County has indicated that cost estimates to improve the remaining portion of the island to City standards range from \$2 million to \$5 million, depending

on what improvements may be acceptable to the City.

Pursuant to Government Code Section 56375(a)(5), the Commission can require that an *entire* unincorporated island be included in an annexation proposal. This can be accomplished in a few ways, including adding a condition requiring an additional annexation application be submitted (prior to recordation of the current proposal) or denying the proposal in its current form (with the expectation that the City return with an application for the whole area).

City and County staff have met and discussed the proposal, the potential costs, and concerns regarding the unincorporated island. As of the drafting of this report, no formal plan or agreement has been made regarding inclusion of the remaining parcels.

### **ALTERNATIVES FOR COMMISSION ACTION**

Following consideration of this report and any testimony or additional materials submitted at the public hearing for this proposal, the Commission may take one of the following actions:

#### **Option 1(a): APPROVE the proposal as submitted.**

Approval of the project as proposed would allow the annexation of 33 acres of the 91-acre unincorporated island.

#### **Option 1(b): APPROVE the proposal conditioned upon an application for the remainder of the unincorporated island.**

Consistent with Government Code Section 56885.5(a)(2) and 56886(o), the Commission may include a condition of approval that requires the City of Modesto apply for annexation of the remaining unincorporated area prior to recordation of the current proposal. This option would provide assurance that the City would return to the Commission in a timely manner with another application for the remainder of the island; however, it could also delay the recordation of the current proposal and make it dependent upon whether the City and County are able to reach an agreement regarding improvements. The additional application would provide the property owners within the remaining unincorporated area an opportunity to annex into the City or protest against being included.

#### **Option 2: DENY the proposal (with or without prejudice).**

Denial of the project will terminate proceedings on the current proposal. According to Government Code §56884, the City of Modesto will be required to wait one year after the adopted resolution to re-apply for a similar annexation. Should the Commission decide to deny the proposal without prejudice, the City of Modesto could return with a revised application including the entire unincorporated territory as soon as the City is willing to do so. All required noticing, processing and review would still apply.

#### **Option 3: CONTINUE this proposal to a future meeting for additional information.**

The Commission may continue to the proposal in order gather more information or provide the City or County additional time to draft an agreement addressing the unincorporated island. If the City and County are unable to reach an agreement in a reasonable timeframe, the Commission will be asked to act on the proposal in its current form.

### **STAFF RECOMMENDATION**

Based on the discussion in this staff report, including the factors set forth in Government Code Section 56668, and following any testimony or evidence presented at the meeting, Staff is recommending Option 1(b): that the Commission conditionally approve the proposal and require that the City submit a completed application for the remainder of the island prior to recordation of the two subject parcels.

Staff has prepared Resolution 2021-09 - Option 1b (attached at the end of this report as Exhibit G) for the Commission's adoption which:

1. Finds the proposal to be consistent with State law and the Commission's adopted Policies and Procedures;
2. Certifies, as a Responsible Agency under CEQA, that the Commission has considered the environmental documentation prepared by the City of Modesto as Lead Agency;
3. Waives protest proceedings pursuant to Government Code Section 56663;
4. Approves LAFCO Application No. 2021-09 – Lodi-Whitmore Change of Organization to the City of Modesto subject to the standard conditions as outlined in the resolution, and an additional condition that states:

*Prior to recordation of the annexation of the two subject parcels, the City of Modesto shall submit a completed application and appropriate fees to LAFCO in order to initiate annexation proceedings for the remainder of the unincorporated island.*

Should the Commission approve the proposal as requested by the City, Staff has also prepared Resolution 2021-09 – Option 1a, included in Exhibit G, approving the annexation with standard findings and conditions.

Respectfully submitted,

Javier Camarena

Javier Camarena  
Assistant Executive Officer

Attachments –

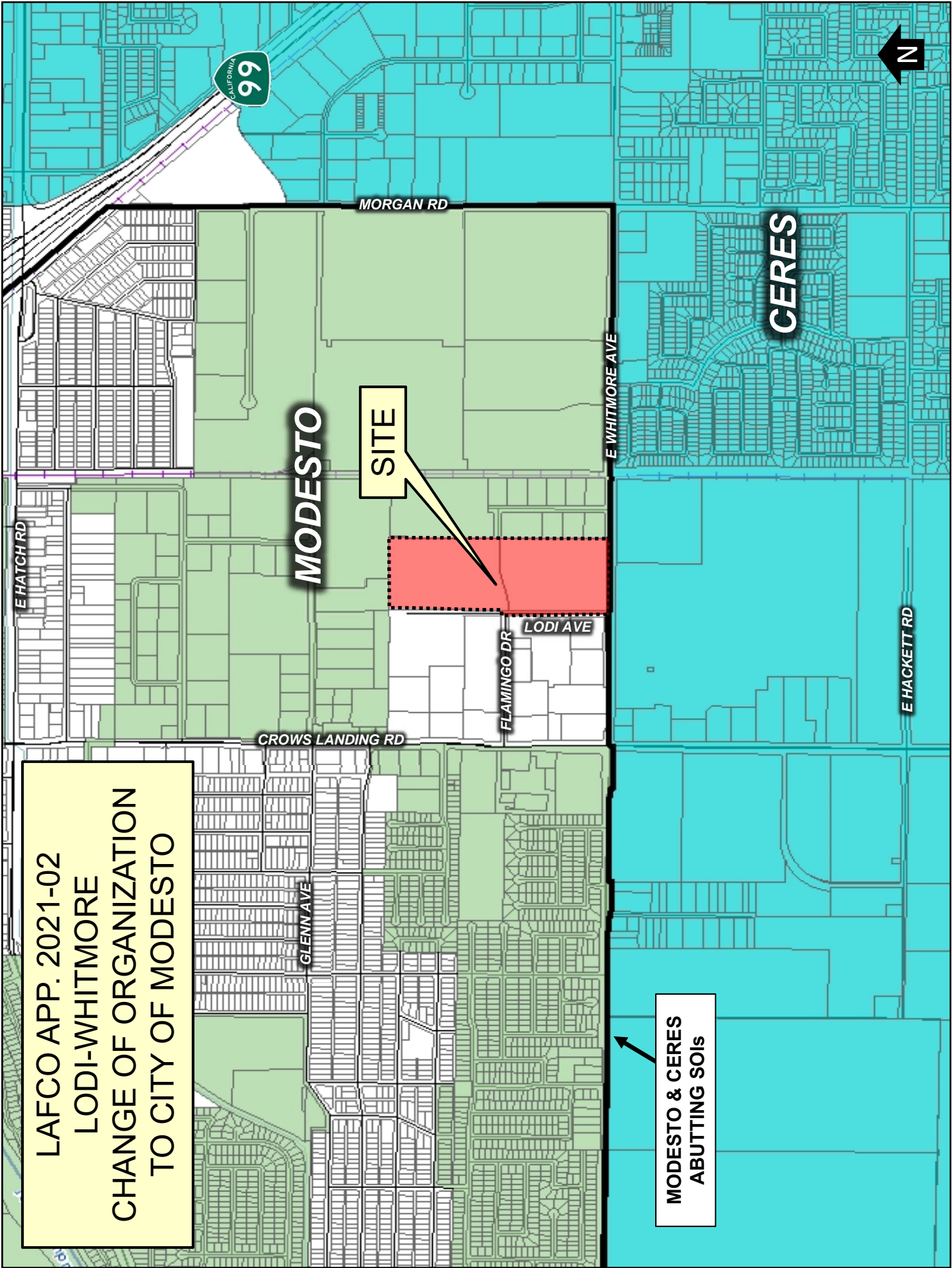
- Exhibit A: Map and Legal Description (pg. 9)
- Exhibit B: City of Modesto Resolution of Application 2021-019 (pg. 15)
- Exhibit C: Environmental Documentation (Initial Study and City Resolution 2021-20) (pg. 21)
- Exhibit D: Plan for Services (pg. 81)
- Exhibit E: Letter from Stanislaus County dated April 8, 2021 (pg. 85)
- Exhibit F: Letter from LAFCO Staff to City of Modesto dated October 30, 2020 (pg. 89)
- Exhibit G: Draft LAFCO Resolution No. 2021-09 Option 1a (Approval) & Option 1b (Conditional Approval) (pg. 93)



## **EXHIBIT A**

### **Map and Legal Description**

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# EXHIBIT "A"

## LEGAL DESCRIPTION OF THE LODI - WHITMORE CHANGE OF ORGANIZATION TO THE CITY OF MODESTO

All of the Real Property as described in the Grant Deed recorded as DOC-2020-0068632-00, Stanislaus County Records, shown as PARCEL NO. 2 on Sheet 2 of 2 of EXHIBIT "C" of the Certificate of Lot Line Adjustment recorded as DOC-2017-0090151-00, Stanislaus County Records, together with a portion of the Real Property designated "1" in the Grant Deed (Correcting) recorded as DOC-2019-0036251-00, Stanislaus County Records and shown as PARCEL NO. 1 on said Sheet 2 of 2 of EXHIBIT "C", lying in the West half of Section 9, Township 4 South, Range 9 East, Mount Diablo Meridian, County of Stanislaus, State of California, more particularly described as follows:

**BEGINNING** at the Southwest corner of the Whitmore No. 1 Addition to the City of Modesto by Instrument No. 73-55823, Stanislaus County Records, being the intersection of the Southerly extension of the West line of the Map of Whitmore Industrial Park No.1 filed in Volume 27 of Maps at Page 49, Stanislaus County Records, with the South line of said Section 9, said South line being the centerline of Whitmore Avenue as shown on said Map and also being the North line of the West Landing Specific Plan Reorganization to the City of Ceres recorded as DOC-2012-0048746-00, Stanislaus County Records; thence the following six courses:

**Course 1: North 89°51'00" West , 760.98 feet**, along said South line to the intersection of said South line with the Southerly extension of the West line of Lodi Avenue as shown on the Parcel Map filed in Book 42 of Parcel Maps at Page 24, Stanislaus County Records; thence,

**Course 2: North 0°00'20" West , 950.07 feet**, along said West line of said Lodi Avenue to the Northwest corner of said Lodi Avenue; thence,

**Course 3: South 89°50'04" East , 60.00 feet**, along the North line of said Lodi Avenue to the Northeast corner of said Lodi Avenue being the Southeastern most corner of PARCEL B as shown on said Parcel Map; thence,

**Course 4: North 0°00'20" West , 1010.54 feet**, along the East line of said PARCEL B also being the West line of said PARCEL NO. 1, to the Northeast corner of said PARCEL B also being the Northwest corner of said PARCEL NO. 1, said corner lying on a South line of the Glenn Avenue Industrial Park Reorganization to the City of Modesto recorded as DOC-2005-0042056, Stanislaus County Records; thence,

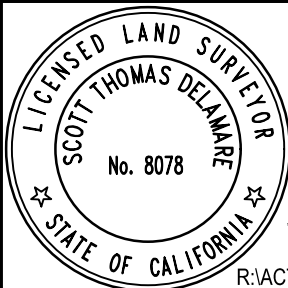
**Course 5: South 89°50'38" East , 701.92 feet**, along last said South line being the North line of said PARCEL NO. 1 to the Northwest corner of said Whitmore No.1 Addition to the City of Modesto; thence,

**Course 6: South 0°01'19" West , 1960.51 feet**, along the West line of said Whitmore No.1 Addition to the City of Modesto to the point of beginning.

Containing: 32.879 acres, more or less.

Assessor's Parcel Numbers: 086-013-017 and 086-013-018

### END OF DESCRIPTION



**DF ENGINEERING, INC.**

CIVIL ENGINEERING AND SURVEYING  
3421 TULLY ROAD · SUITE J · MODESTO, CA 95350  
TELEPHONE (209) 529-7450 · EMAIL DFENGINEERING@DFENGINEERING.COM

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SIGNED: *Scott Thomas Delamare*

May 17, 2021

SCOTT THOMAS DELAMARE LS 8078

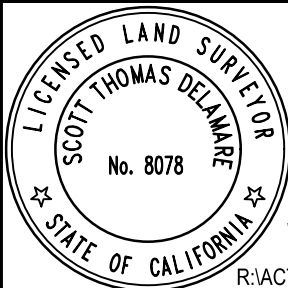
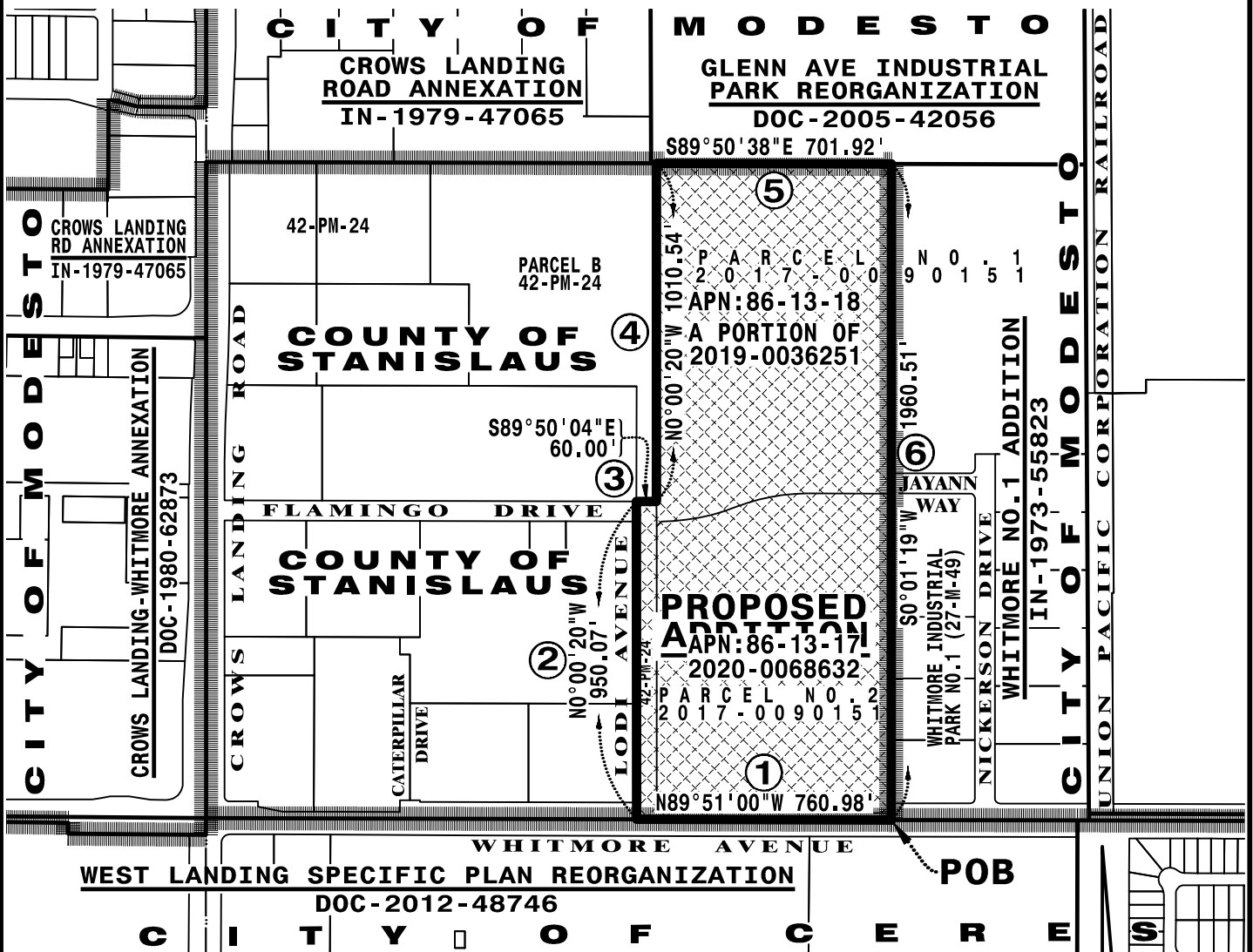
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PAGE	<b>1</b> OF 1
JOB	2018
AUTHOR	STD
CK. BY	NIP
SCALE	N/A
DATE	May., 2021

**PLAT TO ACCOMPANY LEGAL DESCRIPTION OF THE  
LODI - WHITMORE CHANGE OF ORGANIZATION TO THE CITY OF MODESTO**

LYING IN THE SOUTHWEST QUARTER OF SECTION 9, T.4 S., R.9 E., M.D.M.  
COUNTY OF STANISLAUS, STATE OF CALIFORNIA



# PDF ENGINEERING, INC.

**CIVIL ENGINEERING AND SURVEYING**  
3421 TULLY ROAD · SUITE J · MODESTO, CA 95350  
TELEPHONE (209) 529-7450 · EMAIL [DFENGINEERING@DFENGINEERING.COM](mailto:DFENGINEERING@DFENGINEERING.COM)

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SIGNED: Scott Thomas De la Mare

**May 17, 2021**

**SCOTT THOMAS DELAMARE LS 8078**

DATE \_\_\_\_\_

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PAGE 1 OF 1

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SCALE 1" = 500'

DATE May., 2021

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**EXHIBIT B**

**City of Modesto  
Resolution of Application**

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**MODESTO CITY COUNCIL  
RESOLUTION NO. 2021-019**

**RESOLUTION APPROVING THE FILING OF AN APPLICATION WITH THE STANISLAUS LOCAL AGENCY FORMATION COMMISSION FOR THE REORGANIZATION OF APPROXIMATELY 32.88 ACRES LOCATED EAST OF LODI AVENUE AND NORTH OF WHITMORE AVENUE FOR ANNEXATION TO THE CITY OF MODESTO (G3 ENTERPRISES, INC. AND DOT CALIFORNIA 2019, LLC—UNINHABITED)**

WHEREAS, G3 Enterprises, Inc. and DOT California 2019, LLC (“Applicants”), are the owners of approximately 31.24 acres of real property, located east of Lodi Avenue and north of Whitmore Avenue, and

WHEREAS, the City has received a request from the Applicants to initiate reorganization of the Property and adjacent rights-of-way on Lodi Avenue and Whitmore Avenue, a total of approximately 32.88 acres, for annexation to the City of Modesto and simultaneous detachment from the Salida Fire Protection District under the Cortese-Knox-Hertzberg Local Reorganization Act of 2000, California Government Code Section 56000, et seq., and

WHEREAS, the Resolution of Application is proposed pursuant to the Cortese-Knox-Hertzberg Local Reorganization Act of 2000, California Government Code Section 56000, et seq., and

WHEREAS, the Property proposed for reorganization is uninhabited as defined by Government Code Section 56079.5 (fewer than twelve registered voters), and a description of the boundaries of the subject Property is set forth in **Exhibits “A” and “B”**, **attached** hereto and by this reference incorporated herein, and

WHEREAS, the Property proposed for reorganization is within Stanislaus County, is contiguous to the existing City limits, and is within the Sphere of Influence of the City of Modesto as adopted by LAFCO, and

WHEREAS, the property has been rezoned to Heavy Industrial, P-M-2 Zone, with an Industrial land use designation, and

WHEREAS, the proposed Property is not subject to a Williamson Act contract, and

WHEREAS, the proposed Property is covered by the Master Tax Sharing Agreement that addresses tax sharing entered into between the County of Stanislaus and City of Modesto which was approved on April 5, 1983, and

WHEREAS, pursuant to Government Code Section 56653, a plan for providing services is set forth in **Exhibit "C"**, **attached** hereto and by this reference incorporated herein, and

WHEREAS, on December 7, 2020, City of Modesto Planning Commission held a duly noticed public hearing in the Chambers, Tenth Street Place, 1010 Tenth Street, Modesto, California, at which time both oral and documentary evidence were received and considered, and

WHEREAS, after said public hearing, the City of Modesto Planning Commission adopted Resolution No. 2020-19, recommending to the City Council that it adopt the Resolution of Application for an reorganization to annex the Property to the City of Modesto, and

WHEREAS, said matter was set for public hearing of the City Council to be held on January 26, 2021, in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street,

Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed annexation.

NOW, THEREFORE, the Council of the City of Modesto hereby finds and determines as follows:

1. The Property has been rezoned to Heavy Industrial, P-M-2 with an Industrial land use designation.
2. The requested reorganization will result in an orderly and logical addition of land to the City.
3. The Property is located within Stanislaus County, within the City's adopted Sphere of Influence, is contiguous to the existing City limits, and can be most efficiently served with City services.
4. The Property proposed to be annexed to the City of Modesto is uninhabited as defined by Government Code Section 56079.5 (fewer than twelve registered voters) and a description of the boundaries of the subject Property is set forth in **Exhibits "A" and "B", attached** hereto and by this reference incorporated herein.
5. The Property is covered by the Master Tax Sharing Agreement for the sharing of property tax, sales tax, business and mill tax, and utility tax between the County of Stanislaus and City of Modesto which was approved April 5, 1983.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby adopts this Resolution Authorizing Application for reorganization to annex the Property to the City of Modesto.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that this Resolution of Application includes annexation of the Property to the Modesto Sewer District No. 1.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that, pursuant to Government Code section 56653, the City Council submit the Plan for

Services as set forth in **Exhibit "C"**, **attached** hereto and by this reference incorporated herein.

BE IT FURTHER RESOLVED that the project applicant shall indemnify, defend, and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto and its advisory agency, appeal board, or a legislative body concerning the reorganization for the Property. The City of Modesto shall promptly notify the applicant of any claim, action, or proceeding.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of January, 2021, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Wright was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci,  
Wright, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:

  
JOSE M. SANCHEZ, City Attorney

## **EXHIBIT C**

### **Environmental Documentation (Initial Study and City Resolution 2021-20)**

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# **City of Modesto**

## **Finding of Conformance with the Urban Area General Plan Master EIR (SCH No. 2014042081)**

### **Initial Study Environmental Checklist C&ED No. 2020-18**

**For the proposed:  
Whitmore-Lodi Annexation**

**Prepared by:  
City of Modesto  
Community & Economic Development Department  
Planning Division**

**20 November 20**

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# **City of Modesto**

## **Master EIR Initial Study Environmental Checklist**

### **I. PURPOSE**

CEQA allows for the limited environmental review of subsequent projects under the City's Master Environmental Impact Report ("Master EIR"). This Initial Study Environmental Checklist ("Initial Study") is used in determining whether the Whitmore-Lodi Annexation is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2014042081) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a Finding of Conformance.

A subsequent project is "within the scope" of the Master EIR when:

1. it will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and,
2. no new or additional mitigation measures or alternatives are required.

"Additional significant effects" means a project-specific effect that was not addressed as a significant effect in the Master EIR. [Public Resources Code Section 21158(d)]

The determination must be based on substantial evidence in the record. "Substantial evidence" means facts, reasonable assumptions predicated upon facts, or expert opinion based on facts. It does not include speculation or unsubstantiated opinion. (CEQA Guidelines Section 15384)

This evaluation is based upon and tiered from the General Plan Master EIR, SCH# 2014042081.

### **II. PROJECT DESCRIPTION**

- A. Title: Whitmore-Lodi Annexation
- B. Address or Location: Northeast corner of the intersection of Whitmore and Lodi Avenues
- C. Applicant: G3 Enterprises  
502 E. Whitmore Avenue  
Modesto, CA 95354
- D. City Contact Person: Cindy van Empel, AICP, CNU-A
- Project Manager: Cindy van Empel, AICP, CNU-A  
Department: Community & Economic Development Department  
Phone Number: (209) 577-5267  
E-mail address: [cvanempel@modestogov.com](mailto:cvanempel@modestogov.com)
- E. Current General Plan Designation(s): I, Industrial
- F. Current Zoning Classification(s): Industrial (Stanislaus County)

G. Surrounding Land Uses:

North: Industrial land, developed and undeveloped  
South: Industrial and residential development in Ceres  
East: Industrial, developed and undeveloped  
West: Industrial land

H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR (Attach additional maps/support materials as needed for complete record):

The project proponent requests rezoning to (P)M-2, Heavy Industrial, and annexation of two parcels, APNs 086.013.017 and 086.013.018, and the adjoining street rights of way totaling approximately 32.88 acres. Rezoning and annexation of the two parcels, which are currently being farmed, would allow the extension of City utilities and the development of the parcels to a higher intensity than would be possible without utilities. Figures 1 and 2 show the location of the subject site.

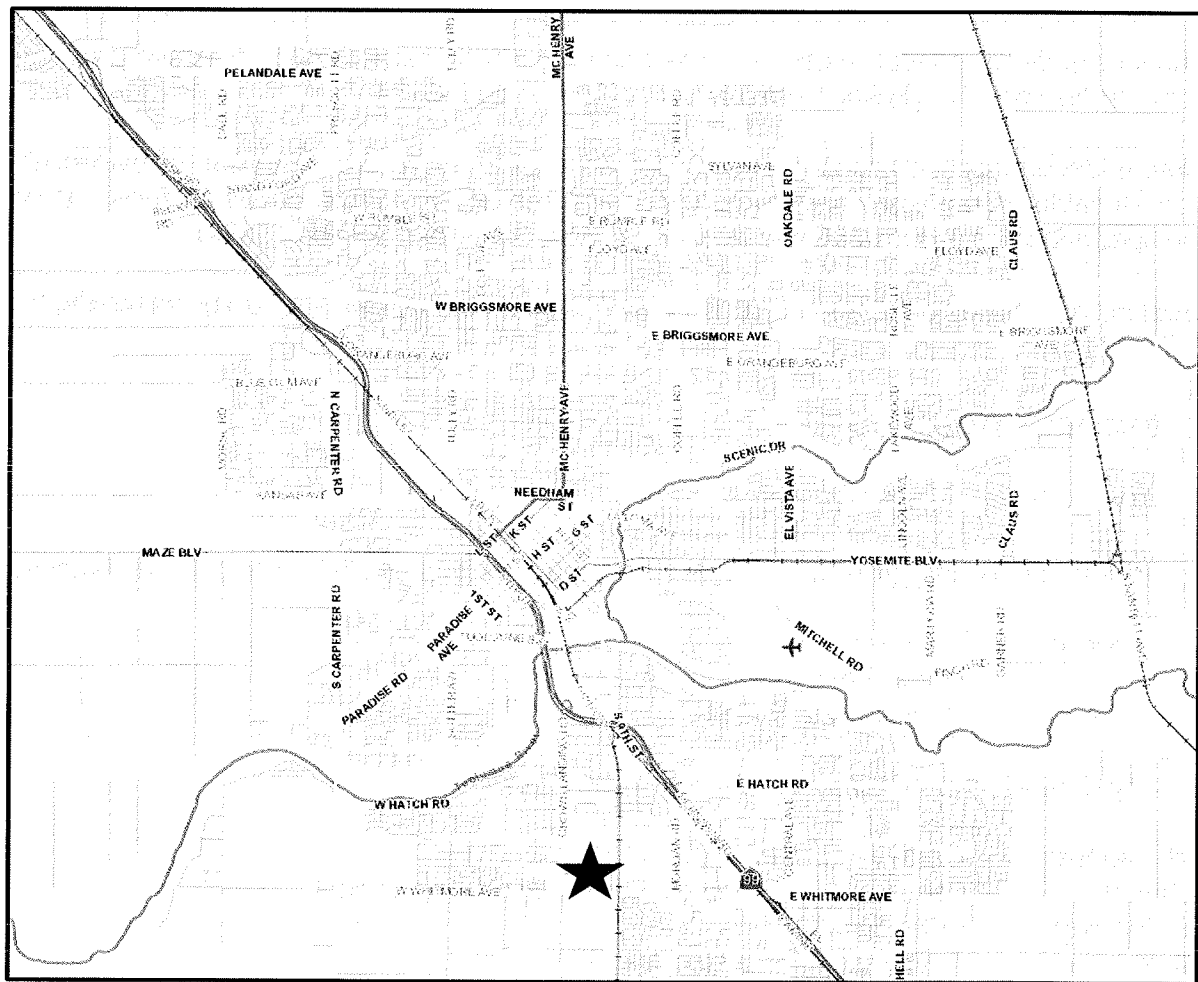
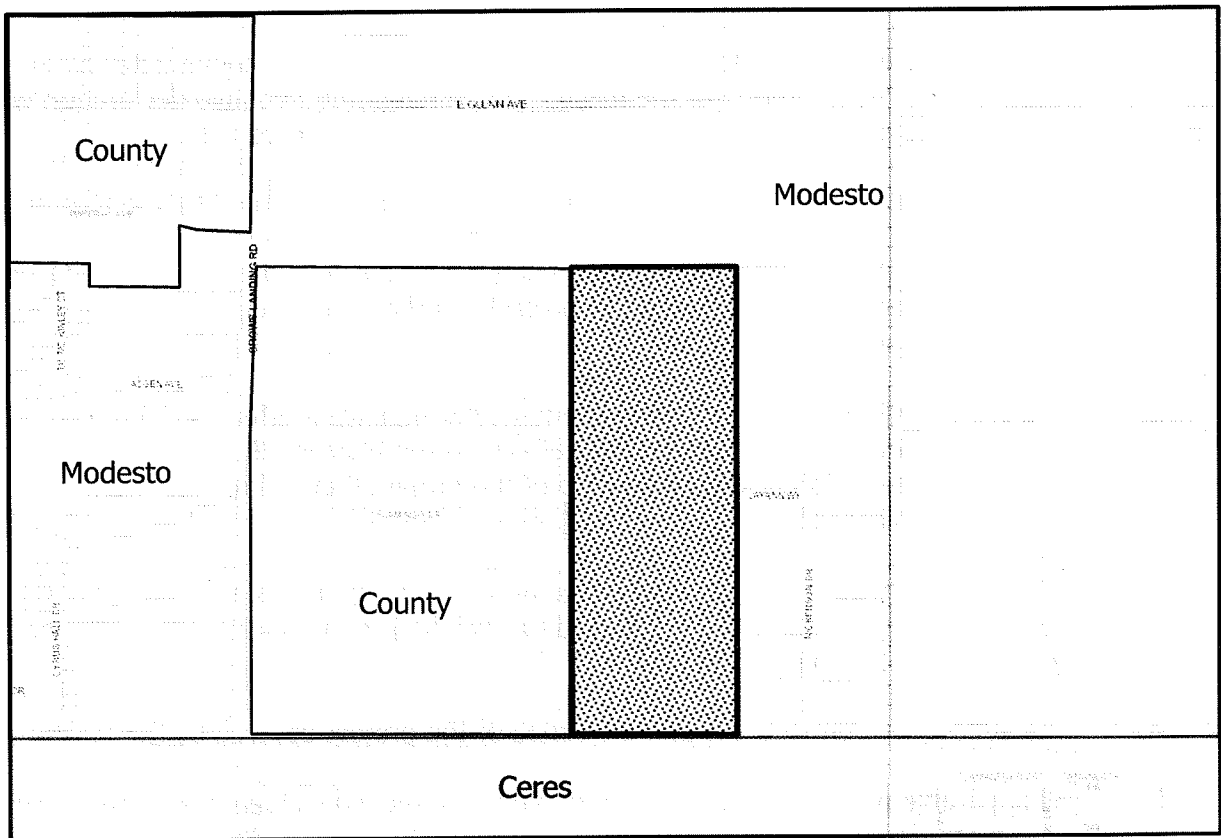


Figure 1: Vicinity Map



**Figure 2: Subject Site**

**I. Other Public Agencies Whose Approval is Required:**

Stanislaus County Local Agency Formation Commission

**III. FINDINGS / DETERMINATION (SELECT ONE ON THE BASIS OF THE ANALYSIS IN SECTION IV)**

**1. X Within the Scope** – The project is within the scope of the Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. All of the following statements are found to be true:

- A. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR;
- B. No new or additional mitigation measures or alternatives are required;
- C. The subsequent project is within the scope of the project covered by the Master EIR; and,
- D. All applicable policies, regulations, and/or mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

2. \_\_\_\_ **Mitigated Negative Declaration Required** – On the basis of the above determinations, the project is not within the scope of the Master EIR. A mitigated negative declaration will be prepared for the project. The following statements are all found to be true:

- A. The subsequent project is within the scope of the project covered by the Master EIR;
- B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project; and,
- C. The project will have one or more potential new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures are being required of the project that will reduce the effects to a less than significant level.

3. \_\_\_\_ **Focused EIR Required** – On the basis of the above determinations, the project is not within the scope of the Master EIR. A Focused EIR will be prepared for the project. All of the following statements are found to be true:

- A. The subsequent project is within the scope of the project covered by the Master EIR;
- B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project; and,
- C. The project will have one or more new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures or alternatives are required as a result.

\_\_\_\_\_  
Project Manager

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

#### 4. Within the Scope Analysis of this Document:

The Master EIR allows projects to be found within the scope of the MASTER EIR if certain criteria are met. If the following statements are found to be true for all 20 impact categories included in this Initial Study, then the proposed project is addressed by the Master EIR analysis and is within the scope of the Master EIR. Any "No" response must be discussed.

YES NO

(1)	The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.	X	<input type="checkbox"/>
(2)	City policies that reduce, avoid, or mitigate environmental effects will continue to be in effect and, therefore, would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place as "mitigating policies" attached to the Initial Study template. Project impacts would be mitigated to a less-than-significant level using the Master EIR's mitigating policies only.	X	<input type="checkbox"/>
(3)	Federal, State, regional, and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).	X	<input type="checkbox"/>
(4)	No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources.	X	<input type="checkbox"/>
(5)	The project will occur within the boundaries of the City's planning area as established in the Urban Area General Plan.	X	<input type="checkbox"/>
(6)	Implementation of the project will comply with all appropriate mitigating policies contained and enumerated in the 2019 Urban Area General Plan Master EIR.	X	<input type="checkbox"/>

#### Discussion:

- (1) The City of Modesto is the lead agency for processing annexations and prezones within the corporate limits and sphere of influence. The Stanislaus County Local Agency Formation Commission is the lead agency for determining whether the City has services adequate for future development and whether the annexation to the City of Modesto can occur.
- (2) General plan policies will be applied to the proposed development. Should LAFCo approve the annexation application, Planning Commission will have authority over subsequent future entitlements.
- (3) This project does not propose and City staff is unaware of any changes to local, State, or federal policies that would have the effect of being less restrictive than existing policies. City staff is ensuring that the development that occurs in the area is orderly and consistent with policies affecting development.
- (4) There are no known resources in the area, as disclosed in the General Plan Master EIR.
- (5) The proposed project lies within the City of Modesto's Sphere of Influence.
- (6) The proposed annexation and subsequent development will be required to comply with all relevant policies in the general plan.

## 5. Currency of the Master EIR Document

The Master EIR should be reviewed on a regular basis to determine its currency, and whether additional analysis / mitigation should be incorporated into the Master EIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed Sections 1 through 20 of this document in light of the criteria listed below to determine whether the Master EIR is current. The analyses contained within the Master EIR are current as long as the following circumstances have not changed. Any "no" response must be explained.

		YES	NO
(1)	Certification of the Urban Area General Plan Master EIR occurred less than five (5) years prior to the filing of the application for this subsequent project.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2)	The proposed project is described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(a)	No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified;	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b)	No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available; and,	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c)	Policies that require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development, remain in full force and effect.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Discussion:

- (1) The General Plan Master EIR was last certified on March 5, 2019. The analysis contained in the Master EIR is adequate for subsequent projects, as documented in the discussion below.
- (2) The project is consistent with the analysis contained in the Master EIR. This is documented in the discussion of the 20 individual evaluation topics within this initial study.
  - (2)(a) There have been no substantive changes to the Urban Area General Plan since the Master EIR was certified that would create additional significant environmental effects that were not analyzed by the Master EIR.
  - (2)(b) There has been no new information that would affect the adequacy of the analysis contained in the Master EIR.
  - (2)(c) All policies contained in the Master EIR that require site-specific mitigation or avoidance of impacts remain in effect and will be applied to the project as appropriate.

#### **IV. ENVIRONMENTAL ANALYSIS**

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, discloses whether the proposed project may cause any project-specific significant effect(s) to the environment that was not examined in the Final Master EIR for the Urban Area General Plan, and whether new or additional mitigation measures or alternatives may be required as a result. The Initial Study thereby documents whether or not the project is “within the scope” of the Master EIR.

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the Master EIR. Adoption of the findings specified in Section III.1, above, after completion of the Initial Study fulfills the City’s obligation in that situation. All environmental effects cited reflect 2040 conditions resulting from the Urban Area General Plan, as identified in the Master EIR.

The environmental impact analysis in the Master EIR for the Urban Area General Plan is organized in twenty subject / topical areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of reference, the sections are numbered in the same order as the analyses in Chapter V.

## **1. TRAFFIC AND CIRCULATION**

### **a. Significant Effects Identified in the Master EIR**

The Master EIR discloses the following residual significant and unavoidable traffic and circulation impacts expected after application of mitigating policies.

#### **Direct Impacts**

Effect: Increased automobile traffic will result in roadway segments (see Master EIR Table V-1-6, pages V-1-36 to V-1-39) operating at LOS D, Modesto's significance threshold for automobile traffic, or lower (LOS E or F).

Effect: The substantial increase in traffic relative to the existing load and capacity of the street system will cause, either individually or cumulatively, the violation of automobile service standards established by StanCOG's Congestion Management Plan for designated roads and highways.

Effect: A substantial increase in automobile vehicle miles traveled (see Master EIR Tables V-1-7 through V-1-10, pages V-1-44 through V-1-45).

#### **Cumulative Impacts**

Effect: Potential for growth inducement or acceleration of development resulting from highway and local road projects.

Effect: Substantial increase in traffic in relation to the existing traffic load and capacity of the street system, including a violation, either individually or cumulatively, of an automobile LOS standard established by the Congestion Management Plan for designated roads and highways.

Effect: Increased demand for capacity-enhancing alterations to existing roads or automobile traffic reduction.

Other impact categories affected by Traffic and Circulation are addressed throughout this Initial Study (see also: Section 2, Air Quality and Greenhouse Gas Emissions; Section 3, Generation of Noise; Section 18, Energy; Section 19, Visual Resources; and, Section 20, Land Use and Planning).

### **b. Urban Area General Plan Mitigating Policies Applied to the Project**

Traffic and Circulation-related mitigating policies pertinent to this project are found on Master EIR pages V-1-7 through V-1-30. All mitigating policies appropriate to the project, including any new measures, will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

#### Discussion:

No mitigating policies in the Master EIR will be applied to this project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.



### c. Project-Specific Effects

Section V-1.B of the Master EIR provides analysis of Traffic and Circulation impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in any new, significant, project-specific effect(s) that were not disclosed in the Master EIR.

Significance Criteria: A subsequent development project will have a new significant effect on the environment if it would exceed the following thresholds / criteria:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
<b>1. TRAFFIC AND CIRCULATION</b>				
1) The proposed project would conflict with an applicable plan, ordinance or policy (including those within the Urban Area General Plan) establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system including, but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency, for designated facilities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The proposed project would substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment), or result in inadequate emergency access.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
5) The proposed project would conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
6) The proposed project would result in projected Level of Service "D" or worse for non-exempt City of Modesto roadways, Caltrans facilities, and/or County of Stanislaus roadways.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-6) Nothing in the proposed project would increase the amount of traffic expected to occur from rezoning and annexation, nor change any element of the transportation system, nor add any hazards to the system, as compared to the evaluation conducted as part of the General Plan Master EIR. The proposal is also consistent with relevant regional plans, including the Congestion Management Plan. The project site is two miles from the nearest airport and would affect no air traffic.

## **2. AIR QUALITY AND GREENHOUSE GAS EMISSIONS**

### **a. Significant Effects Identified in the Master EIR**

The Master EIR discloses the following residual significant and unavoidable air quality impacts expected after application of mitigating policies.

#### **Direct Impacts**

Effect: Expected automobile traffic will result in increased operational emissions of reactive organic gases (ROG) and oxides of nitrogen (NO<sub>x</sub>), and increased carbon monoxide (CO) levels in the project area (see Master EIR Tables V-2-4 through V-2-6, pages V-2-40 through V-2-41).

Effect: Expected construction and development activities could result in increased emissions of particulate matter 10 microns or less (PM<sub>10</sub>) and 2.5 microns or less in diameter (PM<sub>2.5</sub>) (see Master EIR page V-2-31, "2. Significant Direct Impacts").

#### **Cumulative Impacts**

The Master EIR indicates the same impacts identified as direct impacts above will contribute to regional impacts on air quality for the criteria pollutants ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>.

### **b. Urban Area General Plan Mitigating Policies Applied to the Project**

Air quality-related mitigating policies that are relevant to the proposed project are found on pages V-2-8 through V-2-29 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

#### Discussion:

No mitigating policies in the Master EIR will be applied to this project, although some policies will be applied to future development. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

### **c. Project-Specific Effects**

Section V-2.B of the Master EIR is the analysis of air quality impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
<b>2. AIR QUALITY AND GREENHOUSE GAS EMISSIONS</b>				
1) The proposed project would be inconsistent with the air quality and greenhouse gas emissions policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would conflict with or obstruct implementation of the applicable air quality plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would violate any air quality standard or contribute substantially to existing or projected violation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The proposed project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
5) The proposed project would expose sensitive receptors to substantial pollutant concentrations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
6) The proposed project would create objectionable odors affecting a substantial number of people.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
7) The proposed project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
8) The proposed project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emission of greenhouse gases.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-8) The proposed project is consistent with development that is anticipated in the General Plan Master EIR. Rezoning to (P)M-2 and annexation are administrative activities that will result in no direct physical impacts. The proposed project does not conflict with an air quality plan nor impair the attainment of air quality goals. Odors anticipated to occur as a result of future development would be consistent with residential development throughout the area.

### **3. GENERATION OF NOISE AND VIBRATION**

#### **a. Significant Effects Identified in the Master EIR**

The Master EIR discloses the following residual significant and unavoidable noise and vibration impacts expected after application of mitigating policies.

##### **Direct Impacts**

Effect: Future automobile traffic noise levels and roadway construction and maintenance activities resulting from development consistent with the Urban Area General Plan will exceed the City's noise thresholds at various locations, but particularly in areas adjacent to heavily traveled roadways (see Master EIR Table V-3-9, pages V-3-28 through V-3-31).

Effect: New noise-generating land uses could produce noise levels that would exceed the City's noise thresholds of acceptability at sensitive receptors in the vicinity.

Effect: Construction noise would cause a temporary or periodic increase in noise exposure above ambient noise levels.

Effect: Demolition and construction activities may expose people to excessive vibration levels.

##### **Cumulative Impacts**

Effect: Traffic from development in the City of Modesto would, when combined with traffic from new development in the County and other cities, contribute to a cumulative increase in roadside noise levels on major roads and highways throughout Stanislaus County.

#### **b. Urban Area General Plan Mitigating Policies Applied to the Project**

Noise policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-3-18 through V-3-24 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

##### Discussion:

No mitigating policies in the Master EIR will be applied to this project, although some policies will be applied to future development. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

#### **c. Project-Specific Effects**

Section V-3.B of the Master EIR discloses noise impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of the proposed project's effects are based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
<b>3. NOISE AND VIBRATION</b>				
1) The proposed project is inconsistent with Urban Area General Plan noise and vibration policies and standards.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would generate excessive ground-borne noise and/or vibration levels.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would result in a permanent increase of 3 dBA where any other noise threshold or standard would be exceeded, and/or 5 dBA where noise levels would otherwise fall within acceptable limits, in ambient noise levels in the project vicinity above levels existing without the project.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The proposed project would result in a substantial temporary or periodic increase in ambient noise levels existing without the project.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
5) For a project located within an airport land use plan, or where such a plan has not been adopted, within two (2) miles of a public airport or public use airport, the proposed project would result in exposure of people residing or working in the project area to excessive noise levels.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
6) For a project within the vicinity of a private airstrip, the proposed project would expose people residing or working in the project area to excessive noise levels.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
7) For new residential development within 200 feet of active rail lines, the proposed project would result in noise levels generated during train passbys that exceed 50 dBA L <sub>max</sub> inside bedrooms or 55 dBA L <sub>max</sub> inside other occupied areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-7) The proposed project consists of a prezone to (P)M-2 and annexation. These are administrative activities that will have no physical impacts and generate no noise. Future development will be subject to City noise policies.

## **4. EFFECTS ON AGRICULTURAL LANDS**

### **a. Significant Effects Identified in the Master EIR**

The Master EIR discloses the following residual significant and unavoidable impacts on agricultural lands expected after application of mitigating policies.

#### **Direct Impacts**

Effect: Development consistent with the Urban Area General Plan may convert up to approximately 10,500 acres of farmland in various categories in the Planned Urbanizing Area to urban uses.

Effect: Approximately 1,100 acres of urban development along a 350-foot wide 26-mile boundary between urban and agricultural uses could be affected by continued agricultural operations, including noise, dust, and chemical overspray or drift.

#### **Cumulative Impacts**

Effect: Growth within Modesto's planning area would contribute considerably to the loss of agricultural land within Stanislaus County, accounting for the conversion of as much as approximately 10,500 acres of farmland in various categories in the Planned Urbanizing Area to 2040.

### **b. Urban Area General Plan Mitigating Policies Pertinent to the Project**

Agricultural land-related mitigating policies pertinent to the proposed project are found on pages V-4-4 to and V-4-8 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

#### Discussion:

None of the mitigating policies in the General Plan Master EIR will be applied to this project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

### **c. Project-Specific Effects**

Section V-4.B of the Master EIR discloses the impacts resulting from the implementation of the Urban Area General Plan on agricultural lands. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect(s) not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
<b>4. EFFECTS ON AGRICULTURAL RESOURCES</b>				
1) The proposed project would be inconsistent with the Urban Area General Plan policies relating to agricultural resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would convert areas of Prime Farmland, Unique Farmland or Farmland of Statewide Importance to non-agricultural uses, impair the agricultural productivity of prime agricultural land, or result in substantial pesticide overspray, dust, or noise at urban uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would conflict with existing zoning for agricultural use, or with a Williamson Act contract.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The proposed project would conflict with existing zoning for, or cause rezoning of, forest land or timberland.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
5) The proposed project would result in the loss of forest land or conversion of forest land to non-forest use.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
6) The proposed project would involve other changes to the environment that could result in conversion of farmland or forest land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-6) The subject site is identified by the State of California as Prime Farmland. The site lies within the Baseline Developed Area, as described in the General Plan. The General Plan Master EIR indicates there is no significant impact on farmland conversion in the Baseline Developed Area. There are no Williamson Act contracts on the property and the proposal is consistent with the land use designation of I, Industrial. Therefore, no significant impact is expected and no mitigation will be applied.



## **5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES**

### **a. Significant Effects Identified in the Master EIR**

The Master EIR discloses the following residual significant and unavoidable impacts on long-term water supplies expected after application of mitigating policies.

#### **Direct Impacts**

Effect: Implementation of the Urban Area General Plan could substantially deplete groundwater supply or interfere with recharge.

Effect: Implementation of the Urban Area General Plan could necessitate construction of new water treatment facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects.

Effect: Implementation of the Urban Area General Plan could necessitate expansion of existing water supply entitlements.

#### **Cumulative Impacts**

Effect: Groundwater withdrawals from both subbasins by the City, when combined with other users' withdrawals, may result in overdrafting.

Effect: Cumulative impacts resulting from construction of new water treatment facilities, or expansion of existing facilities, could cause significant environmental effects.

### **b. Urban Area General Plan Mitigating Policies Applied to the Project**

Water supply-related mitigating policies pertinent to the proposed project are found on pages V-5-11 through V-5-16 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

#### Discussion:

None of the mitigating policies in the General Plan Master EIR will be applied to this project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

### **c. Project-Specific Effects**

Section V-5.B of the Master EIR discloses impacts on long-term water supplies resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
<b>5. EFFECTS RELATIVE TO INCREASED DEMAND FOR LONG TERM WATER SUPPLIES</b>				
1) The proposed project is inconsistent with the Urban Area General Plan policies relating to water supply.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would substantially deplete groundwater supply, interfere with groundwater recharge, result in water demand exceeds the capacity for recharge or that would contribute to overdraft of the groundwater basins.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The proposed project would exceed existing water supply entitlements or require expansion of entitlements.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-3) Prezoning and annexing the subject site will have no direct impact on water supply, but facilitate the delivery of municipal water to the site. There is a water main adjacent to the site in Whitmore Avenue and another water main in Flamingo Drive terminates at Lodi Avenue. The Turlock Irrigation District was provided the opportunity to comment, but offered no mitigation measures. No impact on water supply is expected to occur as a result of prezoning to (P)M-2 and annexation. Another opportunity to comment will be provided at the time development is proposed.

## **6. INCREASED DEMAND FOR SANITARY SEWER SERVICES**

### **a. Significant Effects Identified in the Master EIR**

The Master EIR discloses the following residual significant and unavoidable impacts on sanitary sewer services after application of mitigating policies.

#### **Direct Impacts**

Effect: Development resulting from implementation of the Urban Area General Plan may result in exceedance of wastewater treatment requirements of the Central Valley RWQCB.

Effect: Development resulting from implementation of the Urban Area General Plan may require or result in construction of new wastewater facilities, or the expansion of existing facilities, that could cause significant effects.

Effect: Development resulting from implementation of the Urban Area General Plan may result in a finding that the wastewater treatment facilities do not have adequate capacity to serve the projected demand in addition to the provider's existing commitments.

#### **Cumulative Impacts**

Effect: Development resulting from implementation of the Urban Area General Plan may result in cumulative effects similar to those described under "direct Impacts," above.

### **b. Urban Area General Plan Mitigating Policies Applied to the Project**

Sewer service-related mitigating policies that are relevant to the proposed project are found on pages V-6-3 through V-6-7 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

#### Discussion:

None of the mitigating policies in the General Plan Master EIR will be applied to this project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

### **c. Project-Specific Effects**

Section V-6.B of the Master EIR discloses impacts on the Increased Demand for Sanitary Sewer Service resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
<b>6. INCREASED DEMAND FOR SANITARY SEWER SERVICES</b>				
1) The proposed project is inconsistent with wastewater policies in the Urban Area General Plan, or would exceed wastewater treatment requirements of the Central Valley RWQCB.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would require or result in the construction of new wastewater facilities or the expansion of existing facilities, beyond those identified improvements needed to serve the proposed project, which would cause significant effects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would result in a finding that the wastewater treatment facilities do not have adequate capacity to serve the proposed project's projected demand in addition to the provider's existing commitments.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-3) The proposed project is consistent with the wastewater policies contained in the General Plan and the City of Modesto has adequate capacity to provide service to the project site without need to expand major facilities.

There is an existing sewer line in Lodi Avenue available to serve the site, which should be adequate. At the time of development, the City will evaluate whether a change will be required. No major facilities will be required to be expanded or constructed for this project, and no impacts are expected to occur that are greater than those anticipated in the General Plan Master EIR.

## **7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT**

### **a. Significant Effects Identified in the Master EIR**

The Master EIR discloses the following residual significant and unavoidable impacts on sensitive wildlife and plant habitat expected after application of mitigating policies.

#### **Direct Impacts**

Effect: No residual significant impacts on sensitive wildlife and plant habitat are expected to occur with the application of the policies contained in the Urban Area General Plan.

#### **Cumulative Impacts**

Effect: Implementation of the Urban Area General Plan will contribute to the cumulative impact of habitat loss in the San Joaquin Valley. Requiring increased density / intensity for new development than has occurred in the past, or that is expected in the future, would minimize the City's contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.

### **b. Urban Area General Plan Mitigating Policies Applied to the Project**

Wildlife and plant habitat-related mitigating policies that are pertinent to the proposed project are found on pages V-7-18 through V-7-25 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

#### Discussion:

None of the mitigating policies in the General Plan Master EIR will be applied to this project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

### **c. Project-Specific Effects**

Section V-7.B of the Master EIR discloses impacts on the Loss of Sensitive Wildlife and Plant Habitat resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
<b>7. LOSS OF PLANT AND WILDLIFE HABITAT</b>				
1) The proposed project is inconsistent with the Urban Area General Plan policies related to loss of sensitive plant and wildlife habitat.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special-status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife service.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife service.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The proposed project would have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption or other means.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
5) The proposed project would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
6) The proposed project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
7) The proposed project would conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-7) The project, which is a prezone and annexation, will not affect any wildlife, wildlife habitat, or wetlands is consistent with General Plan policies relating to wildlife and habitat. The site is not a wildlife corridor, nor does the City of Modesto have any ordinance protecting native trees, and there is no habitat conservation plan or other conservation plan that affects the project site.

Further environmental review will be conducted at the time a specific development proposal is received, in order to ensure that policies applied are current and relevant.

## **8. DISTURBANCE OF ARCHAEOLOGICAL / HISTORICAL SITES**

### **a. Significant Effects Identified in the Master EIR**

The Master EIR discloses the following residual significant and unavoidable impacts on archaeological / historical sites expected after application of mitigating policies.

#### **Direct Impacts**

Effect: Modification resulting in a substantial adverse change in the significance of a historically relevant resource, or the demolition of a listed or eligible historically relevant resource.

#### **Cumulative Impacts**

Effect: No additional cumulative impacts were disclosed in the Master EIR. The Direct impact described above could also result in a significant cumulative impact.

### **b. Urban Area General Plan Mitigating Policies Applied to the Project**

Archaeological or historic resource-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on page V-8-16 through V-8-25 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

#### Discussion:

None of the mitigating policies in the General Plan will be applied to this project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

### **c. Project-Specific Effects**

Section V-8.B of the Master EIR discloses impacts on archaeological / historical resources resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in any new, significant, project-specific effect(s) not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:



	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
<b>8. ARCHAEOLOGICAL / HISTORICAL SITES</b>				
1) The proposed project is inconsistent with the Urban Area General Plan archaeological / historical resource policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would result in a modification that would result in a substantial adverse change in the significance of the resource or demolition of a listed or eligible historic resource.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would have an adverse effect on any structure more than 50 years old that has been determined to have historical significance per policy AH-8 as shown in the Master EIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The proposed project would involve the removal of known significant resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
5) The proposed project would result in an adverse impact to undiscovered archaeological and/or paleontological resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
6) The proposed project would cause a substantial adverse change to a tribal cultural resource, as defined by State law, that is listed (or is eligible for listing) in the California Register of Historical Resources (or a local register of historical resources), or that otherwise has potential significance to a California Native American Tribe, including human remains.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-6) There are no known historic or archaeological resources on or anywhere near the project site. No discoveries are expected and no impacts are expected occur. The project, which is a prezone to (P)M-2 and annexation, would have no physical impact. No impacts are expected to occur and no mitigation will be required.

## **9. INCREASED DEMAND FOR STORM DRAINAGE**

### **a. Significant Effects Identified in the Master EIR**

The Master EIR discloses the following residual significant and unavoidable impacts on storm drainage expected after application of mitigating policies.

#### **Direct Impacts**

Effect: No residual significant direct impacts were disclosed in the Master EIR.

#### **Cumulative Impacts**

Effect: Existing drainage inadequacies, combined with the associated increase in impervious surface areas created by pavement and structures, have the potential to increase the rate or amount of runoff in a manner that could result in flooding in the urban area. Cumulative hydrologic impacts of storm water flows from Modesto's urban areas and other areas of the County could occur due to the fixed capacity of MID and TID irrigation canals to convey drainage west to the San Joaquin River. If drainage channels in some areas prove insufficient to handle the increased drainage discharges, existing storm water runoff from urban and agricultural areas during large storm events would have to be interrupted until water levels receded to a point allowing the resumption of discharges to the channel. Ceasing discharges to drainage channels could cause inundation in and around the drainage conveyance pipeline systems, surface drainage channels, detention basins, and other urban areas. This cumulative impact is considered significant and unavoidable.

### **b. Urban Area General Plan Mitigating Policies Applied to the Project**

Storm Drainage-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-8. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

#### Discussion:

No mitigating policies in the General Plan will be applied to the proposed project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

### **c. Project-Specific Effects**

Section V-9.B of the MASTER EIR discloses impacts on the demand for storm drainage resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
<b>9. INCREASED DEMAND FOR STORM DRAINAGE</b>				
1) The proposed project is inconsistent with the Urban Area General Plan storm drainage policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would substantially increase the rate or amount of surface runoff in a manner that would result in on- or off-site flooding.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would create or contribute runoff water that would exceed the capacity of existing or planned storm drainage systems or provide substantial additional sources of polluted runoff.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-3) This area of the County does not have a positive storm drainage system and the City does not have facilities that could reasonably be extended to provide offsite storm drainage for this property. Future development proposal will be evaluated to determine consistency with General Plan policies that require on-site retention of storm water.

## **10. FLOODING AND WATER QUALITY**

### **a. Significant Effects Identified in the Master EIR**

The Master EIR discloses the following residual significant and unavoidable impacts on flooding and water quality expected after application of mitigating policies.

#### **Direct Impacts**

Effect: No residual significant direct impacts were disclosed in the Master EIR.

#### **Cumulative Impacts**

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

### **b. Urban Area General Plan Mitigating Policies Applied to the Project**

Flooding and Water Quality-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-10-7 through V-10-10 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

#### Discussion:

No mitigating policies in the General Plan will be applied to the proposed project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

### **c. Project-Specific Effects**

Section V-10.B of the Master EIR provides analysis of Flooding and Water Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
<b>10. FLOODING AND WATER QUALITY</b>				
1) The proposed project is inconsistent with the flooding and water quality policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would place housing within a 100-year flood hazard area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would place structures within a 100-year floodplain as defined by FEMA.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The proposed project would expose people or structures to a significant risk of loss, injury or death including flooding as a result of the failure of a levee or dam.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
5) The proposed project would substantially alter the existing drainage pattern of the site or area or the course of a stream or river that would result in flooding onsite or offsite.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
6) The proposed project would violate water quality standards, including groundwater standards administered by the SWRCB's DDW, standards for surface water quality such as the NPDES or waste discharge requirements.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
7) The proposed project would substantially alter the existing drainage pattern of the site or area or the course of a stream or river in a manner that would result in substantial erosion or siltation onsite or offsite.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
8) The proposed project would create or contribute runoff water that would provide substantial additional sources of polluted runoff or substantially increase the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

- (1-8) The project site does not lie within or near a 100-year flood zone or near any dam. Flooding risk associated with dam failure is similar on the project site to all areas within the City of Modesto. Development will be required to be consistent with the terms of the City's Stormwater Pollution Prevention Program. Runoff will be required to be controlled on site and treated if it is to be moved off site. No impacts are anticipated to occur, although specific environmental review will be required for a future development proposal.

## **11. INCREASED DEMAND FOR PARKS AND OPEN SPACE**

### **a. Significant Effects Identified in the Master EIR**

The Master EIR discloses the following residual significant and unavoidable impacts on parks and open space expected after application of mitigating policies.

#### **Direct Impacts**

Effect: No residual significant direct impacts were disclosed in the Master EIR.

#### **Cumulative Impacts**

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

### **b. Urban Area General Plan Mitigating Policies Applied to the Project**

Parks and open space-related mitigating policies that are pertinent to the proposed project are found on pages V-11-2 through V-11-8 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

#### Discussion:

No mitigating policies in the General Plan will be applied to the proposed project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

### **c. Project-Specific Effects**

Section V-11.B of the MASTER EIR discloses impacts of the Urban Area General Plan on parks and open space. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
<b>11. INCREASED DEMAND FOR PARKS AND OPEN SPACE</b>				
1) The proposed project is inconsistent with the Urban Area General Plan parks and open space policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would eliminate parks or open space.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would not provide at least three (3) total acres of parkland and open space per 1,000 people (one acre for neighborhood park facilities; two acres for community park facilities).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-3) The proposed project consists of a prezone to (P)M-2 and annexation. None of these activities is anticipated to result in physical impacts. Additional environmental review will be required to evaluate a future, specific development proposal.

## **12. INCREASED DEMAND FOR SCHOOLS**

### **a. Significant Effects Identified in the Master EIR**

The Master EIR discloses the following residual significant and unavoidable impacts on school facilities expected after application of mitigating policies.

#### **Direct Impacts**

Effect: No residual significant direct impacts were disclosed in the Master EIR. By statute, the impact of new students is considered to be mitigated below a level of significance by payment of school impact fees and the exercise of any or all of the financing options set out in Government Code Section 65997.

#### **Cumulative Impacts**

Effect: Similar to direct impacts resulting from implementation of the Urban Area General Plan, no residual significant direct impacts were disclosed in the Master EIR.

### **b. Urban Area General Plan Mitigating Policies Applied to the Project**

Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. As long these policies are applied to all subsequent projects, no new mitigation is necessary. Further, payment of school impact fees and compliance with SB 50 is statutorily deemed to be full mitigation of school impacts (Government Code Section 65995).

Schools-related mitigating policies that are relevant to the proposed project can be found on pages V-12-3 through V-12-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

#### Discussion:

No mitigating policies in the General Plan will be applied to the proposed project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

### **c. Project-Specific Effects**

Section V-12.B of the Master EIR discloses impacts resulting from implementation of the Urban Area General Plan associated with increased demand for schools. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:



	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
<b>12. INCREASED DEMAND FOR SCHOOLS</b>				
1) The proposed project is inconsistent with Urban Area General Plan school policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would result in new student population that exceeds the school system capacity, or if the project conflicts with established educational uses of the area, except to the limits established under SB50 / Proposition 1A as subsequently amended.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-2) Future development of the project site, which would be facilitated by the requested entitlements, is consistent with the expected use of the site, as described in the General Plan. Ceres Unified School District had no comments on the project. There will be another opportunity to comment on the project when development is proposed. School impact fees will be assessed at the time building permits are applied for and no impacts greater than those anticipated in the General Plan Master EIR are expected.

### **13. INCREASED DEMAND FOR POLICE SERVICES**

#### **a. Significant Effects Identified in the Master EIR**

The Master EIR discloses the following residual significant and unavoidable impacts on police services expected after application of mitigating policies.

##### **Direct Impacts**

Effect: No residual significant direct impacts were disclosed in the Master EIR.

##### **Cumulative Impacts**

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

#### **b. Urban Area General Plan Mitigating Policies Applied to the Project**

Police services-related mitigating policies that are pertinent to the proposed project are found on pages V-13-2 through V-13-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

##### Discussion:

No mitigating policies in the General Plan will be applied to the proposed project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

#### **c. Project-Specific Effects**

Section V-13.B of the Master EIR discloses impacts on police services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	<b>Potentially Significant Impact</b>	<b>Less Than Significant w/Mitigating Policies</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>13. INCREASED DEMAND FOR POLICE SERVICES</b>				
1) The proposed project is inconsistent with Urban Area General Plan policies relating to police service.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would result in development occurring in an area(s) that cannot be adequately served by existing or budgeted police personnel and facilities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-2) Annexation to the City of Modesto would change the first-responding police department from the Stanislaus County Sheriff's Department to the Modesto Police Department. Modesto Police Department had no comments on the proposed project, and no impacts greater than those anticipated in the General Plan Master EIR are expected to occur. The Police Department will have additional opportunities to comment when development is proposed.

## **14. INCREASED DEMAND FOR FIRE SERVICES**

### **a. Significant Effects Identified in the Master EIR**

The Master EIR discloses the following residual significant and unavoidable impacts on fire services expected after application of mitigating policies.

#### **Direct Impacts**

Effect: No residual significant direct impacts were disclosed in the Master EIR.

#### **Cumulative Impacts**

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

### **b. Urban Area General Plan Mitigating Policies Applied to the Project**

Fire Services-related mitigating policies pertinent to the project being analyzed in this Initial Study are found on pages V-14-3 through V-14-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

#### Discussion:

No mitigating policies in the General Plan will be applied to the proposed project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

### **c. Project-Specific Effects**

Section V-14.B of the Master EIR discloses impacts on fire services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
<b>14. INCREASED DEMAND FOR FIRE SERVICES</b>				
1) The proposed project is inconsistent with Urban Area General Plan policies relating to fire service.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would result in any substantial adverse impact(s) associated with the need for – and/or provision of – new or physically altered fire service facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable response times.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-2) The subject site is served by the Industrial Fire Protection District, which would continue to serve the site following annexation. Modesto Fire Department had no comments on the proposed project, and no impacts greater than those anticipated in the General Plan Master EIR are expected to occur. The Fire Department will have another opportunity to comment when development is proposed.

## **15. GENERATION OF SOLID WASTE**

### **a. Significant Effects Identified in the Master EIR**

The Master EIR discloses the following residual significant and unavoidable impacts on solid waste expected after application of mitigating policies.

#### **Direct Impacts**

Effect: No residual significant direct impacts were disclosed in the Master EIR.

#### **Cumulative Impacts**

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

### **b. Urban Area General Plan Mitigating Policies Applied to the Project**

Solid waste-related mitigating policies that are pertinent to the proposed project are found on pages V-15-4 through V-15-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

#### Discussion:

No mitigating policies in the General Plan will be applied to the proposed project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

### **c. Project-Specific Effects**

Section V-15.B of the Master EIR discloses solid waste impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
<b>15. GENERATION OF SOLID WASTE</b>				
1) The project is inconsistent with the solid waste policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The project would result in solid waste generation that exceeds the projected capacity of existing landfills and waste-reduction facilities, or if it would result in non-compliance with any federal, state or local statutes or regulations related to solid waste.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-2) Impacts on solid waste collection and disposal resulting from the proposed project are expected to be similar in scope and scale to impacts resulting from other residential areas throughout the City of Modesto. There is currently adequate landfill capacity to handle household waste.

## **16. GENERATION OF HAZARDOUS MATERIALS**

### **a. Significant Effects Identified in the Master EIR**

The Master EIR discloses the following residual significant and unavoidable impacts regarding hazardous materials expected after application of mitigating policies.

#### **Direct Impacts**

Effect: No residual significant direct impacts were disclosed in the Master EIR.

#### **Cumulative Impacts**

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

### **b. Urban Area General Plan Mitigating Policies Applied to the Project**

Hazardous materials-related mitigating policies that are pertinent to the proposed project are found on pages V-16-5 through V-16-10 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

#### Discussion:

No mitigating policies in the General Plan will be applied to the proposed project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

### **c. Project-Specific Effects**

Section V-16.B of the Master EIR discloses impacts on hazardous materials resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:



	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
<b>16. HAZARDS AND HAZARDOUS MATERIALS</b>				
1) The proposed project is inconsistent with the Urban Area General Plan hazards and hazardous materials policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials, or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would result in hazardous materials emissions or handle hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The proposed project would be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or environment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two (2) miles of a public airport or public use airport, would result in a safety hazard for people residing or working in the project area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
6) For a project within the vicinity of a private airstrip, a safety hazard would result for people residing or working in the project area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
7) The proposed project would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
8) The proposed project would expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-4) The project site is not on the State's list of known hazardous sites. The proposed prezone to (P)M-2 has the potential to introduce hazardous materials to the site, but it is unknown at this time what kind of development will occur. When a development proposal occurs, it will be evaluated to determine whether hazardous materials policies will be applied to it.

- (5) The project site is approximately two miles from the nearest airport and lies outside airport safety zones. The risks associated with airport proximity would not be expected to occur at this site.
- (7-8) There are no known hazards on the site that are different from or greater than hazards that occur elsewhere throughout Modesto on similar sites. No impact on the City's emergency response or evacuation plans would result from the proposed project or from eventual development on the site.

## **17. GEOLOGY, SOILS, AND MINERAL RESOURCES**

### **a. Significant Effects Identified in the Master EIR**

The Master EIR discloses the following residual significant and unavoidable impacts related to geology, soils, and mineral resources expected after application of mitigating policies.

#### **Direct Impacts**

Effect: No residual significant direct impacts were disclosed in the Master EIR.

#### **Cumulative Impacts**

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

### **b. Urban Area General Plan Mitigating Policies Applied to the Project**

Geology, soils, and mineral resource-related mitigating policies that are pertinent to the proposed project are found on pages V-17-7 through V-17-10 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

#### Discussion:

No mitigating policies in the General Plan will be applied to the proposed project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

### **c. Project-Specific Effects**

Section V-17.B of the Master EIR discloses geology, soils, and mineral resource impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
<b>17. GEOLOGY, SOILS, AND MINERAL RESOURCES</b>				
1) The project is inconsistent with policies relating to geology, soils, and mineral resources contained in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would expose people or structures to potential substantial adverse effects including: the risk of loss, injury, or death involving fault rupture, strong seismic activity; location on an expansive soil; loss of topsoil; or, result in the loss of availability of known mineral resources that would be of value to the region and the state.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-2) The proposed project consists of administrative activities, including a prezone to (P)M-2 and annexation. Neither of these actions will have a physical impact on the environment and no impacts are expected to occur.

## **18. ENERGY**

### **a. Significant Effects Identified in the Master EIR**

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to energy expected after application of mitigating policies.

#### **Direct Impacts**

Effect: No residual significant direct impacts were disclosed in the Master EIR.

#### **Cumulative Impacts**

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

### **b. Urban Area General Plan Mitigating Policies Applied to the Project**

The following energy-related mitigating policies that are pertinent to the proposed project are found on pages V-18-2 and V-18-3 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

#### Discussion:

No mitigating policies in the General Plan will be applied to the proposed project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

### **c. Project-Specific Effects**

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	<b>Potentially Significant Impact</b>	<b>Less Than Significant w/Mitigating Policies</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>18. ENERGY</b>				
1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would result in energy consumption during construction, operation, maintenance, or removal that is more wasteful, inefficient, and unnecessary than assumed in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-2) The proposed prezone to (P)M-2 and annexation are administrative in nature and would result in no impacts on the type of development expected to occur on the site in the General Plan Master EIR analysis. When a specific development proposal is received by the City, it will be evaluated to determine whether it is consistent with General Plan policies in effect at that time.

## **19. EFFECTS ON VISUAL RESOURCES**

### **a. Significant Effects Identified in the Master EIR**

The Master EIR discloses the following residual significant and unavoidable impacts on visual resources expected after application of mitigating policies.

#### **Direct Impacts**

Effect: No residual significant direct impacts were disclosed in the Master EIR.

#### **Cumulative Impacts**

Effect: No additional cumulative impacts were disclosed in the Master EIR.

### **b. Urban Area General Plan Mitigating Policies Applied to the Project**

The following visual resources-related mitigating policies pertinent to the proposed project are found on pages V-19-2 and V-19-3 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

#### Discussion:

No mitigating policies in the General Plan will be applied to the proposed project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

### **c. Project-Specific Effects**

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on visual resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
<b>19. VISUAL RESOURCES</b>				
1) The proposed project is inconsistent with the Urban Area General Plan visual resource policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would have a substantial adverse effect on a scenic vista.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would substantially damage scenic resources, including trees, rock outcrops, and/or historic buildings along a state scenic highway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The proposed project would substantially degrade the existing visual character or quality of the site and its surroundings.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
5) The proposed project would create a new source of substantial light or glare that would adversely affect daytime or nighttime views.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
6) The proposed project would substantially degrade views from riverside areas and parks.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
7) The proposed project would substantially degrade views of riverside areas from public roadways and/or nearby properties.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-7) The proposed project consists of administrative activities that will facilitate urban development on the project site, but is not expected to result in physical impacts. The future specific development application will be further evaluated to determine whether it will be consistent with General Plan policies. However, the project site is not a scenic area, nor is it near a scenic area and it there are no views on or off site that are considered to be of scenic value.



## **20. LAND USE AND PLANNING**

### **a. Significant Effects Identified in the Master EIR**

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to land use and planning expected after application of mitigating policies.

#### **Direct Impacts**

Effect: No residual significant direct impacts were disclosed in the Master EIR.

#### **Cumulative Impacts**

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

### **b. Master EIR and/or New Mitigation Measures Applied to the Project**

The following land use and planning-related mitigating policies pertinent to the proposed project are found on pages V-20-5 through V-20-12 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

#### Discussion:

No mitigating policies in the General Plan will be applied to the proposed project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

### **c. Project-Specific Effects**

Section V-20.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on land use and planning. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
<b>20. LAND USE AND PLANNING</b>				
1) The proposed project is inconsistent the Urban Area General Plan land use and planning policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project conflicts with a land use plan, policy or regulation established for the purpose of avoiding or mitigating an environmental impact by an agency that has jurisdiction over the proposed project.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-4) The project site lies within an industrialized area at the southern edge of Modesto. Directly across Whitmore Avenue in Ceres is an established industrial area. To the east of that area and about 700 feet southeast of the project site is an established neighborhood. Existing industrial development lies north and west of this residential area, so annexation and development of the project site will be consistent with the industrial development residents are familiar with. The proposal to prezone the subject site to (P)M-2 is consistent with the General Plan land use designation of I, Industrial. There is no habitat conservation plan or natural community conservation plan on the site or in the vicinity that would be affected by the proposed rezone and annexation. No impacts are expected and no mitigation measures will be applied to the project. Additional environmental review of a future specific development proposal will be required prior to development.

## **V. APPLICABLE URBAN AREA GENERAL PLAN MITIGATING POLICIES**

If the Initial Study results in the determination that a Finding of Conformance can be adopted for the proposed project, then Section A, below, applies. If the Initial Study results in the determination that a Finding of Conformance cannot be adopted and a Mitigated Negative Declaration or Focused EIR must be prepared for the project, then Section B, below, applies.

### **A. Urban Area General Plan Mitigating Policies Applied to the Project**

Pursuant to Public Resources Code Section 21157.1(c), in order for a Finding of Conformance to be made, all appropriate mitigating policies from the Master EIR shall be incorporated into the proposed project. Urban Area General Plan Policies that mitigate impacts shall be made part of the proposed project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan. All applicable and appropriate mitigating policies have been applied to the project (listed below).

### **B. New or Additional Mitigation Measures or Alternatives Required**

Where the project's effects would exceed the significance criteria for each environmental impact category, a mitigated negative declaration or Focused EIR must be prepared. Staff has reviewed the project against the significance criteria thresholds established in the Master EIR for all impact categories in this Initial Study.

A Mitigated Negative Declaration or Focused EIR shall be prepared for the project. The following additional project-specific mitigation measures listed below are necessary to reduce the identified new significant effect:

#### **Traffic and Circulation:**

None.

#### **Air Quality and Greenhouse Gases:**

None.

#### **Generation of Noise and Vibration:**

None.

#### **Effects on Agricultural Lands:**

None.

#### **Increased Demand for Long-Term Water Supplies:**

None.

**Increased Demand for Sanitary Sewer Services:**

None.

**Loss of Sensitive Wildlife and Plant Habitat:**

None.

**Disturbance of Archaeological / Historic Sites:**

None.

**Increased Demand for Storm Drainage:**

None.

**Flooding and Water Quality:**

None.

**Increased Demand for Parks and Open Space:**

None.

**Increased Demand for Schools:**

None.

**Increased Demand for Police Services:**

None.

**Increased Demand for Fire Services:**

None.

**Generation of Solid Waste:**

None.

**Generation of Hazardous Materials:**

None.

**Geology, Soils, and Mineral Resources:**

None.

**Energy:**

None.

**Effects on Visual Resources:**

None.

**Land Use and Planning:**

None.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2021-020**

**RESOLUTION FINDING THAT THE FOLLOWING SUBSEQUENT PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 2014042081): PREZONE 32.88 ACRES TO HEAVY INDUSTRIAL, P-M-2 ZONE, AND TO ANNEX THE SAME AREA TO THE CITY OF MODESTO**

WHEREAS, on March 5, 2019, by Resolution 2019-109, the Council of the City of Modesto certified the Final Master Environmental Impact Report (“Master EIR”) (SCH No. 2014042081) for the Modesto Urban Area General Plan, and

WHEREAS, G3 Industries, Inc., and DOT California 2019, LLC, have proposed the Whitmore-Lodi Annexation, consisting of annexation to the City of Modesto of 32.88 acres located east of Lodi Avenue and north of Whitmore Avenue, and

WHEREAS, pursuant to Section 21157.1 of the Public Resources Code, the City of Modesto’s Community & Economic Development Department prepared an Environmental Assessment Initial Study EA/C&ED 2020-18 (“Initial Study”) which analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report, and

WHEREAS, in accordance with CEQA guidelines beginning on January 6, 2021, the City caused to be published a 20-day notice of the City’s intent to make a finding that the subsequent project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on January 26, 2021, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed prezone to Heavy Industrial, P-M-2 zone, and annexation, a copy of which is **attached** hereto as **Exhibit “A”**, and incorporated herein by reference, and based on substantial evidence in the Initial Study makes the following findings:

1. An Initial Study was prepared by the City of Modesto that analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report.
2. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.
3. No new or additional mitigation measures or alternatives are required.
4. The subsequent project is within the scope of the project covered by the Master EIR.
5. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of January, 2021, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci,  
Wright, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:

  
JOSE M. SANCHEZ, City Attorney



## **EXHIBIT D**

### **Plan for Services**

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**EXHIBIT “C”**  
**PLAN FOR SERVICES**  
**WHITMORE-LODI REORGANIZATION**  
**TO THE CITY OF MODESTO**

**Background:**

The Whitmore-Lodi Reorganization area consists of two parcels located east of Crows Landing Road and north of Whitmore Avenue. Both parcels, totaling about 32.88 acres, are privately owned and are currently being farmed. Including adjacent rights-of-way on Whitmore and Lodi Avenues, the annexation area is approximately 32.88 acres total.

Pursuant to Government Code Section 56653, the following Plan for Services to be extended to the affected territory has been prepared for the Whitmore-Lodi Reorganization to the City of Modesto:

- A. The project site is part of the Baseline Developed Area, as described in the Modesto Urban Area General Plan, adopted March 5, 2019. As part of the approval, community facilities and services were analyzed in detail in Initial Study Environmental Checklist (C&ED No. 2020-18). These services include traffic and circulation, waste water collection, water delivery, storm water drainage, solid waste disposal, schools, parks, fire protection, and police protection. The City of Modesto is a full service city that intends to provide the following services.
1. Traffic and Circulation: The bulk of the external roadway network is already constructed. Whitmore Avenue is a two-lane road in the project vicinity and is planned as a four-lane minor arterial. Lodi Avenue is planned as a two-lane road. Flamingo Drive will connect with Jayann Way as a two-lane road. The applicant or developer must dedicate and construct roadway improvements along the project frontages of both Whitmore and Lodi Avenues and extension of Jayann Way to City standards.
  2. Waste Water Collection: Upon reorganization, the site will annex to Modesto’s Sewer District No. 1. Sewer service will be provided to the subject site from an existing line in Lodi Avenue adjacent to the site. The City does not anticipate a substantial demand for service at this site.
  3. Water Delivery: There is an adequate quantity of water to serve the industrial development expected to occur on the property. The site will be

served from existing lines in Flamingo Drive and Whitmore Avenue, adjacent to the site.

4. Storm Water Drainage: Storm water drainage for this project must be contained on site, as the City does not have a positive storm drain system serving the area. Prior to the approval of development, the City must approve the storm water drainage system to ensure its adequacy. The storm water drainage system will be constructed by the applicant at the applicant's expense.
5. Solid Waste Disposal: Weekly pickup will be extended to the annexation area upon the effective date of annexation.
6. Fire Protection: Upon reorganization, there will be no change in fire protection service. The site is currently served by the Industrial Fire Protection District, and future service will continue through the Industrial Fire Protection District.
7. Police Protection: The Modesto Police Department is able to provide adequate service to the subject site without additional staffing, as industrial property does not require substantial additional policing.

**B. Level and range of services**

The City of Modesto is a full service provider of municipal services and intends to provide the complete service for those areas identified above.

**C. When can services be provided?**

The above-described services can be provided upon the effective date of annexation.

**D. Improvements required as a condition of reorganization**

No improvements are required as a condition of reorganization. The following improvements will be required as a condition of development:

- Concurrent with development, the applicant(s) shall construct roadway improvements to the satisfaction of the City Engineer.
- Prior to approval of development, the City must approve the storm water drainage system.

**E. How will services be financed?**

Services will be financed through City fees.

**EXHIBIT E**

**Letter from Stanislaus County  
dated April 8, 2021**

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**CHIEF EXECUTIVE OFFICE**

*Jody L. Hayes*  
**Chief Executive Officer**

*Patrice M. Dietrich*  
**Assistant Executive Officer**

*Raul L. Mendez*  
**Assistant Executive Officer**

April 8, 2021

Sent Via Email to: lafco@stancounty.com

Javier Camarena, Assistant Executive Officer  
Stanislaus Local Agency Formation Commission  
1010 10<sup>th</sup> Street, 3<sup>rd</sup> Floor  
Modesto, CA 95354

**SUBJECT: LAFCO Application No. 2021-02 – Lodi-Whitmore Change of Organization to the City of Modesto**

Mr. Camarena:

This letter is in reference to the above subject and to provide Stanislaus County's formal response for consideration by the Stanislaus Local Agency Formation Commission (LAFCO).

Stanislaus County is generally very supportive of its incorporated cities efforts to annex urban pockets near and within its limits as sound public policy. The City of Modesto specifically has over 30 unincorporated islands which Modesto and Stanislaus County serve by mutual agreement. These islands have significant infrastructure needs, which include substandard sidewalks, storm drainage, streetlights, sanitary systems, roads, etc.

The proposed Lodi-Whitmore Change of Organization to the City of Modesto appears to fall short of LAFCO's policies and standards in that it carves out a section of this existing urban pocket located in South Modesto instead of encompassing the entire unincorporated area in the annexation proposal. Government Code §56668 sets forth factors that must be considered in evaluating a proposed boundary change and include conformity of the proposal and its anticipated effects with the adopted policies on a planned, orderly and efficient pattern of urban development.

Further, and as stated in the October 30, 2020 LAFCO letter to the City of Modesto on the proposal, elimination of unincorporated islands has long been a goal of the County and the City and is reflected in the General Plan policies, the Master Property Tax-Sharing Agreement, State law and local LAFCO Policies.

**LAFCO Application No. 2021-02 – Lodi-Whitmore Change of Organization to the City of Modesto**

Page 2 of 2

Most of the area in question is developed with industrial uses and has curb, gutter, and sidewalk and utility services provided by the City of Modesto. The proposed annexation includes two vacant lots within the unincorporated island and would leave the remainder within the County jurisdiction. The Lodi-Whitmore Change of Organization to the City of Modesto provides a unique opportunity to address the entire area now and proceeding with the annexation as proposed would make the future of the remainder uncertain. Stanislaus County is interested in working with the City of Modesto to develop a plan for the inclusion of the entire urban pocket (including associated right of way along Whitmore Avenue and Crows Landing Road) examined under this annexation proposal.

As such, Stanislaus County would recommend that the current proposal either be amended to include the entire area as recommended by LAFCO staff or be placed on hold to allow a reasonable amount of time for the County, City and LAFCO to work together to develop a plan for its entire inclusion. This approach would be consistent with State law and LAFCO Policies that encourage local boundaries and the elimination of existing islands.

Stanislaus County has commenced the development of a strategy to begin addressing the infrastructure needs of all urban pockets (of which over 40 exist in and around Modesto, Ceres, Turlock and Riverbank) over time, understanding that it will involve a significant investment of funding. Success will be dependent on collaboration with the appropriate city/cities either strategically or when an opportunity presents itself. In recent weeks, Stanislaus County and the City of Modesto have partnered to submit federal appropriation requests through Congressman Harder's Office specifically for County island infrastructure to commence this work. Stanislaus County's request is consistent with this commitment to collaborate on addressing urban pockets when there is an opportunity.

Thank you for your time and consideration.

Regards,



Raul L. Mendez  
Assistant Executive Officer

cc: Jody Hayes, Chief Executive Officer  
Thomas Boze, County Counsel  
Joe Lopez, Modesto City Manager  
Jaylen French, Modesto Community and Economic Development Director  
Stanislaus County Environmental Review Committee



**EXHIBIT F**

**Letter from LAFCO Staff to City of Modesto  
dated October 30, 2020**

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October 30, 2020

Katharine Martin, Senior Planner  
City of Modesto - C&ED/Planning Division  
PO Box 642  
Modesto, CA 95353

**SUBJECT: PREZONE & ANNEXATION OF NE WHITMORE AVE & LODI AVE  
(ANX-20-001/PRZ-20-001)**

Dear Ms. Martin:

Stanislaus LAFCO is in receipt of a project referral for the proposed rezoning and annexation of two parcels located at the northeast corner of Whitmore Avenue and Lodi Avenue. As Lead Agency, the City of Modesto is responsible for completing the environmental review (CEQA) for the proposal. LAFCO, as Responsible Agency, will consider the CEQA determination prepared by the City during review of the proposal. The following comments are provided on behalf of LAFCO in anticipation of the annexation application.

As proposed, the annexation includes an approximately 31.2-acre portion of a 92-acre unincorporated island that is entirely surrounded by the city limits of Modesto and Ceres. Elimination of unincorporated islands has long been a goal of the City and County and is reflected in General Plan policies, the Master Property Tax-Sharing Agreement, State law and local LAFCO policies. While the State Legislature and LAFCOs have attempted to streamline the annexation process for islands, a key component in this process is the willingness of the City to apply for annexation of the *entire* island area. Annexation applications are typically triggered by new development and/or a request for City services. The current request involves the last vacant lots with development potential in the unincorporated island.

The majority of the subject unincorporated island is developed with industrial uses. Most of the area has curb, gutter, and sidewalk and it is currently traversed by City of Modesto sewer and water lines. The area is within the Industrial Fire Protection District, which is also served by the City of Modesto through an agreement. The proposed annexation involves two vacant lots within the unincorporated island, leaving the remainder of the area, although served by Modesto, within County jurisdiction. Based on the existing City services and development in this area, it is unclear what future

opportunity there may be for a development-initiated annexation application or whether the City intends to initiate its own application for the remainder of the island.

Consistent with State law and LAFCO Policy 20 encouraging logical boundaries and elimination of existing islands, Staff recommends that the City include the *entire* unincorporated island in its request. Inclusion of the entire unincorporated island and associated right-of-way along Whitmore Avenue and Crows Landing Road would eliminate the alternating city/county right-of-way and provide for a more logical City boundary that is consistent with the provision of services in the area.

LAFCO Staff would be happy to meet with the City and County to coordinate efforts regarding inclusion of the entire unincorporated island. It is important that this coordination occur prior to an application being submitted to LAFCO. Should you have any questions, please contact our office at (209) 525-7660.

Sincerely,



Sara Lytle-Pinhey  
Executive Officer

cc: Joe Lopez, City Manager, City of Modesto  
Jaylen French, CED Director, City of Modesto  
Jody Hayes, Chief Executive Officer, Stanislaus County  
Angela Freitas, Planning & Community Devt. Director, Stanislaus County

## **EXHIBIT G**

**Draft LAFCO Resolution No. 2021-09  
Option 1a (Approval) &  
Option 1b (Conditional Approval)**

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**STANISLAUS COUNTY LOCAL AGENCY  
FORMATION COMMISSION**

**RESOLUTION**

**DATE:** May 26, 2021

**NO.** 2021-09 (Option 1a - Approval)

**SUBJECT: LAFCO APPLICATION NO. 2021-02 LODI-WHITMORE CHANGE OF  
ORGANIZATION TO THE CITY OF MODESTO**

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

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

**THE FOLLOWING RESOLUTION WAS ADOPTED:**

**WHEREAS**, the Commission received the subject proposal to annex approximately 33 acres, located at the northeast corner of Lodi Avenue and Whitmore Avenue intersection, to the City of Modesto;

**WHEREAS**, the proposed annexation includes two parcels, otherwise identified as assessor's parcel numbers 086-013-017 & 018, and is a portion of a larger unincorporated island totaling approximately 91 acres;

**WHEREAS**, the City of Modesto has adopted a Resolution of Application to LAFCO for the subject proposal;

**WHEREAS**, the City of Modesto has pre-zoned the proposed annexation area, located within the City's Sphere of Influence and Primary Area;

**WHEREAS**, the territory is considered uninhabited as there are more less 12 registered voters;

**WHEREAS**, there are no Williamson Act Contracts within the boundaries of the change of organization;

**WHEREAS**, the City of Modesto, as Lead Agency, has prepared an initial study for the project, pursuant to the California Environmental Quality Act (CEQA) and the State CEQA guidelines and found that the project is within the scope of the Master Environmental Impact Report (MEIR) for the Modesto Urban Area General Plan and will have no additional significant environmental effect as defined in Section 21158 of the Public Resources Code that was not identified in the MEIR;

**WHEREAS**, the Commission, as a Responsible Agency, has reviewed the environmental

documents prepared by the City of Modesto, including the Initial Study, Notice of Determination and findings of conformance with the existing MEIR;

**WHEREAS**, the Commission is not aware of any legal challenge filed against the City's environmental documentation;

**WHEREAS**, at the time and in the form and manner provided by law, the Executive Officer provided notice of the May 26, 2021 public hearing by this Commission;

**WHEREAS**, the Commission conducted a duly noticed public hearing on May 26, 2021 to consider the proposal at which time the Commission heard and received all oral or written testimony, objections, and evidence that were presented and all interested persons were given an opportunity to hear and be heard with respect to the proposal and the report provided by LAFCO Staff; and,

**WHEREAS**, the Commission has heard all interested parties desiring to be heard and has considered the proposal and report by the Executive Officer and all other relevant evidence and information presented or filed at the hearing.

**NOW, THEREFORE, BE IT RESOLVED** that this Commission:

1. Certifies that, acting as a Responsible Agency pursuant to CEQA, it has considered the environmental documentation prepared by the City of Modesto as Lead Agency, including the Initial Study, Notice of Determination and findings of conformance with the existing MEIR.
2. Determines that: (a) the subject territory is within the Modesto Sphere of Influence and Primary Area; (b) the approval of the proposal is consistent with all applicable spheres of influence, overall Commission policies and local general plans; (c) the territory is considered uninhabited; (d) the City has provided sufficient evidence to show that the required services are available and will be provided upon development of the area; and (g) approval of the proposal will result in planned, orderly and efficient development of the area.
3. Approves the proposal subject to the following terms and conditions:
  - a. The applicant is responsible for payment of the required State Board of Equalization fees and any remaining fees owed to LAFCO.
  - b. The applicant agrees to defend, hold harmless and indemnify LAFCO and/or its agents, officers and employees from any claim, action or proceeding brought against any of them, the purpose of which is to attack, set aside, void or annul LAFCO's action on a 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 shall be the date of recordation of the Certificate of Completion.
  - d. The application shall be processed as a change of organization consisting of the annexation of the subject territory.
  - e. Upon the effective date of the annexation, all rights, title, and interest of the County,



including the underlying fee where owned by the County in any and all public improvements, including, but not limited to the following: sidewalks, trails, landscaped areas, open space, streetlights, signals, bridges, storm drains, and pipes shall vest in the City; except for those properties to be retained by the County.

- f. The applicant shall submit a revised map and legal description in a form acceptable to the Executive Officer prior to recording.
4. Designates the proposal as the "Lodi-Whitmore Change of Organization to the City of Modesto".
5. Waives the protest proceedings and orders the change of organization pursuant to Government Code Section 56663, subject to the terms and conditions of this resolution.
6. Authorizes and directs the Executive Officer to prepare and execute a Certificate of Completion in accordance with Government Code Section 57203, subject to the specified terms and conditions of this resolution.

**ATTEST:**

\_\_\_\_\_  
Sara Lytle-Pinhey  
Executive Officer

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**STANISLAUS COUNTY LOCAL AGENCY  
FORMATION COMMISSION**

**RESOLUTION**

**DATE:** May 26, 2021

**NO.** 2021-09 (Option 1b – Conditional Approval)

**SUBJECT: LAFCO APPLICATION NO. 2021-02 LODI-WHITMORE CHANGE OF ORGANIZATION TO THE CITY OF MODESTO**

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

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

**THE FOLLOWING RESOLUTION WAS ADOPTED:**

**WHEREAS**, the Commission received the subject proposal to annex approximately 33 acres, located at the northeast corner of Lodi Avenue and Whitmore Avenue intersection, to the City of Modesto;

**WHEREAS**, the proposed annexation includes two parcels, otherwise identified as assessor's parcel numbers 086-013-017 & 018, and is a portion of a larger unincorporated island totaling approximately 91 acres;

**WHEREAS**, the City of Modesto has adopted a Resolution of Application to LAFCO for the subject proposal;

**WHEREAS**, the City of Modesto has pre-zoned the proposed annexation area, located within the City's Sphere of Influence and Primary Area;

**WHEREAS**, the territory is considered uninhabited as there are more less 12 registered voters;

**WHEREAS**, there are no Williamson Act Contracts within the boundaries of the change of organization;

**WHEREAS**, the City of Modesto, as Lead Agency, has prepared an initial study for the project, pursuant to the California Environmental Quality Act (CEQA) and the State CEQA guidelines and found that the project is within the scope of the Master Environmental Impact Report (MEIR) for the Modesto Urban Area General Plan and will have no additional significant environmental effect as defined in Section 21158 of the Public Resources Code that was not identified in the MEIR;

**WHEREAS**, the Commission, as a Responsible Agency, has reviewed the environmental

documents prepared by the City of Modesto, including the Initial Study, Notice of Determination and findings of conformance with the existing MEIR;

**WHEREAS**, the Commission is not aware of any legal challenge filed against the City's environmental documentation;

**WHEREAS**, at the time and in the form and manner provided by law, the Executive Officer provided notice of the May 26, 2021 public hearing by this Commission;

**WHEREAS**, the Commission conducted a duly noticed public hearing on May 26, 2021 to consider the proposal at which time the Commission heard and received all oral or written testimony, objections, and evidence that were presented and all interested persons were given an opportunity to hear and be heard with respect to the proposal and the report provided by LAFCO Staff; and,

**WHEREAS**, the Commission has heard all interested parties desiring to be heard and has considered the proposal and report by the Executive Officer and all other relevant evidence and information presented or filed at the hearing.

**NOW, THEREFORE, BE IT RESOLVED** that this Commission:

1. Certifies that, acting as a Responsible Agency pursuant to CEQA, it has considered the environmental documentation prepared by the City of Modesto as Lead Agency, including the Initial Study, Notice of Determination and findings of conformance with the existing MEIR.
2. Determines that: (a) the subject territory is within the Modesto Sphere of Influence and Primary Area; (b) the approval of the proposal is consistent with all applicable spheres of influence, overall Commission policies and local general plans; (c) the territory is considered uninhabited; (d) the City has provided sufficient evidence to show that the required services are available and will be provided upon development of the area; and (g) approval of the proposal will result in planned, orderly and efficient development of the area.
3. Approves the proposal subject to the following terms and conditions:
  - a. The applicant is responsible for payment of the required State Board of Equalization fees and any remaining fees owed to LAFCO.
  - b. The applicant agrees to defend, hold harmless and indemnify LAFCO and/or its agents, officers and employees from any claim, action or proceeding brought against any of them, the purpose of which is to attack, set aside, void or annul LAFCO's action on a 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 shall be the date of recordation of the Certificate of Completion.
  - d. The application shall be processed as a change of organization consisting of the annexation of the subject territory.
  - e. Upon the effective date of the annexation, all rights, title, and interest of the County,

- including the underlying fee where owned by the County in any and all public improvements, including, but not limited to the following: sidewalks, trails, landscaped areas, open space, streetlights, signals, bridges, storm drains, and pipes shall vest in the City; except for those properties to be retained by the County.
- f. The applicant shall submit a revised map and legal description in a form acceptable to the Executive Officer prior to recording.
  - g. Prior to recordation of the annexation of the two subject parcels, the City of Modesto shall submit a completed application and appropriate fees to LAFCO in order to initiate annexation proceedings for the remainder of the unincorporated island.**
- 4. Designates the proposal as the "Lodi-Whitmore Change of Organization to the City of Modesto".
  - 5. Waives the protest proceedings and orders the change of organization pursuant to Government Code Section 56663, subject to the terms and conditions of this resolution.
  - 6. Authorizes and directs the Executive Officer to prepare and execute a Certificate of Completion in accordance with Government Code Section 57203, subject to the specified terms and conditions of this resolution.

**ATTEST:** \_\_\_\_\_  
Sara Lytle-Pinhey  
Executive Officer

**EXECUTIVE OFFICER'S AGENDA REPORT  
MAY 26, 2021**

TO: LAFCO Commissioners

FROM: Sara Lytle-Pinhey, Executive Officer *SLP*

**SUBJECT: FINAL LAFCO BUDGET FOR FISCAL YEAR 2021-2022**

**RECOMMENDATION**

Staff recommends that following the Executive Officer's report and public testimony regarding the Final LAFCO Budget that the Commission:

1. Adopt Resolution No. 2021-10, approving the Final Budget for Fiscal Year 2021-2022 as presented.
2. Direct Staff to transmit the adopted Final Budget to the Board of Supervisors, each City, each Independent Special District, and the County Auditor, in accordance with State law.
3. Request that the County Auditor apportion and collect the net operating expenses of the Final Budget from the County and nine cities in accordance with Government Code Sections 56381(b)(2) and 56381(c).

**DISCUSSION**

At the April 28, 2021 meeting, the Commission reviewed and approved the Proposed Budget for Fiscal Year (FY) 2021-2022. The Final Budget, as summarized in the table below, reflects this approval. No changes are needed to the accounts as they were originally proposed. The Final Budget includes operating expenses totaling \$555,560 and reflects a 4% increase as compared to the current year's budget. Table 1, below, summarizes the Final Budget categories.

*Table 1: LAFCO Final Budget Summary*

<b>Expenses</b>	<b>Current Budget FY 2020-2021</b>	<b>Proposed &amp; Final Budget FY 2021-22</b>	<b>% Change (Proposed v. Current)</b>
Salaries & Benefits	\$456,320	\$467,380	2%
Services & Supplies	74,970	86,980	16%
Other Charges	1,200	1,200	0%
<b>Total Expenses</b>	<b>\$532,490</b>	<b>\$555,560</b>	<b>4%</b>
<b>Revenues</b>			
Undesignated Fund Balance	(\$59,315)	(\$42,402)	-29%
Application & Other Revenues	(20,000)	(20,000)	0%
<b>Agency Contributions</b>	<b>\$453,175</b>	<b>\$493,158</b>	<b>9%</b>

A detailed Final Budget chart is attached to this report, along with a copy of the staff report for the Proposed Budget that includes a discussion highlighting individual accounts.

**EXECUTIVE OFFICER'S AGENDA REPORT**  
**MAY 26, 2021**  
**PAGE 2**

While no changes are recommended to the accounts as originally presented in the Proposed Budget, the following additional discussion is provided for the Commission's information:

Liability Insurance – SDRMA (Account #61000)

LAFCO uses the Special District Risk Management Authority (SDRMA) for its general liability insurance. While there was an increase in rates for the current fiscal year, SDRMA has issued information to each of its members projecting a slight decrease in Fiscal Year 2021-2022. Since adoption of the Proposed Budget, Staff received a letter from SDRMA confirming the decrease and no adjustment is needed to Staff's original estimate.

Special Department Expense – Audit (Account #65660)

As noted in the Proposed Budget discussion, the Fiscal Year 2021-2022 budget includes funding for a three-year audit. Following the Commission's approval, Staff will initiate a request for quotes at the beginning of the fiscal year and return to the Commission with an item for the selection of an independent auditor to conduct the audit.

Application Revenues

Application revenues in the current fiscal year continue to exceed original estimates, with additional fees expected to be received near the end of the fiscal year. Should revenues exceed the current year-end estimate, these will be factored in as available fund balance during the next budget year.

**CONCLUSION**

The Commission is required to adopt a Final Budget by June 15<sup>th</sup> annually. Following adoption of the Final Budget, a copy will be transmitted to the Board of Supervisors, each City, each Independent Special District, and to the County Auditor. The County Auditor will then allocate and charge LAFCO's net budget to all participating local agencies as outlined under Government Code Section 56381(b) and (c).

Approval of the Final Budget will enable the Commission to perform its core responsibilities effectively, and continue its work on MSR/SOI updates, policy development, and current projects.

Attachments: Draft LAFCO Resolution No. 2021-10  
Final Budget Detail Fiscal Year 2021-2022

*Copy of the Proposed Budget Staff Report, Dated April 28, 2021 (For Reference)*

**STANISLAUS COUNTY LOCAL AGENCY  
FORMATION COMMISSION**

**RESOLUTION**

**DATE:** May 26, 2021

**NO. 2021-10**

**SUBJECT: Adoption of the Final LAFCO Budget for Fiscal Year 2021-2022**

On the motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and approved by the following vote:

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

**THE FOLLOWING RESOLUTION WAS ADOPTED:**

**WHEREAS**, Government Code Section 56381(a) requires the Commission to adopt annually, following noticed public hearings, a proposed budget by May 1 and a final budget by June 15;

**WHEREAS**, the Stanislaus Local Agency Formation Commission wishes to provide for a budget to fulfill its purposes and functions as set forth by State law;

**WHEREAS**, pursuant to Government Code Section 56381(a), the proposed budget must be, at a minimum, equal to the previous budget, unless a finding is made that the reduced costs will nevertheless allow the Commission to fulfill the purposes and programs of the Stanislaus Local Agency Formation Commission (LAFCO);

**WHEREAS**, the Commission conducted a public hearing on April 28, 2021 and approved a Proposed Budget for Fiscal Year 2021-2022, as submitted by the Executive Officer;

**WHEREAS**, the Commission considered the Final Budget for Fiscal Year 2021-2022 at a duly noticed public hearing on May 26, 2021;

**WHEREAS**, approval of the Final Budget will enable the Commission to perform its core responsibilities effectively, and to continue its work on State-mandated Municipal Service Reviews and Sphere of Influence Updates;

**NOW, THEREFORE, BE IT RESOLVED** that the Commission:

1. Finds that the Final Budget for Fiscal Year 2021-2022 will allow the Stanislaus Local Agency Formation Commission to fulfill the purposes and programs of the Cortese-Knox-Hertzberg Local Government Reorganization Act.
2. Adopts the Final Budget for Fiscal Year 2021-2022, with total operating expenses of \$555,560, as outlined in the attachment.



3. Directs Staff to transmit the adopted Final Budget for Fiscal Year 2021-2022 to the Board of Supervisors, each City, each Independent Special District, and the County Auditor, pursuant to Government Code Section 56381(a).
4. Requests that the County Auditor apportion and collect the net operating expenses of the Commission's Final Budget for Fiscal Year 2021-2022 in the amount of \$493,158 from the County and each of the nine cities no later than July 1, 2021 for the amount each entity owes in accordance with Government Code Sections 56381(b)(2) and 56381(c).
5. Authorizes the Executive Officer and the County Auditor to determine the method of collection if a city or the County does not remit its required payment within 60 days, as outlined in 56381(c).

**ATTEST:**

\_\_\_\_\_  
Sara Lytle-Pinhey  
Executive Officer

Attachment: Final Budget for Fiscal Year 2020-2021

**Stanislaus LAFCO**  
**FINAL FISCAL YEAR 2021-2022 BUDGET**

Account	FY 20-21 Adopted Budget	FY 20-21 Estimated Year-End	FY 21-22 FINAL BUDGET	Increase or (Decrease)	% Change
<b>Salaries and Benefits</b>					
50000+ Salaries and wages	\$ 279,800	\$ 279,500	\$ 285,000	\$ 5,200	2%
52000 Retirement	83,100	83,600	89,990	6,890	8%
52010 FICA	22,100	20,800	22,500	400	2%
53000 Group health insurance	60,800	60,800	59,300	(1,500)	-2%
53020 Unemployment insurance	360	360	360	-	0%
53051 Benefits admin fee	190	160	190	-	0%
53081 Long term disability	425	385	425	-	0%
54000 Workers compensation insurance	995	995	1,035	40	4%
55000 Auto allowance	2,400	2,400	2,400	-	0%
55080 Professional development	2,200	2,200	2,200	-	0%
55130 Deferred comp mgmt/conf	3,950	3,950	3,980	30	1%
<b>Total Salaries and Benefits</b>	<b>\$ 456,320</b>	<b>\$ 455,150</b>	<b>\$ 467,380</b>	<b>\$ 11,060</b>	<b>2%</b>
<b>Services and Supplies</b>					
60400 Communications (ITC - Telecom)	\$ 1,145	\$ 1,177	\$ 1,290	\$ 145	13%
61000 Insurance (SDRMA)	5,230	5,092	4,800	(430)	-8%
61030 Fiduciary liability insurance	40	60	70	30	75%
62200 Memberships (CSDA, CALAFCO)	10,800	10,377	10,560	(240)	-2%
62400 Miscellaneous expense	3,000	3,000	3,000	-	0%
62450 Indirect costs (A87 roll forward)	(460)	(460)	(460)	-	0%
62600 Office supplies	1,500	1,200	1,500	-	0%
62730 Postage	1,200	500	1,200	-	0%
62750 Other mail room expense	445	445	470	25	6%
63000 Professional & special serv	12,360	11,891	12,515	155	1%
Building maint & supplies	3,430	3,200	3,540	110	3%
Office lease	4,100	3,861	4,000	(100)	-2%
Utilities	1,515	1,515	1,560	45	3%
Janitorial	830	830	855	25	3%
Purchasing	285	285	295	10	4%
HR/Risk Mgt overhead	2,200	2,200	2,265	65	3%
63090 Auditing & accounting	2,430	2,430	2,505	75	3%
63400 Engineering services	2,000	2,000	2,000	-	0%
63640 Legal services	12,000	6,000	12,000	-	0%
63990 Outside data proc services (IT & GIS Lic)	12,200	11,875	12,950	750	6%
IT Services (ITC)	8,500	8,475	9,250	750	9%
Video Streaming (ITC)	1,000	1,000	1,000	-	0%
Mtg Recording (Final Cut Media)	1,500	1,200	1,500	-	0%
GIS License (ITC)	1,200	1,200	1,200	-	0%
65000 Publications & legal notices	1,000	900	1,000	-	0%
65780 Education & training	3,000	150	2,500	(500)	-17%
65660 Special dept. expense (3yr audit)	-	-	12,000	12,000	new
65810 Other supportive services (messenger)	350	240	350	-	0%
65890 Commission expense (stipends, training)	6,100	2,400	6,100	-	0%
67040 Other travel expenses (mileage)	500	50	500	-	0%
67201 Salvage disposal	130	130	130	-	0%
<b>Total Services and Supplies</b>	<b>\$ 74,970</b>	<b>\$ 59,457</b>	<b>\$ 86,980</b>	<b>\$ 12,010</b>	<b>16%</b>
<b>Other Charges</b>					
73024 Planning dept services	\$ 1,200	\$ 500	\$ 1,200	\$ -	0%
<b>Total Other Charges</b>	<b>\$ 1,200</b>	<b>\$ 500</b>	<b>\$ 1,200</b>	<b>\$ -</b>	<b>0%</b>
<b>TOTAL EXPENSES</b>	<b>\$ 532,490</b>	<b>\$ 515,107</b>	<b>\$ 555,560</b>	<b>\$ 23,070</b>	<b>4%</b>
<b>TOTAL REVENUES</b>	<b>\$ 532,490</b>	<b>\$ 491,895</b>	<b>\$ 555,560</b>	<b>\$ 23,070</b>	<b>4%</b>
40680+ Agency Contributions	453,175	453,175	493,158	39,983	9%
36414 Application & Other Revenues	20,000	32,700	20,000	-	0%
17000+ Interest Earnings & Refunds	-	6,020	-	-	-
<b>Use of Undesig. Fund Balance</b>	<b>\$ 59,315</b>		<b>\$ 42,402</b>	<b>\$ (16,913)</b>	<b>-29%</b>

**Stanislaus LAFCO**  
**FINAL FISCAL YEAR 2021-2022 BUDGET**  
**Reserve Funds & Undesignated Fund Balance**

Estimated Fund Balance June 30, 2021	\$	318,752
<i>General Fund Reserve (15%)</i>		(83,350)
<i>Accrued Leave Fund (Cash-Out Liability)</i>		(93,000)
<i>Long-Term Liability Reserve</i>		(100,000)
<b>Undesignated Fund Balance (Est.)</b>	<b>\$</b>	<b>42,402</b>

**EXECUTIVE OFFICER'S AGENDA REPORT  
APRIL 28, 2021**

TO: LAFCO Commissioners

FROM: Sara Lytle-Pinhey, Executive Officer *SLP*

**SUBJECT: PROPOSED LAFCO BUDGET FOR FISCAL YEAR 2021-2022**

**RECOMMENDATION**

It is recommended that the Commission:

1. Receive the Executive Officer's report and accept public testimony regarding the Proposed LAFCO Budget.
2. Adopt Resolution No. 2021-05, approving the Proposed LAFCO Budget for Fiscal Year 2021-2022.
3. Schedule a public hearing for May 26, 2021, to consider adoption of the Final LAFCO Budget for Fiscal Year 2021-2022.

**EXECUTIVE SUMMARY**

The Proposed Fiscal Year (FY) 2021-2022 Budget includes operating expenses totaling \$555,560 and reflects a 4% increase as compared to the 2020-2021 budget. The increase is attributable to increases to retirement costs and the costs for the biennial audit (delayed during adoption of the current year's budget). Table 1, below, summarizes the Proposed Budget and includes a comparison to the current year's budget.

*Table 1: LAFCO Proposed Budget Summary*

<b>Expenses</b>	<b>Current Budget FY 2020-2021</b>	<b>Proposed Budget FY 2021-22</b>	<b>% Change (Proposed v. Current)</b>
Salaries & Benefits	\$456,320	\$467,380	2%
Services & Supplies	74,970	86,980	16%
Other Charges	1,200	1,200	0%
<b>Total Expenses</b>	<b>\$532,490</b>	<b>\$555,560</b>	<b>4%</b>
<b>Revenues</b>			
Undesignated Fund Balance	(\$59,315)	(\$42,402)	-29%
Application & Other Revenues	(20,000)	(20,000)	0%
<b>Agency Contributions</b>	<b>\$453,175</b>	<b>\$493,158</b>	<b>9%</b>

An analysis of the Commission's estimated year-end fund balance is also included in this report. Following allocations of reserve funds, Staff recommends the use of \$42,402 in undesignated fund balance to offset the FY 2021-2022 budget. A chart depicting individual accounts for the Proposed Fiscal Year 2021-2022 Budget is attached to this report.

## **BACKGROUND**

LAFCO is an independent commission established in each county by the State legislature. The Cortese-Knox-Hertzberg Local Government Reorganization Act establishes the specific funding methods and process for the annual LAFCO budget.

The Commission is funded by the County and its nine cities. Adopting the LAFCO budget is the responsibility of the Commission. The statutes governing LAFCO and directing its operations do not require separate approval of the financial program by the County, the nine cities, the independent special districts, nor any other local governmental agency. Section 56381(a) of the Government Code provides that:

- The Commission shall adopt annually, following noticed public hearings, a proposed budget by May 1, and final budget by June 15. At a minimum, the proposed and final budget shall be equal to the budget adopted for the previous fiscal year unless the Commission finds that reduced staffing or program costs will nevertheless allow the Commission to fulfill the purposes and programs of this chapter.
- The Commission shall transmit its proposed and final budgets to the board of supervisors, to each city, and to each independent special district.

Following adoption of a final budget, the County Auditor will allocate and charge LAFCO's final net budget to all participating local agencies as outlined under Government Code Section 56381(b).

## **EXPENSES**

The expense portion of the Proposed Budget is divided into three main categories: Salaries and Benefits, Services and Supplies, and Other Charges.

### ***SALARIES AND BENEFITS (Accounts 50000+)***

Expenses in the salaries and benefits category are projected to increase by 2% overall during Fiscal Year 2021-2022. LAFCO's employee benefits mirror the County's benefits, including health insurance and retirement (through StanCERA), pursuant to a Memorandum of Understanding between the County and the Commission. Estimates for these accounts are typically provided by the County during each budget cycle and are incorporated into the LAFCO Budget. Health insurance costs are anticipated to have a slight decrease.

### ***SERVICES AND SUPPLIES (Accounts 60000+)***

The proposed expenditures in the Services and Supplies category have increased by 16% as compared to the FY 2020-2021 budget. This is primarily due to the inclusion of the Special Department Expense item (Account #65660) for the Commission's biennial audit which was delayed during approval of the current year's budget. This category also includes items associated with the County's Cost Allocation Plan (CAP) charges for various services provided to LAFCO, including County payroll, information technology, accounts payable/receivable, mailroom services, building services, legal services and overhead charges. The following are highlights for various line items in the Services and Supplies category.

Insurance – SDRMA (Account #61000)

Like many other LAFCOs, the Commission uses the Special District Risk Management Authority (SDRMA) for its general liability insurance. SDRMA's rates had remained relatively stable over the last decade, with the exception of an increase in the current year based on overall rate increases in the insurance market. The overall increase was less than anticipated and combined with longevity credits, Staff expects a slight decrease in the rate for Fiscal Year 2021-2022.

CALAFCO Membership (Account #62200)

The California Association of Local Agency Formation Commissions (CALAFCO) serves as an organization that assists LAFCOs with educational, technical, and legislative resources that would otherwise not be available. In 2019, CALAFCO approved a restructuring of its membership dues. An additional adjustment this year based on population in each County resulted in a slight reduction in membership rate for Stanislaus LAFCO.

Professional & Special Services (Account #63000)

This account includes costs for office space, utilities, as well as overhead charges from the County for human resources, risk management, and purchasing. Estimates from most of these charges typically come from the County's CAP charges issued annually in March. As the County is now using a 2-year budget cycle, accurate estimates for these charges will not be received until after LAFCO's budget is adopted. The current estimate is that most of these charges will have an approximately 3% increase. Staff will continue to monitor these throughout the year.

Special Department Expense - Audit (Account #65660)

Preparation of the current year's budget occurred during the onset of the pandemic with many unknowns regarding the ability for in-person office work. Due to this concern as well as the Commission's desire to reduce agency allocations, in FY 20-21 the Commission chose to defer the biennial audit. The audit line item, which will now cover three years, has been returned to the budget and is estimated at \$12,000.

Education and Training (Account #65780)

The Education and Training account is typically budgeted at \$5,500, allowing for at least two Staff to participate in the CALAFCO Annual Conference and Staff Workshop held during the year. The item was reduced during the current year, in anticipation of cancellations of in-person events, and is currently proposed at \$2,500, which would allow for one Staffperson's attendance. It is anticipated that this item will be restored during the following Fiscal Year's budget (FY 2022-2023) with minimal impact to the overall budget.

*OTHER CHARGES (Accounts #70000+)*

This category includes one account (#73024) for copy costs and a shared portion of the copier lease with the County Planning Department. While copy costs trended lower in the current fiscal year, it is recommended to maintain the item at \$1,200.

## **REVENUES**

The primary revenue source for LAFCO is contributions from the County and nine cities. Government Code Section 56381(b)(2) requires that the county and its cities shall each provide a one-half share of the commission's operational costs. By statute, the cities share is apportioned by the County Auditor relative to each city's total revenues, as reported in the most recent edition of the Cities Annual Report published by the State Controller.

Application revenues, although charged at actual cost, represent a small percentage of LAFCO revenues (typically 4-6%). The majority of Staff's duties are considered unfunded State mandates, including preparation of municipal service review updates, informational reports, responses to inquiries, and coordination with local and state agencies. For FY 2021-22, Staff proposes budgeting fee revenues at an estimate of \$20,000. Application fees that are received in any given year can vary widely, so this item is estimated conservatively. Any additional revenue received above this amount will be factored in during the Commission's next budget cycle.

## **FUND BALANCE & RESERVES**

Government Code Section 56381(c) provides that "if at the end of the fiscal year, the Commission has funds in excess of what it needs, the Commission may retain those funds and calculate them into the following fiscal year's budget."

Table 2 outlines the changes to the fund balance based on projected operating revenues and expenses in the current fiscal year. The actual amount of fund balance will be calculated at year's end (typically by September). However, based on the beginning year fund balance and projected revenues and expenses, Staff has estimated a year-end fund balance of \$318,752.

*Table 2: LAFCO Fund Balance*

<b>Fund Balance July 1, 2020</b>		<b>\$ 341,964</b>	
<b>Revenues</b>	<b>Estimated Year-End</b>	<b>Budgeted FY 20-21</b>	<i>Variance with Budget Over / (Under)</i>
City/County Contribution	\$ 453,175	\$ 453,175	\$ -
Application Revenue	32,700	20,000	12,700
Interest	6,020	-	6,020
<b>Total Revenues</b>	<b>\$ 491,895</b>	<b>\$ 473,175</b>	<b>\$ 18,720</b>
<b>Expenses</b>	<b>Estimated Year-End</b>	<b>Budgeted FY 20-21</b>	<i>Difference</i>
Salaries and Benefits	\$ 455,150	\$ 456,320	\$ (1,170)
Services and Supplies	59,457	74,970	(15,513)
Other Charges (Copier)	500	1,200	(700)
<b>Total Expenses</b>	<b>\$ 515,107</b>	<b>\$ 532,490</b>	<b>\$ (17,383)</b>
<b>Net Gain (Loss)</b>	<b>\$ (23,212)</b>	<b>\$ (59,315)</b>	<b>\$ 36,103</b>
<b>Estimated Fund Balance June 30, 2021</b>		<b>\$ 318,752</b>	

Reserve Funds & Long-Term Pension Liability

The Commission's Reserve Fund Policy identifies two reserve categories to be calculated annually and allocated during the annual budget process: an Accrued Leave Fund (based on accumulated cash-out liability) and a General Fund Reserve (15% of operating expenses). The Commission also requested reverse fund be included to represent long-term liabilities. Proposed reserve funds are shown below:

*Table 3: Proposed Reserve Funds*

<b>General Fund Reserve (15%)</b>	<b>\$ 83,350</b>
<b>Accrued Leave Fund (Cash-Out Liability)</b>	<b>93,000</b>
<b>Long-Term Liability Reserve</b>	<b>100,000</b>
<i>Total Reserves</i>	<i>\$ 276,350</i>

The Commission's addition of a Long-Term Liability Reserve was in response to an accounting requirement known as GASB 68. GASB 68 requires employers to report long-term unfunded pension liabilities on their balance sheets. The estimated unfunded portion of the pension can vary significantly each year based on investment returns and contribution rates. It can be viewed as an indicator of the overall health of the StanCERA retirement system from year to year. Accounting and budgeting for retirement costs are based on retirement contribution rates that are updated annually using actuarial analysis and adopted by the StanCERA Board. The rates are subsequently approved by the County Board of Supervisors.

Long-term pension liability was previously reported on the Commission's balance sheet in the amount of \$503,091, a reduction from a prior reported amount of \$554,866. It is important to also note that the estimate of unfunded pension liability is based on LAFCO's proportion of the StanCERA system's overall unfunded pension liability and not actual amounts for LAFCO employees based on their years of service, retirement date, etc. Staff from the County Auditor's office identified that there are many uncertainties with regards to the exact amount and timing of the long-term pension liability.

Fund Balance Status – Use of Undesignated Funds

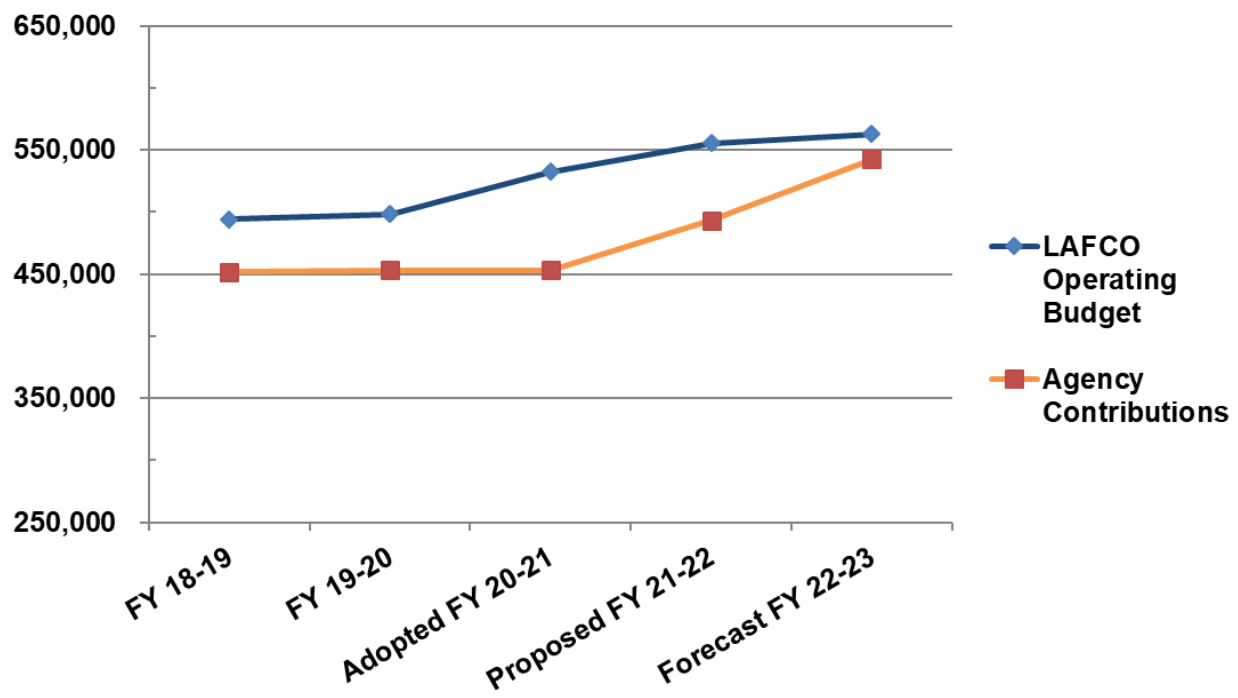
As the Commission has been depleting the remainder of its undesignated fund balance, agency contributions will continue to see a corresponding increase in their allocation amounts. For the current year's budget, the Commission directed Staff to keep agency contributions the same as the prior year. For the Proposed Budget, an estimated \$42,402 in undesignated fund balance is available to offset agency contributions. This amount, in addition to \$20,000 in estimated application revenues will help to offset contributions; however, as anticipated, agency contributions are now gradually rising to meet the Commission's actual operating expenses. A forecast of the following year's budget shows that agency contributions will soon be closer to matching the Commission's operating expenses (see Table 4 and Figure 1 on the next page).



Table 4: Total Budget & Agency Contributions

	FY 20-21	Proposed FY 21-22	Forecasted FY 22-23
<b>Total Budget</b>	\$ 532,490	\$ 555,560	\$ 562,572
<b>Agency Contributions</b>	453,175	493,158	542,572
<b>Fund Balance Beg.</b>	341,964	318,752	276,350
<b>Drawdown</b> (Projected Use of Fund Balance to Reduce Agency Contributions)	(23,212)	<b>(42,402)</b>	(0)
<b>Fund Balance End (Est.)</b>	318,752	276,350	276,350
<b>Designated Reserves: 15% Reserve</b>	77,928	83,350	84,386
<i>Accrued Leave (Cash-Out Liability)</i>	87,000	93,000	93,000
<i>Long-Term Liability Reserve</i>	100,000	100,000	100,000
<i>Total Reserves</i>	264,928	276,350	\$ 277,386
<b>Estimated Undesignated Fund Balance for Use in <u>Following</u> Year</b>	<b>\$ 53,824</b>	<b>\$ 0</b>	<b>\$ (1,036)</b>

Figure 1: Forecast of Agency Contributions

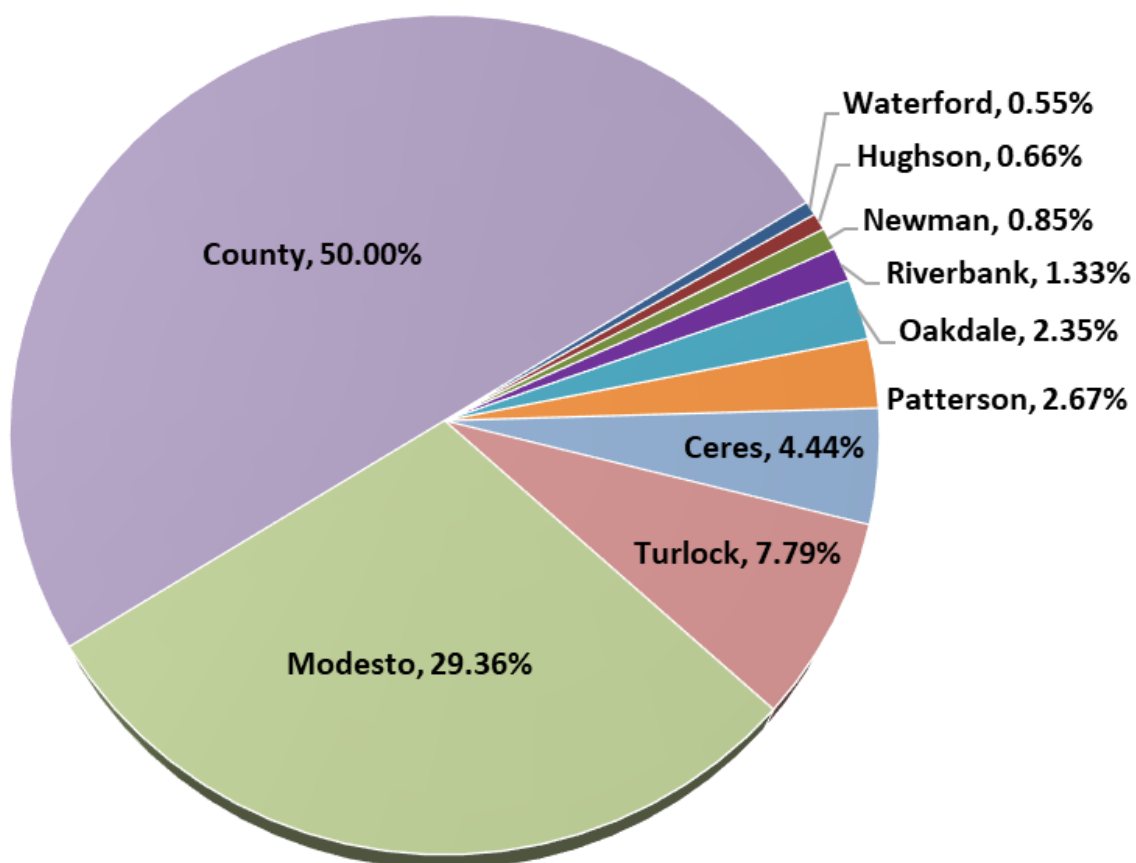


Agency Contributions

LAFCO is funded by contributions from the County and nine cities. By statute, the County is apportioned a half-share of the Commission's operational costs. The cities' share is calculated annually by the County Auditor and is relative to each city's total revenues, as published in the most recent State Controller reports.

Combined, the County and City of Modesto contribute about 79% of the Commission's budget, with the remainder split amongst the smaller cities (see Chart 1 below). Contribution amounts fluctuate from year to year amongst the cities, as their revenues increase or decrease relative to each other. Cities with larger increases in reported revenues may see their LAFCO contribution increase higher than other cities. Likewise, if a city has very low reported revenues, they may see their contribution amount decrease, even with an increase in LAFCO's budget. Table 5 on the next page outlines the County and Cities' contributions to the LAFCO budget for the current year and an estimate of the contributions for FY 2021-2022 based on the proposed budget.

*Chart 1: City/County Allocations (Estimated FY 2020-2021)\**



\* City allocations are based proportionally on total revenues, as reported by the most recent State Controller Annual Cities Revenue Report.

Table 5: Estimated Agency Contributions FY 2021-2022\*

	State Controller Reported Revenues (FY 18-19)	% of LAFCO Budget	Current FY 20-21 Contribution	Estimated FY 21-22 Contribution	Total Change	% Increase (Decrease)
<b>Ceres</b>	68,168,892	4.44%	18,355	21,874	3,519	18.97%
<b>Hughson</b>	10,140,639	0.66%	3,410	3,254	(156)	(4.58%)
<b>Modesto</b>	451,188,274	29.36%	135,010	144,774	9,764	7.23%
<b>Newman</b>	13,038,899	0.85%	3,882	4,184	302	7.77%
<b>Oakdale</b>	36,142,038	2.35%	10,598	11,597	999	9.43%
<b>Patterson</b>	41,060,009	2.67%	12,733	13,175	442	3.47%
<b>Riverbank</b>	20,470,620	1.33%	5,759	6,568	809	14.05%
<b>Turlock</b>	119,783,598	7.79%	34,457	38,435	3,978	11.54%
<b>Waterford</b>	8,471,420	0.55%	2,383	2,718	335	14.06%
<b>All Cities</b>	768,464,389	50%	226,588	246,579	19,992	8.82%
<b>County Contribution</b>		50%	226,588	246,579	19,992	8.82%
<b>Total Agency Contributions</b>		<b>100%</b>	<b>\$ 453,175</b>	<b>\$ 493,158</b>	<b>\$ 39,983</b>	<b>8.82%</b>

\* Estimates are based on the most recent State Controller's Reports. Final amounts will be determined by the County Auditor following adoption by the Commission.

## **WORK PROGRAM & APPLICATION ACTIVITY**

Despite the unique challenges of the current fiscal year, LAFCO Staff was able to complete the Commission's 2020 work program and has begun work on updates scheduled for 2021. During this time, Staff has continued to process applications, including the large-scale Salida proposal, district and city annexations, and out-of-boundary service extensions. City and district application activity has remained steady, and we continue to receive inquiries regarding upcoming applications and potential annexations.

## **CONCLUSION**

The Commission and LAFCO Staff continue to exercise fiscal prudence, recognizing the financial constraints faced by our funding agencies. Approval of the Proposed Budget will enable the Commission to perform its core responsibilities effectively, and continue its work on municipal service review updates, policy development, and current projects.

Attachments: LAFCO Resolution No. 2021-05  
Proposed Fiscal Year 2021-2022 Budget Detail

**STANISLAUS COUNTY LOCAL AGENCY  
FORMATION COMMISSION**

**RESOLUTION**

**DATE:** April 28, 2021

**NO.** 2021-05

**SUBJECT: Adoption of the Proposed LAFCO Budget for Fiscal Year 2021-2022**

On the motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and approved by the following vote:

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

**THE FOLLOWING RESOLUTION WAS ADOPTED:**

**WHEREAS**, Government Code Section 56381(a) requires the Commission to adopt annually, following noticed public hearings, a proposed budget by May 1 and a final budget by June 15;

**WHEREAS**, the Stanislaus Local Agency Formation Commission wishes to provide for a budget to fulfill its purposes and functions as set forth by State law;

**WHEREAS**, pursuant to Government Code Section 56381(a), the proposed budget must be, at a minimum, equal to the previous budget, unless a finding is made that the reduced costs will nevertheless allow the Commission to fulfill the purposes and programs of the Stanislaus Local Agency Formation Commission (LAFCO);

**WHEREAS**, approval of the Proposed Budget will enable the Commission to perform its core responsibilities effectively, and to continue its work on State mandated Municipal Service Reviews and Sphere of Influence Updates;

**WHEREAS**, the Commission mailed notices of the Proposed Budget to the County Board of Supervisors, the nine cities and the independent special districts; published a notice in Modesto Bee, and posted said notice on its website; and

**WHEREAS**, the Commission has conducted a public hearing on April 28, 2021, to consider the Proposed Budget for Fiscal Year 2021-2022, as submitted by the Executive Officer.

**NOW, THEREFORE, BE IT RESOLVED** that the Commission:

1. Finds that the Proposed Budget for Fiscal Year 2021-2022 will allow the Stanislaus Local Agency Formation Commission to fulfill the purposes and programs of the Cortese-Knox-Hertzberg Local Government Reorganization Act.
2. Adopts the Proposed Budget for Fiscal Year 2021-2022 as outlined in Exhibit 1, in accordance with Government Code Section 56381(a).

3. Hereby schedules the public hearing to consider the adoption of the Final Budget for Fiscal Year 2021-2022, for the Commission's May 26, 2021 meeting.

**ATTEST:**

\_\_\_\_\_  
Sara Lytle-Pinhey  
Executive Officer

Attachment: Proposed Fiscal Year 2021-2022 Budget

**Stanislaus LAFCO**  
**PROPOSED FISCAL YEAR 2021-2022 BUDGET**

Account	FY 20-21 Adopted Budget	FY 20-21 Estimated Year-End	FY 21-22 PROPOSED BUDGET	Increase or (Decrease)	% Change
<b>Salaries and Benefits</b>					
50000+ Salaries and wages	\$ 279,800	\$ 279,500	\$ 285,000	\$ 5,200	2%
52000 Retirement	83,100	83,600	89,990	6,890	8%
52010 FICA	22,100	20,800	22,500	400	2%
53000 Group health insurance	60,800	60,800	59,300	(1,500)	-2%
53020 Unemployment insurance	360	360	360	-	0%
53051 Benefits admin fee	190	160	190	-	0%
53081 Long term disability	425	385	425	-	0%
54000 Workers compensation insurance	995	995	1,035	40	4%
55000 Auto allowance	2,400	2,400	2,400	-	0%
55080 Professional development	2,200	2,200	2,200	-	0%
55130 Deferred comp mgmt/conf	3,950	3,950	3,980	30	1%
<b>Total Salaries and Benefits</b>	<b>\$ 456,320</b>	<b>\$ 455,150</b>	<b>\$ 467,380</b>	<b>\$ 11,060</b>	<b>2%</b>
<b>Services and Supplies</b>					
60400 Communications (ITC - Telecom)	\$ 1,145	\$ 1,177	\$ 1,290	\$ 145	13%
61000 Insurance (SDRMA)	5,230	5,092	4,800	(430)	-8%
61030 Fiduciary liability insurance	40	60	70	30	75%
62200 Memberships (CSDA, CALAFCO)	10,800	10,377	10,560	(240)	-2%
62400 Miscellaneous expense	3,000	3,000	3,000	-	0%
62450 Indirect costs (A87 roll forward)	(460)	(460)	(460)	-	0%
62600 Office supplies	1,500	1,200	1,500	-	0%
62730 Postage	1,200	500	1,200	-	0%
62750 Other mail room expense	445	445	470	25	6%
63000 Professional & special serv	12,360	11,891	12,515	155	1%
Building maint & supplies	3,430	3,200	3,540	110	3%
Office lease	4,100	3,861	4,000	(100)	-2%
Utilities	1,515	1,515	1,560	45	3%
Janitorial	830	830	855	25	3%
Purchasing	285	285	295	10	4%
HR/Risk Mgt overhead	2,200	2,200	2,265	65	3%
63090 Auditing & accounting	2,430	2,430	2,505	75	3%
63400 Engineering services	2,000	2,000	2,000	-	0%
63640 Legal services	12,000	6,000	12,000	-	0%
63990 Outside data proc services (IT & GIS Lic)	12,200	11,875	12,950	750	6%
IT Services (ITC)	8,500	8,475	9,250	-	9%
Video Streaming (ITC)	1,000	1,000	1,000	-	0%
Mtg Recording (Final Cut Media)	1,500	1,200	1,500	-	0%
GIS License (ITC)	1,200	1,200	1,200	-	0%
65000 Publications & legal notices	1,000	900	1,000	-	0%
65780 Education & training	3,000	150	2,500	(500)	-17%
65660 Special dept. expense (3yr audit)	-	-	12,000	12,000	new
65810 Other supportive services (messenger)	350	240	350	-	0%
65890 Commission expense (stipends, training)	6,100	2,400	6,100	-	0%
67040 Other travel expenses (mileage)	500	50	500	-	0%
67201 Salvage disposal	130	130	130	-	0%
<b>Total Services and Supplies</b>	<b>\$ 74,970</b>	<b>\$ 59,457</b>	<b>\$ 86,980</b>	<b>\$ 12,010</b>	<b>16%</b>
<b>Other Charges</b>					
73024 Planning dept services	\$ 1,200	\$ 500	\$ 1,200	\$ -	0%
<b>Total Other Charges</b>	<b>\$ 1,200</b>	<b>\$ 500</b>	<b>\$ 1,200</b>	<b>\$ -</b>	<b>0%</b>
<b>TOTAL EXPENSES</b>	<b>\$ 532,490</b>	<b>\$ 515,107</b>	<b>\$ 555,560</b>	<b>\$ 23,070</b>	<b>4%</b>
<b>TOTAL REVENUES</b>	<b>\$ 532,490</b>	<b>\$ 491,895</b>	<b>\$ 555,560</b>	<b>\$ 23,070</b>	<b>4%</b>
40680+ Agency Contributions	453,175	453,175	493,158	39,983	9%
36414 Application & Other Revenues	20,000	32,700	20,000	-	0%
17000+ Interest Earnings & Refunds	-	6,020	-	-	-
<b>Use of Undesig. Fund Balance</b>	<b>\$ 59,315</b>		<b>\$ 42,402</b>	<b>\$ (16,913)</b>	<b>-29%</b>

**Stanislaus LAFCO**  
**PROPOSED FISCAL YEAR 2021-2022 BUDGET**  
**Reserve Funds & Undesignated Fund Balance**

Estimated Fund Balance June 30, 2021	\$	318,752
<i>General Fund Reserve (15%)</i>		(83,350)
<i>Accrued Leave Fund (Cash-Out Liability)</i>		(93,000)
<i>Long-Term Liability Reserve</i>		(100,000)
<b>Undesignated Fund Balance (Est.)</b>	<b>\$</b>	<b>42,402</b>