



**STANISLAUS LAFCO  
LOCAL AGENCY FORMATION COMMISSION**

**Sara Lytle-Pinhey, Executive Officer**  
1010 10<sup>th</sup> Street, Third Floor  
Modesto, California 95354  
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[www.stanislauslafco.org](http://www.stanislauslafco.org)

**Chair Terry Withrow, County Member**  
**Vice Chair Richard O'Brien, City Member**  
Amy Bublak, 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, March 23, 2022  
6:00 P.M.  
Joint Chambers—Basement Level  
1010 10<sup>th</sup> Street, Modesto, California 95354**

- Members of the Public may attend this meeting in person.
- 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>

**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 January 26, 2022 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 – February 2022.

C. "In the News."

5. **DECLARATION OF CONFLICTS AND DISQUALIFICATIONS**

6. **CONSENT ITEM**

A. **LEGISLATIVE UPDATE AND POSITION LETTERS** – (Staff Recommendation: Accept the update and authorize Executive Officer to submit position letters.)

7. **PUBLIC HEARINGS**

A. **LAFCO APPLICATION NO. 2022-01, MUNICIPAL SERVICE REVIEW NO. 2022-01, & SOI UPDATE NO. 2022-01 – ACTIVATION OF LATENT POWERS (SEWER SERVICE) FOR THE MONTEREY PARK TRACT COMMUNITY SERVICES DISTRICT – Requesting continuance to May 25, 2022** - A request by the Monterey Park Tract Community Services District to provide sewer services within the existing boundaries of the 30± acre District. Currently the District is only authorized to provide water services. The District includes the rural subdivision known as the Monterey Park Tract and is located one mile west of the West Monte Vista Avenue and Crows Landing Road intersection. An updated Municipal Service Review and Sphere of Influence will also be considered for the proposal. (Staff Recommendation: Approve continuance of proposal to May 25, 2022.)

B. **LAFCO APPLICATION NO. 2022-02 – FAIRVIEW VILLAGE NO. 2 REORGANIZATION TO THE CITY OF MODESTO:** The City of Modesto has requested to annex approximately 178 acres located south of the Tuolumne River, east of Carpenter Road, and north of Whitmore Avenue, including adjacent road right-of-way. The request will also simultaneously detach the area from the Burbank-Paradise and Westport Fire Protection Districts. The annexation is within the City's Sphere of Influence and is meant to accommodate new residential development and a commercial area within the Fairview Village Specific Plan. (Staff Recommendation: Adopt Resolution No. 2022-04, approving the application.)

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 April 27, 2022.
- 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

January 26, 2022

### 1. CALL TO ORDER

Chair Bublak called the meeting to order at 6:01 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  
Vito Chiesa, County Member  
Mani Grewal, Alternate County Member  
Javier Lopez, Alternate City Member

Commissioners Absent: Terry Withrow, Vice-Chair, County Member  
Richard O'Brien, City Member  
Ken Lane, Public Member  
Bill Berryhill, Alternate Public Member

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

### 2. PUBLIC COMMENT

Dan Whetstone, Jami Aggers, Barney Aggers and Karen Conrotto all spoke regarding their concerns about the City of Riverbank's River Walk Specific Plan proposal.

### 3. APPROVAL OF MINUTES

- A. Minutes of the September 22, 2021 Meeting.

*Motion by Commissioner Grewal, seconded by Commissioner Chiesa and carried with a 4-0 vote to approve the Minutes of the September 22, 2021 meeting by the following:*

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



**4. CORRESPONDENCE**

- A. Specific Correspondence.
- None.
- B. Informational Correspondence.
1. 2022 CALAFCO Events Calendar.
  2. CALAFCO Quarterly – December 2021.
- C. “In the News.”

**5. DECLARATION OF CONFLICTS AND DISQUALIFICATIONS**

None.

**6. CONSENT ITEMS**

- A. **MUNICIPAL SERVICE REVIEW NO. 2021-03 AND SPHERE OF INFLUENCE UPDATE NO. 2021-04 – FOR WESTERN HILLS WATER DISTRICT:** The Commission will consider the adoption of a Municipal Service Review (MSR) and Sphere of Influence (SOI) Update for Western Hills Water District. This item is exempt from the California Environmental Quality Act (CEQA) review pursuant to sections 15306 and 15061(b)(3). (Staff Recommendation: Approve the update and adopt Resolution No. 2022-02.)
- B. **YEAR-END FINANCIAL REPORT FOR FISCAL YEAR 2020-2021**  
(Staff Recommendation: Accept and file the report.)
- C. **MID-YEAR BUDGET REPORT FOR FISCAL YEAR 2021-2022**  
(Staff Recommendation: Accept and file the report.)
- D. **2022 WORK PROGRAM – MUNICIPAL SERVICE REVIEW & SPHERE OF INFLUENCE UPDATES.** (Staff Recommendation: Adopt the 2022 Work Program.)

*Motion by Commissioner Chiesa, seconded by Commissioner Grewal, and carried with a 4-0 vote to approve the consent items, by the following vote:*

<i>Ayes:</i>	<i>Commissioners: Bublak, Chiesa, Grewal and Lopez</i>
<i>Noes:</i>	<i>Commissioners: None</i>
<i>Ineligible:</i>	<i>Commissioners: None</i>
<i>Absent:</i>	<i>Commissioners: Berryhill, Lane, O'Brien and Withrow</i>
<i>Abstention:</i>	<i>Commissioners: None</i>

**7. PUBLIC HEARING**

None.

## 8. OTHER BUSINESS

- A. **ANNUAL ELECTION OF OFFICERS.** (Staff Recommendation: Appoint a Chairperson and Vice-Chairperson and adopt Resolution No. 2022-01a and 2022-01b.)

*Motion by Commissioner Chiesa, seconded by Commissioner Grewal and carried with a 4-0 vote to appoint Commissioner Withrow as Chairperson, by the following vote:*

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

*Motion by Commissioner Bublak, seconded by Commissioner Chiesa and carried with a 4-0 vote to appoint Commissioner O'Brien as Vice-Chairperson, by the following vote:*

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

## 9. COMMISSIONER COMMENTS

Commissioner Chiesa reminded Staff that if they need extra staffing or resources to please return to the Commission.

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

None.

## 11. EXECUTIVE OFFICER'S REPORT

- A. On the Horizon. The Executive Officer informed the Commission of the following:
- Staff anticipates receiving two annexation applications from the City of Modesto in the coming months, as well as an application from the Monterey Park Tract Community Services District for sewer services.
  - The 3-year audit is still in progress and Staff is also working on the Municipal Service Review for fire services.
  - Staff recommends cancelling the February meeting. The next meeting will be on March 23, 2022.

**12. ADJOURNMENT**

- A. Chair Bublak adjourned the meeting at 6:17 p.m.

NOT YET APPROVED

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Sara Lytle-Pinhey, Executive Officer

# News from the Board of Directors

## CALAFCO QUARTERLY

February 2022



### A message from the Executive Director

Greetings from your CALAFCO Board of Directors and Executive Director. As 2022 is underway, there is a lot going on in Sacramento and in CALAFCO. We are happy to bring you all the latest news of the Association.



### CALAFCO BOARD ACTIONS

#### CALAFCO BOARD SELECTS NEW EXECUTIVE DIRECTOR

At their January 21<sup>st</sup> meeting the CALAFCO Board of Directors selected **René LaRoche** as the new Executive Director. The Board, along with the CALAFCO Regional Officers, Administrator, Legal Counsel and current Executive Director interviewed two finalists before the Board made the selection. The finalists were recommended by the Board's Recruitment Committee (Mike Kelley, Anita Paque, Bill Connelly, Margie Mohler, Mike McGill, Clark Alsop and Steve Lucas) who interviewed five candidates forwarded by the professional recruiting firm of Koff & Associates before making the recommendation. The new Executive Director serves as a full-time, at-will employee under contract with the Association.



René LaRoche comes to CALAFCO with a diverse background that includes local government and private sector experience, as well as experience serving on Association Boards of Directors. Most recently, as Clerk of Board of Supervisors in Mariposa County since 2012, she serves as part of the executive management team working closely with the elected and appointed officials in the County. Among other things, she develops and administers the department's budget and acts as a liaison for the County with national, state, and local entities. Previously, René served as development and business manager for Runaway Holiday, LLC where she did software and business development, and served as a web developer for Mountain Arts Design.

René earned a Master's Degree in Public Management from Johns Hopkins University and a Bachelor's Degree in Public Administration from the University of Las Vegas Nevada. She is past President of the CA Clerk of the Board of Supervisors Association and an Institute Fellow of the CA State Association of Counties. René will be relocating to the Sacramento area and is scheduled to begin full-time on February 28, with a transition overlap with the current Executive Director of several days per week beginning mid-February through mid-March. She is looking forward to meeting LAFCo staff at the March Staff Workshop and connecting with all LAFCo staff and Commissioners in the near future. René can be reached at [rlaroche@calafco.org](mailto:rlaroche@calafco.org).

### NEW BOARD MEMBER APPOINTED

Also during the January 21 meeting, the Board appointed **Derek McGregor**, Orange LAFCo Public Member, to the CALAFCO Board. Derek fills the unexpired term (through October 2022) of former Board Member David West of Imperial LAFCo, who resigned his Board seat late last year.

### OTHER RECENT BOARD ACTIONS

The Board met virtually on January 21 and in addition to conducting interviews for a new Executive Director in a lengthy closed session and appointing Derek McGregor to the Board, they also took the following actions:

- ✓ Adopted member LAFCo dues for FY 2022-23 (information distributed to member LAFCo staff on February 1)
- ✓ Conducted the 2021 annual dashboard review of the Strategic Plan
- ✓ Accepted the mid-year financial reports
- ✓ Approved amendments to the final section of the Association's Policies, completing the first ever comprehensive review and update of the Association's Policies
- ✓ Received and filed numerous other reports

Additionally, the Board received a report on the status of the Staff Workshop scheduled for March 23 – 25, 2022. It was reported that registration numbers are currently low, about half of what is normal, and unless facility contractual obligations can be reduced, CALAFCO is on track for a net loss of approx. \$36,000. Staff is working on negotiations with the facility to see what can be done to reduce those obligations.

All CALAFCO Board meeting documents are available for member access on the CALAFCO website.

### Welcome to Our Newest Associate Members

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

We welcome **Sloan Sakai Yeung & Wong, LLP** as a Silver Associate member. **Sloan Sakai** focuses on public agency law, LAFCo law, employment law, and labor/personnel relations. They currently serve as general counsel to Sacramento and Napa LAFCOs and have provided special counsel to LAFCOs, special districts, cities, and counties throughout California.

To learn more about **Sloan Sakai**, visit their website at [www.sloansakai.com](http://www.sloansakai.com) or contact **DeeAnne Gillick** at [dgillick@sloansakai.com](mailto:dgillick@sloansakai.com).

**Sloan Sakai**

Sloan Sakai Yeung & Wong LLP

We also welcome **Terranomics Consulting (TC)** as a Silver Associate member. **TC** provides consulting services for

# News from the Board of Directors

## CALAFCO QUARTERLY

February 2022

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urban and environmental planning, community and economic development, and GIS. More specifically, their primary activities include urban land economics, business geography, market and feasibility studies, housing studies, grant development and air dispersion modeling. For more information about *TC*, contact **Vince Zaragoza** at 661-421-2312 or by email at [terranomics@hotmail.com](mailto:terranomics@hotmail.com).

### CALAFCO Educational Events

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

##### CALAFCO 2022 STAFF WORKSHOP

Join us **March 23- 25** at the **Hyatt Regency Newport Beach John Wayne Airport** when we get LAFCo staff together for the Workshop. It's been so long since we've gathered in person and the time is finally here! All Workshop details including info about the program, registration and hotel reservations are posted on the CALAFCO website.

**Deadline to register for the Workshop is March 9 and hotel reservation cutoff date is February 22.**

##### CALAFCO UNIVERSITY

We are pleased to continue offering webinars at no cost to our members. We **are rescheduling** the webinar originally scheduled for **February 23** on **Best Practices for Hiring in the New World (Post-Pandemic)** to a date in the near future. We will feature a labor/employment law attorney, recruiting firm executive, and an Executive Officer, all of whom will share the myriad of things we need to know as we navigate the new (and wild) labor market seeking the best candidates in this post-pandemic world. Watch for the new date and time of this great webinar coming soon.

Details for all CALAFCO University courses are on the CALAFCO website. We have a webinar on-demand library on the CALAFCO website inside the members section containing 16 webinars. CALAFCO members can access these webinars at any time for free using your member access website login credentials.

### CALAFCO Administrative Update

A reminder the **2021 CKH Guides** are now available. You can download an electronic copy from the CALAFCO website or place an order for printed hard copies. You will



find all the details on the CALAFCO website at [www.calafco.org](http://www.calafco.org).

CALAFCO is also doing the annual update of the **membership directory**, so please be sure to get your information to Jeni Tickler at [jtickler@calafco.org](mailto:jtickler@calafco.org).

#### STATEWIDE DUC MAPPING PROJECT COMPLETE

We are very pleased to report the update of the statewide map of disadvantaged unincorporated communities (DUCs) has been completed. The map will be updated every 5 years pursuant to statute. Further, the statewide map of LAFCos (by county) that links each county to your respective LAFCo website is also updated. CALAFCO is grateful to our Associate Member partner **RSG, Inc.** for undertaking this project. We especially thank **Jim Simon, Wesley Smith, Dianna Dunne-Vecchio** and **Jocelyn Sanchez**. We also thank **Seth Hendrick** of **Matson & Isom Technologies**, our web host, for their assistance with this mapping project.

You can find the DUC map on the [CALAFCO website here](#) and the [LAFCo-link map here](#).

### LAFCos in the News

#### Congratulations to another retiree

After 21 years of serving Napa LAFCo as Commission Clerk, **Kathy Mabry** is retiring. Kathy has served Napa LAFCo with distinction over her long career with many accomplishments. She also served on many CALAFCO event planning teams for Staff Workshops and Conferences. We are grateful for her service and many contributions locally and statewide, and wish Kathy all the best in her retirement.



#### Los Angeles LAFCo Mourns the Loss of Former Commissioner Richard Close



**Commissioner Close** served on LA LAFCo from 1996-2021 in the special seat for the San Fernando Valley Area Member. He was a leader for years in the valley secession efforts. He is described by LA LAFCo as "bright, hard-working, and dedicated. He is remembered for his decades-long service to his local community, the San Fernando Valley, and the City of Los Angeles. The whole of Los Angeles County is a better place due, in many ways, to the work that [Commissioner Close] did for LAFCo, where his voice guided so many important decisions." CALAFCO's thoughts are with his family and LA LAFCo.





### CALAFCO Legislative Update

January 3, 2022 marked the start of the second year in the 2-year legislative cycle. Once again the year is expected to be wild and unpredictable. The State has a large budget surplus which is creating all kinds of early budget negotiating, as is the influx of Federal money.

Legislators hit the ground running trying to move the large number of left-over 2-year bills through committee to meet deadlines. Looming deadlines left many of those leftover bills from 2021 on the cutting room floor and they are now designated as "dead". Now we will begin to see new bills for 2022 introduced.

For this legislative year the CALAFCO Board has identified several items as priority. First is the annual Omnibus bill which is authored by the Assembly Local Government Committee (ALGC) and sponsored by CALAFCO. Three proposals were approved by the Legislative Committee (Committee) and sent to the ALGC. Those proposals are now going through the broad stakeholder review process that occurs before the bill is introduced.

The second priority is to co-sponsor a legislative proposal with San Diego LAFCo to amend Gov. Code Sec. 56133 to explicitly state that exemptions pursuant to 56133(e) are to be approved by LAFCo. This is being done to curb agency self-exemptions which seem to be a growing problem across the state. For the past four months CALAFCO and San Diego LAFCo have been working on stakeholder outreach and attempting to secure an author. It is likely that CALAFCO will refocus these efforts to 2023. The Board will consider this at their April meeting.

The final priority as identified by the Board is to complete the work of the protest provisions rewrite working group. CALAFCO has been reporting to you for the past several years that we have been actively responding to several recommendations made in the 2017 Little Hoover Commission report (*Special Districts: Improving Oversight and Transparency*). Specifically, to address one of the recommendations, we initiated a working group of stakeholders in early 2019 to discuss the protest process for consolidations and dissolutions of special districts, specifically, the statutes related to LAFCo-initiated protest provisions and the 10% protest threshold while all other initiated actions have a 25% protest threshold.

The 18-member working group consists of seven CALAFCO representatives (including CALAFCO/CSDA Board member **Jo MacKenzie**, CALAFCO ED **Pamela Miller**, LAFCo legal counsel **Holly Whatley**, and EOs representing all 4 regions of CALAFCO including **José Henríquez** (Sacramento), **Steve**

**Lucas** (Butte), **Kai Luoma** (Ventura) and **Paul Novak** (LA); seven CSDA representatives (including one of their lobbyists, legal counsel and five members representing water, fire, resource conservation and community services districts), representatives from the League of CA Cities and from the CA State Association of Counties, as well as the consultants from the Assembly Local Government and Senate Governance & Finance Committees.

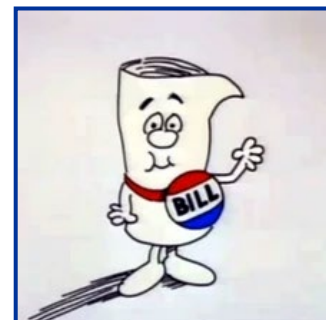
We are pleased to report that after three years of work and

extensive negotiations, the deliverables of the working group have been completed. The entire working group gave consensus on the redraft of existing scattered protest code sections within CKH into a single code section to simplify the reading of the code section. Further, agreement was reached on specific circumstances in which a LAFCo can initiate dissolution using the 25% protest threshold. The CALAFCO Board and Legislative Committee both unanimously approve and support this legislation and CSDA has also gone on record supporting the concept of the pending legislation.

CALAFCO issued a bulletin on the pending legislation and all deliverables for the working group on February 2, 2022. Senator Hertzberg will author

the legislation and our lead co-author is Assemblymember Mayes. For more information on this CALAFCO sponsored legislation (pending bill introduction), please refer to the February 2 bulletin.

All the Legislative Committee meeting documents are located on the CALAFCO website and are available for those with member access. You can also find the CALAFCO tracked legislation on the website. This report is updated daily.





### 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.

#### Berkson Associates



A Silver Associate member since 2015, **Berkson Associates** provides clear, concise analysis for preparation of governance studies including district formation, consolidation and dissolutions, and has extensive experience completing incorporation studies. Expertise also includes market analysis, public agency budget forecasting and demographic/housing analysis in support of MSRs. Fiscal and financial analysis of water and wastewater systems, including Plans for Service for annexations and formations. For more information, contact **Richard Berkson** at [richard@berksonassociates.com](mailto:richard@berksonassociates.com). You can also visit their website at [www.berksonassociates.com](http://www.berksonassociates.com).

#### Rosenow Spevacek Group, Inc.



**RSG**

BETTER COMMUNITIES.  
BOLDER FUTURES.

A long-time Associate member (both Gold and now Silver), **RSG** performs fiscal and reorganizational studies for LAFcos and applicants with the goal of establishing a factual, transparent and credible basis for their clients to make informed decisions. **RSG** prepared Placer LAFco's comprehensive fiscal analysis for the most recent incorporation proposal in California (Olympic Valley, 2017), preliminary feasibility studies for incorporation in Malaga (Fresno County, 2018), as well as several reorganization proposals and MSRs. To learn more about **RSG**, visit their website at [www.webrsg.com](http://www.webrsg.com) or contact **Jim Simon** at [jsimon@webrsg.com](mailto:jsimon@webrsg.com).

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

### Did You Know??



**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). **There are 52 CALAFCO U courses archived**

**and 16 webinars are archived and available for on-demand viewing!**

#### 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.

#### Career and Consulting Opportunities Posted Online

Did you know that **CALAFCO posts career opportunities for our member LAFcos and Associate Members on our website**? Did you know that **we also post consulting opportunities with our LAFcos for our Associate Members on the website**? Visit the Job Announcements page at <https://calafco.org/resources/job-announcements> for all the latest opportunities.



### Mark Your Calendars For These Upcoming CALAFCO Events

- ❖ CALAFCO Leg meeting – 3/11 (virtual)
- ❖ CALAFCO Staff Workshop – 3/23 – 3/25 (Newport Beach)
- ❖ CALAFCO Board of Directors meeting – 4/22 (location TBD)
- ❖ CALAFCO Leg meeting – 4/29 (virtual)

The **CALAFCO 2022 Calendar of Events** can be found on the CALAFCO website.



**CORRESPONDENCE – IN THE NEWS**

**Newspaper Articles**

- The Modesto Bee, January 24, 2022, “Patterson Oks housing project county previously opposed. But other concerns remain.”
- The Modesto Bee, January 26, 2022, “Turlock moves forward with Modesto fire contract. What did consultant recommend.”
- The Modesto Bee, January 26, 2022, “Modesto council Oks fire service contracts stretching to Tuolumne County Line.”
- The Modesto Bee, January 26, 2022, “Riverbank’s Crossroads gets new chain restaurants, more. Retail expansion coming soon.”
- Ceres Courier, January 31, 2022, “Council: Eastside land owners will reimburse when they develop.”
- The Modesto Bee, January 31, 2022, “MID and TID take a step toward capturing a lot more water from Tuolumne in wet years.”
- The Modesto Bee, February 9, 2022, “TID accepts grant for solar panels on canals. When, where will project happen.”
- The Modesto Bee, February 11, 2022, “Riverbank explores cost to ratepayers for wastewater upgrade. It might go to crops.”
- Ceres Courier, March 9, 2022, “You’ll be drinking river water by summer 2023.”
- The Modesto Bee, March 11, 2022, “Proposed Salida project has been debated for years. Decision could come Tuesday evening.”
- Turlock Journal, March 11, 2022, “New TID tech provides greater irrigation allotment.”
- The Modesto Bee, March 15, 2022, “You might see a low-flying helicopter in rural Stanislaus County. Here’s what it’s doing.”



# **Patterson OKs housing project county previously opposed. But other concerns remain**

**By Kristin Lam**

The Patterson City Council has approved a housing and commercial project more than a year after Stanislaus County officials warned that allowing the development would trigger a \$20 million fine.

Voting 4-1 Tuesday, the council approved the Baldwin Ranch North Project development agreement, which the city amended to reflect negotiations with the county.

But Patterson Joint Unified School District leaders say the developer has yet to resolve concerns that were raised around the time the council passed a first reading in November 2020. The developer plans to build 451 single-family homes and a commercial area for stores and offices between Sperry Avenue, Baldwin Road and the Delta Mendota Canal, per city staff reports.

County officials previously opposed the development near Interstate 5 because it violated an agreement designed to promote industrial growth. At issue was the West Patterson Business Park Development Cooperation Agreement the city and county have signed multiple versions of since 1997, according to a Board of Supervisors report.

Last month, the board unanimously approved amendments to the cooperation agreement, which now includes Baldwin Ranch provisions. Instead of owing the county about \$22.75 million for breaking the agreement, the new contract says Patterson must collect about \$2.73 million from the developer and pay it to the county. The county agreed to use the payment to cover its share of the Interstate 5 and Sperry Avenue interchange improvements.

Stanislaus County Chief Executive Officer Jody Hayes said the county is pleased to have amended the cooperation agreement.

"Patterson has experienced significant growth over the life of our original agreement, and this amendment respects the city's desire to align the original project area with other planned uses while also acknowledging the basic financial components of our original agreement," Hayes said in an email Thursday.

In the past 20 years, companies including Amazon, Restoration Hardware and Grainger have built distribution centers in west Patterson. The Baldwin project includes 98.5 acres of medium-density housing near Interstate 5, which violated the previous agreement designating 814 acres for industrial and commercial development.

## **PATTERSON SCHOOL DISTRICT ISSUES REMAIN**

Councilwoman Shivaugn Alves cast the sole vote against approving the Baldwin project after asking if the Patterson Joint Unified School District supported the housing plans. Alves and Mayor Dennis McCord work for the district.

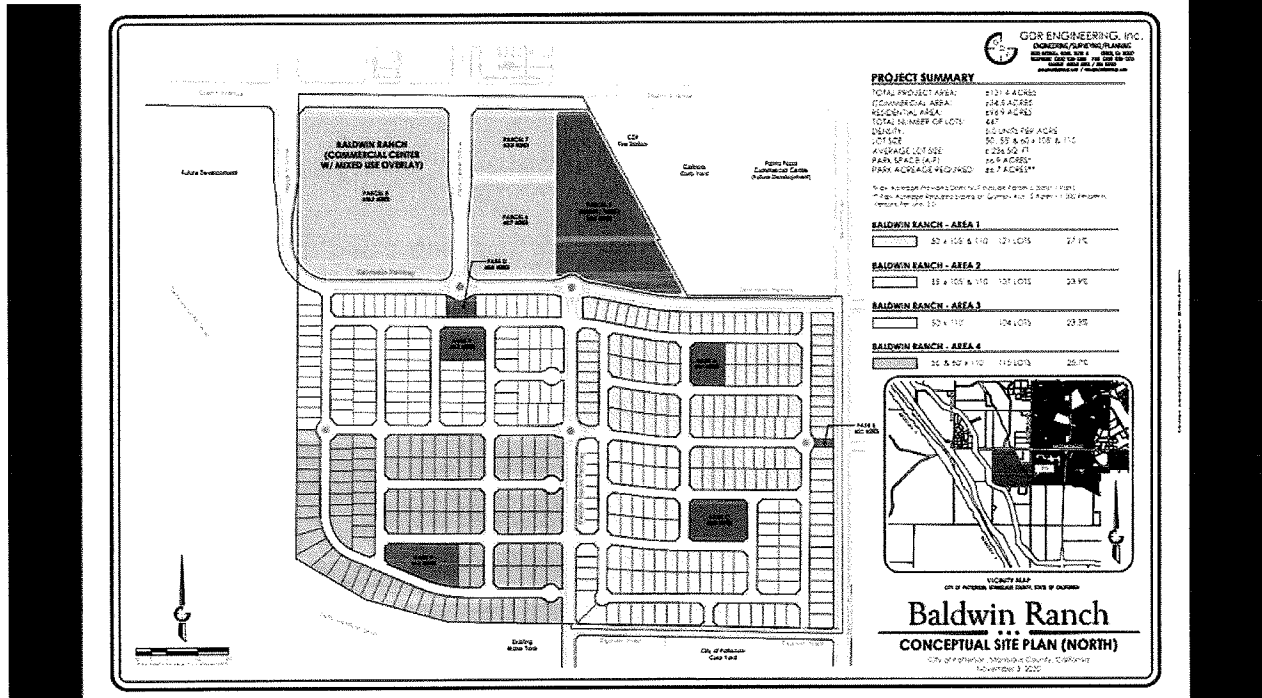
Unlike Stanislaus County, the school district has not reached agreement on the Baldwin development, Assistant Superintendent Jeff Menge said during the meeting Tuesday.

"We don't want to get in the way of the city's agreement," Menge said. "But just to be clear, the district will continue negotiations with the developer to address the issue: the fact that there is no school site in the plan, nor is there other means to address the nearly 500 homes that will be pushed into an already overcrowded school."

The developer does not plan to build a school for the new housing development, Superintendent Philip Alfano said in a phone interview Friday. Apricot Valley Elementary School already has traffic issues, so adding students from 451 new houses would worsen the situation, Alfano said.

“(We’re not) in a position to say you can’t build homes,” Alfano said. “But we are in the position to say you can’t build homes that overcrowd our schools and you need to pay your fair share of developer fees.”

The agreement approved Tuesday says the Baldwin Ranch Development LLC must pay a school impact fee, but lists the amount as to be determined.



# Turlock moves forward with Modesto fire contract. What did consultant recommend?

By Kristin Lam

Modesto could provide fire command services for Turlock as soon as next month after the Turlock City Council voted 4-1 Tuesday to approve the contract.

Representatives from groups including the Turlock firefighters union and consultant Citygate Associates urged the council to pass the contract lasting through June 2026.

If the Modesto City Council approves the agreement, Modesto Fire Chief Alan Ernst will serve as the head of the Turlock Fire Department as well. The contract benefits Turlock by giving access to a full fire administration team and future efficiencies for emergency medical services, fleet services and training, Ernst said. All Turlock Fire Department staff will remain as city employees under the contract.

Citygate, which the city hired in October to conduct a six-month master plan study of Turlock Fire, said further research will not change its support for the contract. Turlock Fire needs leadership and stability, Citygate consultant Stewart Gary said, and Modesto can take care of the city's firefighters.

"Turlock Fire had eroded to the point where things like this (contract) are a best-fit solution and will be part of the master plan," Gary said. "There's no material reason to wait, just like possibly buying replacement firetrucks before the master plan is fully finished."

With all the vacancies in Turlock Fire, Gary said it makes sense to approve the contract before Citygate completes the master plan study. Turlock has gone without a permanent fire chief since June 2019, when the city fired Robert Talloni.

Both Interim Fire Chief Michael Botto and the interim division chief of operations are scheduled to leave at the end of January because of retiree hour limits, Botto said previously. He has cited their departure as one reason to consider the Modesto contract now.

The contract also includes a separation clause if needed, Gary said. Either the Turlock or Modesto City Council can vote to end the contract with a year's notice, per the agreement.

## TURLOCK COUNCILWOMAN OPPOSES CONTRACT

Councilwoman Nicole Larson voted against the contract, citing concerns over its duration and the intent of Measure A. Turlock voters in November 2020 passed the sales tax measure with the stated purpose of maintaining and restoring police and fire services, among other issues.

"It goes against what the voters of Measure A wanted," Larson said. "They wanted us to invest in our fire services. They wanted us to invest in our resources."

Larson praised staff for coming together behind the contract, but said they likely did so because of "the obvious writing on the wall." Larson in December proposed the council review a Modesto contract around May with the Citygate study, but her motion failed, with only Councilman Andrew Nosrati's support.

The Turlock firefighters union endorsed the contract Tuesday after opposing it last month. Ernst met with union members multiple times and answered their questions, President Chad Hackett said.

"We look forward to working with Chief Ernst and moving the Turlock Fire Department forward and being a regional partner within Stanislaus County," Hackett said.

If the union did not support the contract, Mayor Amy Bublak said she would not have put it on the agenda for a vote. The contract invests in the Fire Department, Bublak added, and gives it long-term leadership.

**IN THE NEWS – The Modesto Bee, January 26, 2022 (Continued Page 2)**

“Nobody put a gun to anybody’s head and said, ‘sign this, agree with this,’” Bublak said. “To my surprise, this came back onto the agenda. I didn’t think this was gonna happen. This is because the communication was finally opened up and everyone got to the table and had the discussions that they needed to have about their lives and how this will affect our firefighters.”

The council on Tuesday also approved paying Modesto about \$127,000 for fire command services from mid-February through June, the end of this fiscal year. Funds will come from the unrestricted general fund reserve, per the resolution.

Modesto already runs fire services for Ceres, Oakdale and the Oakdale Fire Protection District and employs the firefighters. The city is also slated to begin managing Stanislaus Consolidated Fire Protection District on Feb. 1.

# Modesto council OKs fire service contracts stretching to Tuolumne County line

By John Holland

The Modesto Fire Department will manage large expanses to the east under contracts that got final approval Tuesday night.

One of them renews a 2019 agreement with the city of Oakdale and the surrounding Oakdale Rural Fire Protection District. The other is a first-time deal with the Stanislaus Consolidated Fire Protection District, which stretches from Riverbank to La Grange.

The Modesto City Council voted 7-0 for both contracts, which will run through June 2027. The district boards and the Oakdale City Council approved them earlier.

Modesto's votes were on the same night that the Turlock City Council decided to also have its fire service managed by Stanislaus County's largest city. The Modesto council still has to endorse that plan.

Modesto also has a five-year contract with Ceres that started last August.

## 'LOOKING FORWARD TO DOING BUSINESS'

Backers said these agreements reduce administrative costs while improving responses to fires, medical emergencies and other calls.

"We are looking forward to doing business with you over the next few years," Greg Bernardi, president of the Stanislaus Consolidated board, said during the Zoom meeting.

Its contract will start Tuesday, Feb. 1. It is for management duties only, unlike the Oakdale area and Ceres, where Modesto employs the firefighters.

Stanislaus Consolidated operates stations in Riverbank, Empire, Waterford and La Grange, and on Mitchell Road near the Modesto Airport. A sixth station on Highway 132 near Geer Road is temporarily closed because of budget trouble. The district stretches to Tuolumne County on the east and Merced County on the south.

It will pay the city \$148,363 for services through the June 30 end of the current fiscal year. The fee will be \$371,599 in the following year and reach about \$420,000 by the final year.

Under the district board's oversight, Modesto will manage the operations, including budgeting, personnel, training, fire prevention and other tasks.

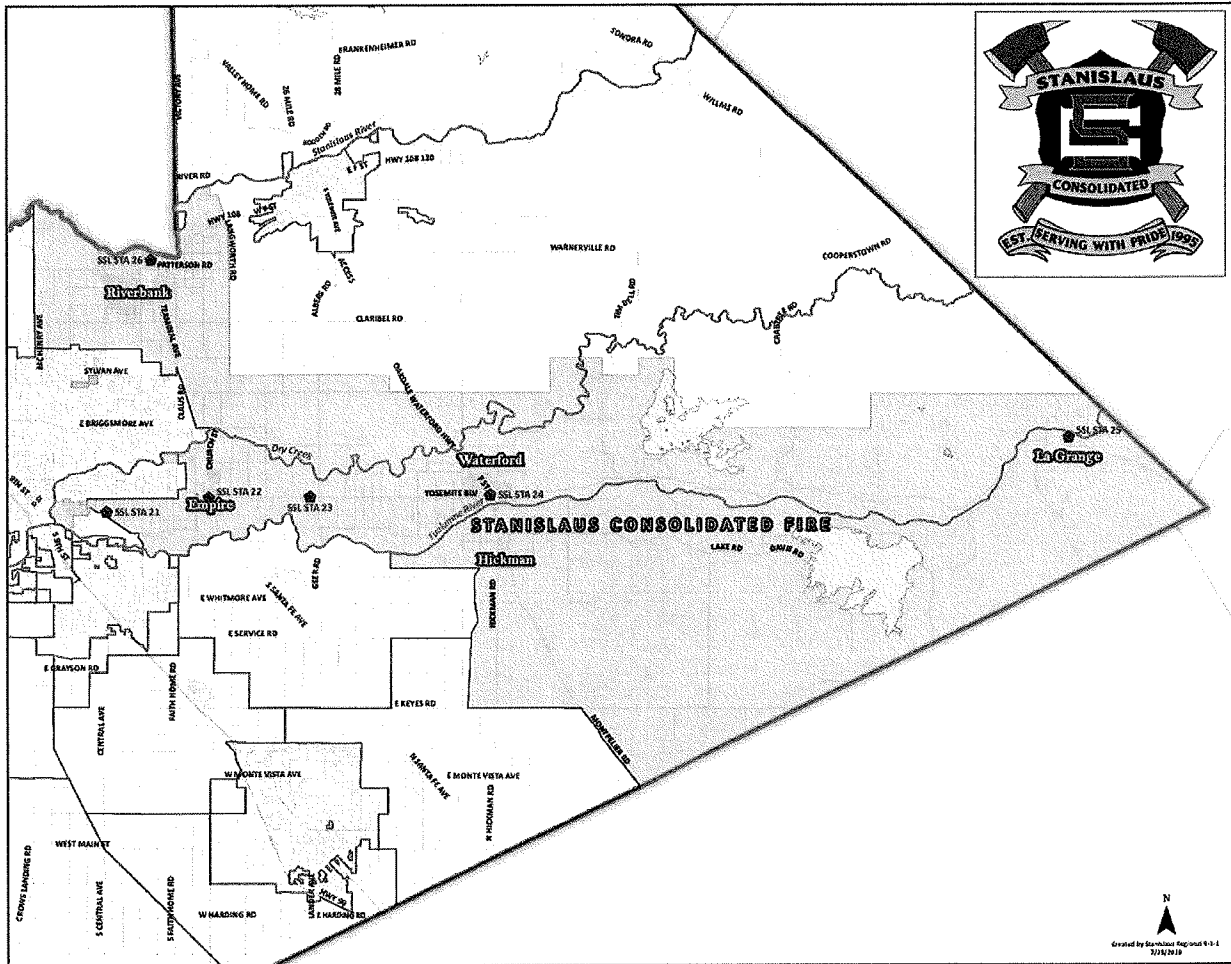
The district will save an estimated \$296,428 over the contract term compared with keeping management in-house, officials said earlier this month.

## OAKDALE AREA RE-UPS WITH MODESTO

Modesto's current contract for the Oakdale area runs through June. The new one will take effect July 1 and last through June 2027.

The contract involves city of Oakdale fire stations on G Street and Willowood Drive and the rural district's Knights Ferry station. The district borders Stanislaus Consolidated on the north and stretches through the county's northeast triangle.

Modesto will receive \$5.63 million in the first year of the contract, rising to \$6 million by the fifth. The city of Oakdale will pay 62.5% of the cost and the district the rest.



# **Riverbank's Crossroads gets new chain restaurants, more. Retail expansion coming soon**

**By Marijke Rowland**

Space is going, going, almost all gone at Riverbank's always-bustling Crossroads shopping center.

Five new national and regional retailers are opening in the complex, at the corner of Claribel and Oakdale roads. They include popular restaurant chains from Northern California and beyond, as well as a national home and beauty brand.

In early January, Ramen 101 opened its first Riverbank location in the complex. The Bay Area-based ramen shop opened its first Stanislaus County location last June in the Modesto Walmart Supercenter complex on McHenry Avenue.

Known for the iconic Japanese noodle soup in its name, the restaurant chain also has a full Hawaiian barbecue menu available. The company has more than a dozen locations across Northern California, from Emeryville to Sacramento.

The Crossroads location is on the east end of the center in the former Planet Beach tanning parlor, between the Great Clips and GNC shops. The restaurant is open 11 a.m. to 9 p.m. daily. Call 209-863-2093 or visit [www.ramen101.net](http://www.ramen101.net).

Another new Bay Area eatery coming to Riverbank's Crossroads will be Nick the Greek. The location will be the first in Stanislaus County for the Mediterranean chain of restaurants. They specialize in gyros (Greek pita sandwiches) and souvlakis (Greek meat skewers). You can even add french fries to your gyros, if you're into that kind of delicious thing.

Opened in San Jose by three cousins all named Nick, the restaurant chain is rapidly expanding. The company has more than two dozen locations in Northern California, with more than double that planned. New locations are opening in Northern and Southern California, Nevada, Kansas and Texas.

The chain's new Crossroads location will be in the former Westamerica Bank building. The approximately 4,000-square-foot space is being split in half, with Nick the Greek taking over one side.

Will Bettencourt, leasing representative for Browman Development Company — which manages and operates Crossroads — said if things go smoothly Nick the Greek could open this fall. Once open it will be one of the first sites in the Northern San Joaquin Valley for the chain.

Another new restaurant opening in Crossroads is well on its way to completion. The new standalone El Pollo Loco Mexican grilled chicken restaurant is currently under construction on the last available vacant pad in the center, next to the Red Robin restaurant.

The new restaurant's arrival was announced last May, and the exterior work appears almost done with El Pollo Loco signs already installed on the building. Bettencourt said it should be ready to open in about a month or two, depending on any final supply chain or hiring issues.

The last restaurant joining the new Japanese, Greek and Mexican eateries will be Poke Bowl. The Japanese and Hawaiian fusion seafood spot features poke — raw, cubed fish — served with a variety of toppings and accompaniments.

The chain has two existing locations in Modesto, on McHenry and Pelandale avenues. The new Riverbank location will be situated between the Save Mart and Best Buy, next to the Sally Beauty. Bettencourt said the owners are working on the build-out now, and hope for a summer opening.

## **IN THE NEWS – The Modesto Bee, January 26, 2022 (Continued Page 2)**

The four new restaurants will be joined by national retailer Bath & Body Works. The national home and beauty product seller is opening a retail location in the center, in the former space of children's clothes retailer Justice, between Kohl's and Target.

Bettencourt said the company is in the "very early" process of developing the 4,840-square-foot site. He said it should take at least three to four months to complete, with eyes on a possible summer debut. Bath & Body Works is known for its lotions, candles and scents. The chain has existing stores in Modesto's Vintage Faire Mall and Turlock's Monte Vista Crossings.

The final unleased space in the center, the other half of the former Westamerica Bank building, is currently in contract negotiations. Bettencourt hopes to have an announcement on the new tenant soon, and then Crossroads will be totally full — with no available space for lease or expansion — for the first time since its opening in 2005.

But, never fear, a planned expansion to the popular Crossroads concept is still in the works. In 2019 initial plans were approved for Crossroads West, a new housing development and accompanying retail shopping center, being built across the street from the existing complex.

Work began on the new subdivision in March 2021. When completed the planned community will have some 1,500 new homes, a school, a fire station, community parks and a sports center. The retail part of the expansion will be at the corner of Oakdale and Claribel roads, in the former location of Dutch Hollow Farms.

Browman, the same firm behind the Crossroads shopping center, is also behind the commercial retail development of Crossroads West. The proposed 555,000-square foot expansion will be almost identical in size to the existing complex, which is 600,000-square feet.

Expect some announcement on potential tenants and updates on construction of the new center sometime in the second quarter of 2022. So by summer, fingers crossed, we should have a better idea of what the new retail expansion will look like when finished.

Bettencourt said the interest in existing Crossroads spaces has been encouraging, and will hopefully transfer to the new Riverbank development as well.

"I feel like this is a really good sign. This center even through the pandemic and before has been one of our better centers," he said. "We've been very fortunate to have a good lineup of tenants."



IN THE NEWS – Ceres Courier, January 31, 2022

## Council: Eastside land owners will reimburse when they develop

By Jeff Benziger

When the Steve Alvernaz family decided they want to build new homes on 55 acres in east Ceres, they had to pay for an studies in order to annex their land and adjoining properties to the city limits

On Monday the Ceres City Council decided how the Alvernaz family will be reimbursed if and when those 12 neighboring properties develop since they benefit from the annexation work.

The annexation of the Whitmore Ranch Specific Plan was approved by the Stanislaus Local Agency Formation Commission (LAFCO) in the spring of 2019. The annexed area is bounded by Whitmore Avenue to the north, Moore Road to the west, and the Cesar Chavez Junior High School campus to the east. Residences have yet to be built.

The Ceres Municipal Code gives the council the power to enact a reimbursement fee to reimburse proponents for the costs of preparing specific plans and environmental impact reports, which are a common benefit with regard to the development of properties within a designated area.

The Alvernazes spent \$401,418 to accomplish the annexation. Since the annexation area covered an area greater than the group's ownership and control it qualifies for reimbursement.

The preparation of the WRSP and EIR, and annexation of the area has benefits to the City and benefits to the landowners within the WRSP area. The City had control of the contents of these documents and has adopted them as part of the city's land use regulations for the Whitmore Ranch area. It is fair and appropriate that the proponent group be reimbursed for the costs of these documents and processes, as they provide a benefit to the city as a whole and a direct benefit to the property owners within the Whitmore Ranch area. Annexation and eventual development of the area could not have occurred without the preparation of the Specific Plan and annexation of the area. Further, the preparation of specific plans within areas to be annexed is a specific policy and program within the General Plan. The city could not take action on any proposed annexation, nor could LAFCO approve any annexation without the preparation of the EIR documents.

Christopher Hoem, the city's Community Development Director, said the fairest way to allocate costs equally is by the acre, such as the precedent set in the West Landing Specific Plan.

A total of 12 parcels are subject to the reimbursement fee of \$7,258.91 per acre. The two schools within the annexation – La Rosa Elementary School and Cesar Chavez Junior High School – are excluded from the fee because they were already developed.

In addition to the per-acre fee, an administrative fee of \$100 will be added to pay the city staff time on processing each reimbursement. That fee could be increased depending on how far into the future the 12 parcels develop.

The city would collect the reimbursement and administrative fees only the first time that any of the following occurs:

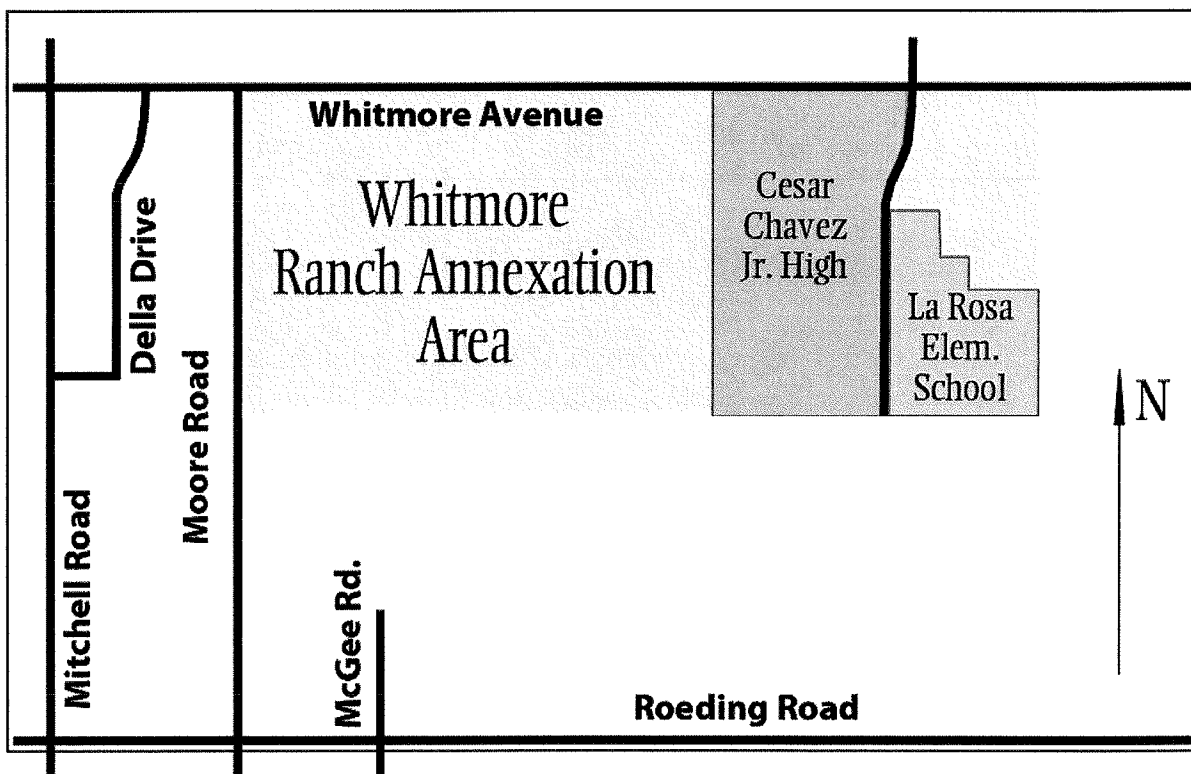
1. A building permit is issued for a residential unit beyond the first primary dwelling, exclusive of accessory dwelling units.
2. A final map is recorded to subdivide the subject property into two or more parcels.

**IN THE NEWS – Ceres Courier, January 31, 2021 (continued)**

3. A conditional use permit is approved for the subject property. For example, the fees would be collected for a permit for a duplex or two-lot subdivision, but would not be collected for a permit for an accessory dwelling unit.

The city expects the Mitchell Ranch project, which has been in the works since 2014, to develop soon. A master plan for the 94-acre area was conducted and an annexation was granted in April 2019.

Project applicants Grant Alvernaz and Steve Alvernaz of Turlock propose to build 77 low-density residential homes, 30 medium-density residential lots, and a centrally located 1.8-acre park/basin. The low-density single-family residential lots will range in size from 5,000 to 8,727 square feet with the average lot size being 6,863 square feet; while the medium-density parcels will range from 2,211 to 2,648 square feet, with the average lot size being 2,429 square feet.



# MID and TID take a step toward capturing a lot more water from Tuolumne in wet years

By John Holland

The Modesto and Turlock irrigation districts hope to greatly increase their diversions in years when the Tuolumne River runs high.

Their boards voted Tuesday, Jan. 25, to submit a new water rights application to the state. The multi-year process could result in the districts building new storage above or below ground.

District leaders said the move was prompted in part by climate change, which has brought wilder swings between wet and dry cycles. They seek more storage from abundant years to help them through droughts in the decades ahead.

The storage projects could be costly, though details are not yet known. And some will likely draw protests from environmental and fishing groups.

The above-ground options include modestly enlarging Don Pedro Reservoir, already one of California's largest, or building smaller reservoirs within a radius of about eight miles.

The districts also will explore a connection to nearby New Melones Reservoir on the Stanislaus River. It is even bigger than Don Pedro and could make water management more flexible.

Groundwater recharge could be done via flood irrigation on farms or by creating basins for this purpose.

The districts seek up to 2.7 million acre-feet of water in wet years, roughly triple the average consumption by farmers and city residents now.

MID and TID examined rain and snow runoff back to 1998 and found 13 years when at least some water would have been available under the rights they are seeking. The total averaged about 840,000 acre-feet in those years.

The districts said the application would not interfere with other Tuolumne rights holders, including San Francisco and riverside farmers.

"This historic action demonstrates our forward thinking in seeking all avenues of available water to sustain our customers, communities and environment," MID board President John Mensinger said in a news release.

The 216-page application went to the State Water Resources Control Board, which oversees California's complex system of river rights. It could take up to two years to gather public input and study the environmental impact of the request.

The same agency is already seeking higher release from Don Pedro as part of fish protections also involving the Stanislaus and Merced rivers. MID and TID said the extra water they seek to store could be released in ways that help fish.

## TUOLUMNE RIVER TRUST'S VIEW

The Tuolumne River Trust favors groundwater recharge over new reservoirs in MID and TID's future. The group also urges further water conservation by farmers.

The Tuolumne got as low as 12% of its natural volume during the 2012-16 drought, and salmon suffered, said an email from Peter Drekmeier, policy director at the Trust.

“Once the Tuolumne River ecosystem is guaranteed more of the water it needs, we will be eager to work with the water agencies to help figure out ways to meet their water demands (or to reduce them without compromising productivity),” he said.

The Trust and other groups also support restoration of natural floodplains. They buffer the threat to downstream homes while sustaining wildlife and recharging groundwater.

#### **TAPPING THE TUOLUMNE SINCE 1887**

MID and TID use about half the Tuolumne supply on average. An eighth goes to the Hetch Hetchy system, serving parts of the Bay Area. The rest goes to farmers with riparian rights, close to the river, and to flows required for fish and water quality.

The two districts got their first rights to the Tuolumne soon after forming in 1887. The early 1890s brought La Grange Reservoir, a small impoundment still in use today. In 1923, the districts built Old Don Pedro Reservoir, holding up to 289,000 acre-feet. The current Don Pedro was completed in 1971, at 2.03 million acre-feet. It put its namesake dam completely underwater.

Tuesday’s action was the first time since 1951 that MID and TID have filed for new water rights. That was for the larger Don Pedro, which took two decades to license and build.

Today, the districts supply about 210,000 acres of farmland. MID also treats water for use in Modesto and a few smaller cities. Turlock and Ceres residents will get treated river water from a plant scheduled for completion next year.

The new rights would apply to excess runoff between Nov. 1 in a wet year and the following June 14. That roughly coincides with the start of the storm season and much of the snowmelt that ensues.

#### **SEVERAL POSSIBLE RESERVOIR SITES**

The application examines several projects that could contain high flows that now go out to sea via the Sacramento-San Joaquin Delta. Some were studied in the past by the districts or other agencies. The cost estimates are still being refined, MID spokeswoman Melissa Williams said by email Friday.

Several projects are off-stream storage, which can be less controversial than damming rivers. They would use earthen embankments to hold water delivered by canals.

Details on all the possible surface projects:

**Enlarging Don Pedro:** Raising the dam could add 105,722 acre-feet of storage, about 5% of the current capacity. But this could back the reservoir into part of a whitewater stretch treasured by rafters. Don Pedro is already the sixth-largest reservoir in California and the biggest under local rather than state or federal ownership.

**New Melones connection:** The northernmost arm of Don Pedro lies just a few miles from the southern end of New Melones. They could be connected with a pipeline or tunnel across Highway 108-120. New Melones can hold up to 2.4 million acre-feet. The Oakdale and South San Joaquin irrigation districts have rights to the first 600,000 acre-feet of inflow each year. The reservoir also supplies the federal Central Valley Project via massive pumps in the Delta.

**Lower Cooperstown off-stream reservoir:** An embankment at this spot could contain up to 192,000 acre-feet. It is about three miles northwest of Modesto Reservoir, an existing part of MID’s distribution.

**Upper Cooperstown off-stream:** 110,000 acre-feet, five miles northeast of Modesto Reservoir.

**Roberts Ferry off-stream:** 16,000 acre-feet, just east of Modesto Reservoir.

**Cardoza Ridge off-stream storage:** 503,200 acre-feet, four miles east of La Grange.

Montgomery Lake off-stream: 517,000 acre-feet, eight miles south of La Grange.

Dickenson Lake off-stream: 104,000 acre-feet, two miles west of Turlock Lake, which is part of TID's system.

#### **RECHARGING AQUIFERS**

The groundwater recharge in the application includes the current practice of providing extra water to farmers in wet years. It can reach the aquifers if they use flood irrigation rather than drip or sprinklers.

Recharge also can happen in basins built for this purpose, or through seepage from reservoir bottoms. The districts note that these efforts will help them comply with a state mandate to make groundwater use sustainable by about 2040.

The listed projects total 3.46 million acre-feet of storage, well above the 2.7 million sought in the application. Only some of the projects would be carried out.

"We will explore all possibilities for financing including partnerships with other agencies and applying for any available outside funding," Williams said.

The Tuolumne River Trust has just begun the review the application.

"We'll keep an open mind and will likely weigh in once the EIR is available," Drekmeier said. "... What we want to avoid is enabling conditions on the Tuolumne to become even worse."

# TID accepts grant for solar panels on canals. When, where will project happen?

**By John Holland**

The Turlock Irrigation District will demonstrate solar panels atop canals with a \$20 million state grant accepted Tuesday.

The district board voted 5-0 to take part in a research project that has drawn widespread attention from advocates of renewable power.

The panels will be installed over two small canal stretches that already have TID transmission lines. Researchers will assess not just the power output but also whether the shading reduces water lost to evaporation.

The panels will generate up to a total of 5 megawatts, less than 1% of the peak demand by the 103,000 customers in TID. But if they prove worthwhile, the idea could spread elsewhere on the 250 miles of canal.

Such a system has been used in the state of Gujarat, India, but nowhere else, partners in the TID project said.

"It's different, it's new and it's innovative, and that's something that I think TID should be proud of," board President Michael Frantz said just before the vote. "Change is hard, but the climate keeps changing, so it's inevitable."

## HUGE POTENTIAL FOR VALLEY

The research will build on a study last year from the Merced and Santa Cruz campuses of the University of California. The authors estimated that covering all of the Central Valley's 4,000 miles of canals could get the state halfway to its 2030 goal for clean power.

That study led Gov. Gavin Newsom to propose \$20 million for a pilot project in his 2021-22 budget. TID was chosen by the California Department of Water Resources and worked in recent months to refine the plan.

"We are excited to explore new efforts to advance the integration of renewable energy into our water supply delivery system," DWR Director Karla Nemeth said in a TID news release.

The effort is called Project Nexus. The partners include UC Merced and Solar AquaGrid LLC, a Berkeley-based company that sponsored last year's study.

One of the TID test sites is on about 500 feet of the Main Canal near Hawkins Road, about five miles east of Hickman. The waterway is 110 feet wide.

The other site is on about 8,000 feet (about 1.5 miles) of the Ceres Main Canal and Upper Lateral 3, about three miles west of Keyes. It is 20 to 25 feet wide.

The panels will be suspended over the canals with a generally southern orientation to maximize sunlight. They are scheduled to be fully in place by June 2023, following detailed design and permitting, and will be evaluated through 2024.

The team plans to test several brands of solar panels. The project also involves storage of daytime power for use at other times. This could be with batteries, compressed air or water, or other means.

## **UC EXPERTS LOOKED AT EIGHT AREAS**

The 2021 study's lead author was Brandi McKuin, a postdoctoral scholar at Santa Cruz. The co-authors from Merced were Roger Bales, Elliott Campbell, Tapan Pathak, Jenny Ta, Joshua Viers and Andrew Zumkehr.

They did not use actual panels on canals but assessed eight Valley locations for sunlight intensity and other variables.

That report projected a modest evaporation savings if all of the Valley's canals had solar shading: 0.6% of the state's total irrigation supply. But that could be worthwhile to TID if its water supply is reduced by drought or regulations.

The upcoming study will examine whether the panels interfere with operation and maintenance of the canals. TID workers need access during irrigation season to open and close valves and do other work. They are drained from mid-fall to early spring for removal of trash and major repairs.

The shading also could reduce the buildup of algae in canals, trimming the maintenance cost.

## **OTHER WATER SUPPLIERS ARE WATCHING**

The neighboring Modesto Irrigation District will be watching the TID demonstration, a spokesperson said last year. It, too, is a retail power provider with transmission lines along many canal segments.

The State Water Project and the federal Central Valley Project also have shown interest. Both use huge amounts of electricity to pump water south from the Sacramento-San Joaquin Delta.

Installing panels along its own canals allows TID to avoid the cost of buying land for such projects. It now gets 7% of its power from solar, mostly a privately owned plant in the desert portion of Kern County.

The larger of the TID test sites also is where the district will soon build a small reservoir to improve control of the canal system. The 38-acre impoundment will capture water that otherwise could run out the end of the system and into the San Joaquin River.

The board also heard Tuesday from Robin Raj, founder and executive creative director of Solar AquaGrid, who joined the meeting on Zoom.

He said the project is a chance "to reimagine our utilities' corridors, have them do double duty, work harder."

# Riverbank explores cost to ratepayers for wastewater upgrade. It might go to crops

By John Holland

Riverbank has taken two more steps toward recycling its wastewater for use on crops.

The City Council voted 5-0 Tuesday night to have a consultant estimate how much the project could cost city sewer customers and nearby farmers. By the same margin, the council hired another consultant to study the project's environmental effects.

An earlier report estimated a \$65 million cost for upgrading the treatment plant and delivering the cleansed water to a few farms.

Stanislaus County is a pioneer in this field, with a system that supplies West Side farmers with wastewater from Modesto, Ceres and Turlock.

Riverbank plans to seek state and federal funding for its project, which would reduce the burden on sewer customers.

City officials said the project could help the city meet increasingly tough standards for sewage treatment from the state. It would add a small amount to the region's irrigation supply.

The environmental and customer rate studies are required before possible outside financing. Completion of the project is expected in 2025 or later.

"We want to be shovel-ready for grants," Mayor Richard O'Brien said Tuesday.

The treatment plant is at the north end of town, along the Stanislaus River. The process starts with screening of solids, which go to a landfill near Manteca. The remaining wastewater goes into ponds, where oxygen is added. It then moves to other ponds, where some of the water evaporates and some seeps into the ground. The State Water Resources Control Board regulates the process.

Riverbank could not send the water to farms until it added filtration and disinfection to the process. The likely early users are in a zone just north of the city but outside the South San Joaquin Irrigation District. A future phase could add a pipeline to a district canal, where the water would be mixed with its main supply from the river.

The rate consultant is Bartle Wells Associates, based in Berkeley. It got a \$55,000 contract to examine how the project could be funded by city customers, users of the farm water and other sources.

The other study will be done on a \$216,000 contract with Ascent Environmental Inc. of Sacramento. It will look at how the project could affect water, air and other concerns.

The idea of farmers using highly treated water from kitchen and bathroom drains has caught on as California contends with recurring drought.

The West Side system was built by the Del Puerto Water District, which serves about 45,000 acres from Vernalis to Santa Nella. It started operating in 2018 with water from the sewage treatment plant for Modesto and Ceres. Turlock added its wastewater in 2021.

Del Puerto covered the \$82 million construction cost. The recycled water helps it contend with reduced deliveries from the federal Central Valley Project.



**IN THE NEWS – Ceres Courier, March 9, 2022**

# You'll be drinking river water by summer 2023

By Angelina Martin

A project three decades in the making is nearly complete and is scheduled to deliver a reliable source of drinking water to Ceres residents by the middle of next year.

The Regional Surface Water Supply Project was formed in 2011 as the cities of Ceres and Turlock, in cooperation with Turlock Irrigation District, to start the process of building a plant to deliver treated Tuolumne River water to residents. Ceres has been working for 30 years to secure this alternate drinking source, as currently all water from the tap comes from underground aquifers.

Studies for the project began in 2016, with design taking place from 2018 to 2021. Last year, construction on the project began. Despite some setbacks, including supply chain issues caused by the pandemic and incremental cost increases, the project was started soon enough that these problems haven't caused delays.

The Water Treatment Facility just east of Fox Grove Park is about 40 percent complete. The transmission pipeline to Ceres, which will transport up to 15 million gallons of water per day from Fox Grove to a storage tank at the Ceres River Bluff Regional Park, is being installed from the treatment plant along Hatch Road into Ceres.

Both cities have enacted a series of rate increases in city water rates to pay for the \$220 million plant. In December 2017, the City of Ceres adopted a new water rate structure beginning in 2018 and increasing every year for five years to help service current groundwater wells and fund the new \$220 million surface water treatment project. The rate increases drove the cost up for the average Ceres single-family household water bill from \$40.13 per month in 2017 to \$88.25 on Jan. 1, 2022.

The Stanislaus Regional Water Authority (SRWA) joint powers authority, or JPA, borrowed \$184.9 million for the plant construction after receiving \$35 million in grant funds. Borrowing from the State Revolving Fund at 1.2 percent interest rate has saved the project \$100 million it would have incurred through municipal bond financing, he noted.

Based on water needs of their populations, Ceres will pay roughly a third of the cost, or \$61.6 million, while Turlock is responsible for two-thirds, or \$123.3 million. The annual debt service for Ceres is \$2.5 million over 30 years and approximately \$1.7 million for operations and maintenance depending on staff, electrical and chemical costs.

Ceres will ultimately receive up to 15 million gallons of water per day while Turlock takes 30 million gallons. Two additional phases will increase the plant's capacity to produce 45 million gallons per day for the two cities.

In addition to unexpected costs, there are other potential factors that may impact the treatment facility's ability to deliver water in the future, like drought. Though the Central Valley is currently experiencing a wet winter for the first time in over two years, the California State Water Resources Control Board recently directed curtailments at California dams. TID currently has a 25 percent curtailment, and water cutbacks implemented on farmers also apply to the SRWA plant.

Officials don't believe drought conditions will affect the project's ability to deliver water.

To keep up to date with the facility's construction, visit [www.stanrwa.com](http://www.stanrwa.com).

# Proposed Salida project has been debated for years. Decision could come Tuesday evening

By Ken Carlson

A highway commercial project in Salida has generated extensive debate for two and a half years.

Tuesday, Stanislaus County supervisors could decide the fate of the 9.6-acre service station and mini-storage project on Pirrone Road near the Hammett Road overcrossing of Highway 99.

Cal Sierra Financial proposes a gas station, drive-through restaurant, retail shops and mini-storage. The original project in 2019 was a truck plaza that sparked outrage among Salida residents, but it was down-scaled to the current plan.

The county Planning Commission voted 4-2 on Feb. 17 in opposition to the revised commercial development. Four of the commissioners said the Salida Municipal Advisory Council should take another look at plan revisions and make a clear recommendation.

Reviewing the project for the fifth time since 2019, the Salida MAC on Feb. 22 voted against it 5-0.

Mary Stephenson, a resident of the nearby neighborhood, told the Planning Commission last month she fears the station will attract criminal activity at night.

She said there are plenty of gas stations along Highway 99 from Modesto to Ripon. "We don't need mini-storage units," Stephenson said. "We don't need more fast food. ... It's wiser to put something there that adds value to our neighborhoods."

Daniel Haynes of Salida expressed concern the mini-storage won't be strictly watched and hazardous or flammable materials will end up in the storage units.

Haynes suggested that toxic material spilled at the gas station will get into stormwater that is flushed to the nearby Stanislaus River. Along with gasoline and diesel, the fuel station could include electric vehicle charging and hydrogen fuel for hybrid cars.

John Anderson, planning consultant for Cal Sierra, countered that the service station will have systems for containing runoff and preventing pollution.

Anderson said the site on the east side of Pirrone Road has been zoned for highway commercial services for about 30 years.

Paul Grewal, the developer, told the commission he expects the drive-through business will be something like a Dutch Bros. or Panera. In response to a planning commissioner's question, Grewal said the drive-up lane will have space for 12 or more cars to keep from impacting road traffic.

Patrick Burns of Salida Fire Protection District told the county planners the district supports any commercial development in Salida, as a source of revenue.

## WILDLIFE ISSUE IS SETTLED

The proposed service station was scheduled for a county Board of Supervisors hearing Aug. 17, but it was postponed after a lawyer for Friends of the Swainson's Hawk and Stanislaus Audobon Society sent a letter challenging the environmental review.

Anderson said the developer agreed to a mitigation for Swainson's hawk, which involved purchase of credits from a resource conservation bank as replacement for loss of foraging habitat. It appeared to settle wildlife issues that delayed the project for about a year.

**IN THE NEWS – The Modesto Bee, March 11, 2022 (Continued Page 2)**

Cal Sierra is now faced with overcoming a negative recommendation from the Salida MAC and persuading county supervisors Tuesday evening to approve the service station development.

Supervisor Terry Withrow, who is serving as board chairman this year, said he has knocked on doors in the neighborhood near the service station site and heard a lot of opposition. Withrow's supervisorial district includes Salida.

"The people in the neighborhood do not want this 24-hour, seven days a week facility next to their houses," Withrow said. "As elected officials, we are there to represent the people. I can't support this 24/7 operation right up against these houses."

The county Board of Supervisors will meet at 6:30 p.m. Tuesday in the basement chamber of Tenth Street Place, at 1010 10th St., Modesto.

## New TID tech provides greater irrigation allotment

By Angelina Martin

After an irrigation allotment as low as 18 inches was proposed by Turlock Irrigation District staff last month, farmers are in luck as new technology could allow the water agency to increase the cap.

During their last meeting on Feb. 22, TID's Board of Directors heard from water distribution department manager Mike Kavarian that, following what is expected to be a third-straight year of drought conditions, an 18- to 24-inch irrigation allotment would be proposed, with a 182-day irrigation season from April 7 to Oct. 25.

TID's lowest irrigation allotment came during similar dry conditions in 2014 and allowed farmers just 18 inches of water.

This week, however, Assistant General Manager of Water Resources Tou Her told the board that brand new TID tech will help improve upon previously-proposed irrigation numbers. TID's Lower System Analysis Model was completed last week, allowing the organization to track every drop of water as it travels from the Don Pedro Reservoir and onto local farms.

"The hydrology hasn't changed much...but you'll see that we're going to be proposing some changes to the water availability," Her said. "...We've completed very recently a model that analyzes our system and is literally just off the press. It's a very comprehensive and sophisticated model, it's accurate and we have a high level of confidence in utilizing it."

The model is used to calculate water availability, monitoring TID's lower system and taking into account all of the different variables which impact water delivery: seepage, percolation, pump resources and more. Different operational and policy decisions can be entered into the Lower System Analysis Model, allowing TID to determine what water supply requirements are necessary in a variety of scenarios.

The comprehensive model is reflective of multiple investments TID has made into its water delivery system, and the data has shown there is more on-farm water available for growers this year than what was originally proposed.

With the new data, Kavarian on Tuesday proposed an irrigation season that not only provides more water, but is a week longer as well. The newly-proposed irrigation season would allow 24 inches to 28 inches of available water and run for 189 days, April 7 through Oct. 12.

In addition, TID is also introducing a Drought Transfer Pilot Program this year which would allow growers to transfer a portion or all available water on parcels they own or rent to another grower. This new program would only be implemented during dry years, when there is less than 36 inches of available water.

The TID Board of Directors will consider approval of the upcoming irrigation season at their March 22 meeting.

# You might see a low-flying helicopter in rural Stanislaus County. Here's what it's doing

By John Holland

A helicopter soon will fly low over much of the San Joaquin Valley in a high-tech effort to map groundwater.

The flights will happen between Tuesday, March 15, and April 15, said a news release from the California Department of Water Resources. The specific dates for Stanislaus County will be announced on the project website.

The helicopter will be about 200 feet off the ground as it covers an area from Stanislaus to Kings counties. It will avoid cities and other concentrations of buildings, including farms where cattle or poultry are confined in large numbers.

The helicopter will suspend a hexagon-shaped device, about 100 feet up, that sends electromagnetic waves to the ground. The technology can detect water up to about 1,000 feet deep, along with rocks and other components of the aquifer.

The aircraft will fly during daylight hours and could make several passes at each location. DWR said it is no louder than a lawn mower.

The mapping will help the state carry out a law mandating sustainable use of groundwater by about 2040. It aims to reduce pumping by farms and cities and to recharge aquifers with storm runoff and other methods.

"The data collected during these surveys will provide a better understanding of California's groundwater systems and in turn support more informed and sustainable groundwater management and drought preparedness and response approaches," said Steven Springhorn, technical assistance manager for DWR.

The \$8 million project will run several years, funded by a state bond measure approved by voters in 2018. The DWR expects to release data roughly nine months after each set of flights.

The mapping will be done in various "sub-basins" that are adopting groundwater plans under the state law. Those in Stanislaus include the adjoining Modesto and Turlock sub-basins and the Delta-Mendota zone on the West Side.

Flights already have been done in Tulare and Kern counties, in smaller valleys near the coast, and in far Northern California. They will take place in San Joaquin County from April 15 to May 5. The Sacramento Valley will be covered in two phases from April 15 through May 31.

## MEMORANDUM

DATE: March 23, 2022

TO: LAFCO Commissioners

FROM: Sara Lytle-Pinhey, Executive Officer *SLP*

**SUBJECT: Legislative Update and Position Letters**

### RECOMMENDATION

Staff recommends that the Commission receive this legislative update and authorize the Executive Officer to submit letters of support on behalf of Stanislaus LAFCO for Senate Bill 938 and Assembly Bill 2957.

### DISCUSSION

The California Association of Local Agency Formation Commissions (CALAFCO) is currently tracking 23 bills of interest and has been providing regular updates to member LAFCOs. As it is early in the legislative year, some of these bills are considered spot bills, acting as placeholders for topics of interest including drinking water and unincorporated islands. These spot bills will continue to be monitored and updates will be provided to the Commission should they result in the need for letters of support or opposition. Currently, letters of support have been requested by CALAFCO for two bills of interest: Senate Bill 938 (SB-938) and Assembly Bill 2957 (AB-2957). Proposed letters of support are attached. The following is a summary of these bills:

#### **Protest Proceedings: Procedural Consolidation**

SB-938 (Hertzberg) – *Set for Mar. 31 hearing in Senate Government & Finance*

#### QUICK SUMMARY:

*SB-938 would consolidate and clarify existing statutes related to protest provisions. With proposed amendments, it would raise the protest threshold for LAFCO-initiated actions to 25% (currently at 10%) to be consistent with other protest thresholds. For LAFCO-initiated dissolutions of special districts, it would also create timeframes for a district to respond and remediate to issues identified in a Municipal Service Review.*

In 2017, the Little Hoover Commission released a report titled, "Special Districts: Improving Oversight and Transparency." The report highlighted that disparate protest thresholds acted as a deterrent for LAFCO to initiate consolidations or dissolutions of special districts. Following this report, CALAFCO embarked on a three-year, collaborative effort amongst stakeholders to consolidate existing statutes related to the protest process and make the protest thresholds consistent for Commission-initiated dissolution proposals.

Proposed amendments to SB-938 would also create a specific process for LAFCO-initiated dissolutions utilizing a Municipal Service Review as an opportunity for the subject district to respond and remediate potential issues.

- Determinations for the proposed action must be documented in a Municipal Service Review and presented at a 21-day noticed public hearing;
- The district in question must be granted a minimum 12-month remediation period and an opportunity to provide a progress report to the LAFCO prior to taking any action;
- A second 21-day public hearing must be held to determine if the identified issues are mitigated, resulting in the LAFCO either terminating the dissolution, or moving forward under the standard protest hearing process outlined in existing law with a public notice period of 60 days.

CALAFCO is the sponsor of the bill and has been working closely with the California Special District Association (CSDA).

#### IMPLICATIONS FOR STANISLAUS LAFCO:

Under current law, special districts are not required to respond to or remedy issues identified in an Municipal Service Review. While there may be limited circumstances where a LAFCO-initiated dissolution is needed, it is important to have a fair and consistent process. **Staff recommends a letter of support for SB-938.**

## Omnibus Bill

AB-2957 (Committee on Local Government)

#### QUICK SUMMARY:

*Each year, CALAFCO sponsors an omnibus bill that is intended to make minor clarifications and corrections to language in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act). This bill includes minor clarifications to the CKH Act and is also being amended to extend a sunset in the Revenue and Taxation Code related to property tax exchange negotiations.*

This year's omnibus bill, AB-2957 contains non-controversial changes, including the following:

- Adds a definition for “successor agency,” meaning the local agency the Commission designates to wind up the affairs of a dissolved district.
- Makes a minor clarification to the language related to when a change of organization or reorganization is deemed to “take effect.”
- Replaces references to “proposal” with applications in various sections.
- Extends a sunset in the Revenue and Taxation Code related to property tax exchange negotiations during an annexation proposal and the use of consultant review, mediation, and arbitration.

The need for latter of these changes was noted by your Stanislaus LAFCO Staff during review of the property tax exchange negotiation process. Staff shared the discovery of the expired

sunset date in the Revenue and Taxation Code with CALAFCO. CALAFCO's legislative committee supported including an extended sunset date in the Omnibus Bill.

**IMPLICATIONS FOR STANISLAUS LAFCO:**

Clarifications and improvements to the CKH Act are necessary to insure the law is as unambiguous as possible to the Commission and Staff. Extension of the sunset date in the Revenue & Taxation Code will retain the framework for property tax exchange negotiations in the circumstance where a master property tax exchange or other negotiated agreement is absent. **Staff recommends a letter of support for AB-2957.**

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*Attachments:* Draft Support Letter for SB-938  
Draft Support Letter for AB-2957



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March 23, 2022

Honorable Robert Hertzberg  
California State Senate  
1021 O Street, Room 8610  
Sacramento, CA 95814

Subject: **Support of Senate Bill 938: Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 – Protest Proceedings: Procedural Consolidation**

Dear Senator Hertzberg:

The Stanislaus Local Agency Formation Commission (LAFCO) is pleased to join the California Association of Local Agency Formation Commissions (CALAFCO) in support of your bill, SB 938, which makes changes to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (The Act). SB 938 represents a collaborative three-year effort led by CALAFCO to clean up, consolidate, and clarify existing statutory provisions associated with consolidations and dissolutions, as well as codify the conditions under which LAFCO may initiate dissolution of a district at the 25% protest threshold (the latter of which are proposed and pending amendments).

The statutes related to protest provisions and the disparate protest thresholds established for LAFCO-initiated actions (10%) and all other initiated actions (25%) make addressing necessary and appropriate special district consolidations and dissolutions considerably more difficult when initiated by a LAFCO. Further, they serve as a deterrent for LAFCO to initiate action, even if meaningful efficiencies in the provision of public services could be achieved or if a district is failing to meet its statutory requirements.

As introduced, the bill represents the redraft of existing protest statutes with some minor technical clarifications added. The pending proposed amendments from CALAFCO allow LAFCOs to initiate dissolution of a district at the 25% protest threshold under specific circumstances. All of this work is in response to a recommendation made in the 2017 Little Hoover Commission report after a year-long study (*Special Districts: Improving Oversight and Transparency*) and the formation of a working group by CALAFCO of stakeholders in early 2019. The intent was to examine the protest process for consolidations and dissolutions of special districts, and after three years of work (delayed due to the pandemic), the working group came to consensus on the redraft of existing protest statutes (representative of SB 938 as introduced) and a new process that allows LAFCOs to initiate dissolution of a district at the 25% protest threshold under specific circumstances (pending amendment into SB 938).

The overarching goal of these changes is to ensure that LAFCOs have the tools we need to carry out our statutory obligations to ensure orderly and functioning local government services and to create greater consistency in the statute. The specific circumstances under which a dissolution may be initiated are more than reasonable and the subsequent process includes

three noticed public hearings, a minimum 12-month remediation period, and a 60-day protest period, all of which are extremely practical. Additionally, the proposed process for LAFCO-initiated actions at the 25% protest threshold applies only to dissolutions, making the scope of use exceptionally narrow.

SB 938 makes much needed and long-awaited improvements to The Act through the restructure and clarification of existing protest provisions, and addition of a fair and appropriate process that offers LAFCOs additional tools necessary to effectively fulfill their statutory obligations.

We thank you for your authorship of this critical legislation and for continuing your long support of the work of LAFCOs. For all these reasons, we are pleased to support your bill, SB 938.

Sincerely,

Sara Lytle-Pinhey  
Executive Officer  
Stanislaus LAFCO

cc: Members, Senate Governance and Finance Committee  
Anton Favorini-Csorba, Consultant, Senate Governance and Finance Committee  
Ryan Eisberg, Consultant, Senate Republican Caucus  
René LaRoche, Executive Director, California Association of Local Agency Formation Commissions

March 23, 2022

Honorable Cecilia Aguiar-Curry, Chair  
Assembly Local Government Committee  
California State Assembly  
1021 O Street, Room Suite 6350  
Sacramento, CA 95814

Subject: **Support of Assembly Bill 2957: Local Government Committee Omnibus Bill**

Dear Chair Aguiar-Curry:

The Stanislaus Local Agency Formation Commission (LAFCO) is pleased to support the Assembly Local Government Committee Bill AB 2957, sponsored by the California Association of Local Agency Formation Commissions (CALAFCO), which makes technical, non-substantive changes to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (the Act).

This annual bill includes technical changes to the Act which governs the work of LAFCOs. These changes are necessary as Commissions implement the Act and small inconsistencies are found or clarifications are needed to make the law as unambiguous as possible. AB 2957 makes minor technical corrections to language used in the Act. Stanislaus LAFCO is grateful to your Committee members and staff, and CALAFCO, all of whom worked diligently on this language to ensure there are no substantive changes while creating a significant increase in the clarity of the Act for all stakeholders.

This legislation helps insure the Cortese-Knox-Hertzberg Act remains a vital and practical law that is consistently applied around the state. We appreciate your Committee's authorship and support of this bill, and your support of the mission of LAFCOs.

Sincerely,

Sara Lytle-Pinhey  
Executive Officer  
Stanislaus LAFCO

cc: Members, Assembly Local Government Committee  
Jimmy MacDonald, Consultant, Assembly Local Government Committee  
William Weber, Consultant, Assembly Republican Caucus  
René LaRoche, Executive Director, California Association of Local Agency Formation Commissions

1010 TENTH STREET, 3<sup>RD</sup> FLOOR  
MODESTO, CA 95354



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March 23, 2022

MEMO TO: Stanislaus County Local Agency Formation Commission

FROM: Javier Camarena, Assistant Executive Officer, LAFCO

**SUBJECT: LAFCO APPLICATION NO. 2022-01, MUNICIPAL SERVICE REVIEW NO. 2022-01, & SOI UPDATE NO. 2022-01 – ACTIVATION OF LATENT POWERS (SEWER SERVICE) TO THE MONTEREY PARK TRACT COMMUNITY SERVICES DISTRICT**

Staff is requesting that the subject application be continued to the May 25, 2022 LAFCO Commission meeting. The continuance is being requested in order to provide the applicant additional time to address questions raised by the Stanislaus County related to the District's proposed wastewater treatment facility's site, design, and capacity.

**RECOMMENDATION**

Staff recommends that the Commission approve a continuance of LAFCO Application No. 2022-01, Municipal Service Review No. 2022-01, & SOI Update No. 2022-01 – Activation of Latent Powers (Sewer Service) to the Monterey Park Tract Community Services District to the May 25, 2022 LAFCO meeting.

Attachment: Letter from Stanislaus County dated March 14, 2022

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**CHIEF EXECUTIVE OFFICE**

Jody L. Hayes  
CHIEF EXECUTIVE OFFICER

Patrice M. Dietrich  
ASSISTANT EXECUTIVE OFFICER

Tina M. Rocha  
ASSISTANT EXECUTIVE OFFICER

March 14, 2022

Sara Lytle-Pinhey, Executive Officer  
Stanislaus County LAFCO  
1010 10<sup>th</sup> Street, 3<sup>rd</sup> Floor  
Modesto, CA 95354

**Re: LAFCO - App. No. 2022-01, Municipal Service Review No. 2022-01, & SOI Update No. 2022-01 - Activation of Latent Powers (Sewer Service) to the Monterey Park Tract Community Services District**

Dear Ms. Lytle-Pinhey,

On February 9, 2022, the Stanislaus Local Agency Formation Commission (LAFCO) issued an Agency Referral and Request for Comments for Application No. 2022-01, a request by the Monterey Park Tract Community Services District (CSD) to provide sewer services within the existing boundaries of the 30+/- acre district. County staff understands this application has been noticed for consideration at the March 23, 2022, LAFCO meeting. Stanislaus County (County) staff has reviewed the application and supporting documents and has concerns regarding capacity, area requirements for the site and financial feasibility of the project. On Saturday, March 12, 2022, the County received a letter from the Monterey Park Tract CSD (dated March 11, 2022) providing information in response to a March 8th meeting with County staff, LAFCO staff and the Monterey Park Tract CSD's consultants. The County respectfully requests consideration of the application be continued at a future LAFCO meeting. This will provide County staff time to review the information shared in the March 11th correspondence and work with the Monterey Park Tract CSD to address the County's concerns.

Thank you in advance for your time and attention to this request.

Sincerely,

Tina Rocha  
Assistant Executive Officer

C: Environmental Review Committee



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**EXECUTIVE OFFICER'S AGENDA REPORT  
MARCH 23, 2022**

**LAFCO APPLICATION NO. 2022-02 –  
FAIRVIEW VILLAGE NO. 2 REORGANIZATION TO  
THE CITY OF MODESTO**

**PROPOSAL**

The proposed project is a request to annex approximately 178 acres to the City of Modesto and simultaneously detach the area from the Burbank-Paradise and Westport Fire Protection Districts. The annexation is within the City's Sphere of Influence and is meant to accommodate future residential development and a commercial area within the Fairview Village Specific Plan.

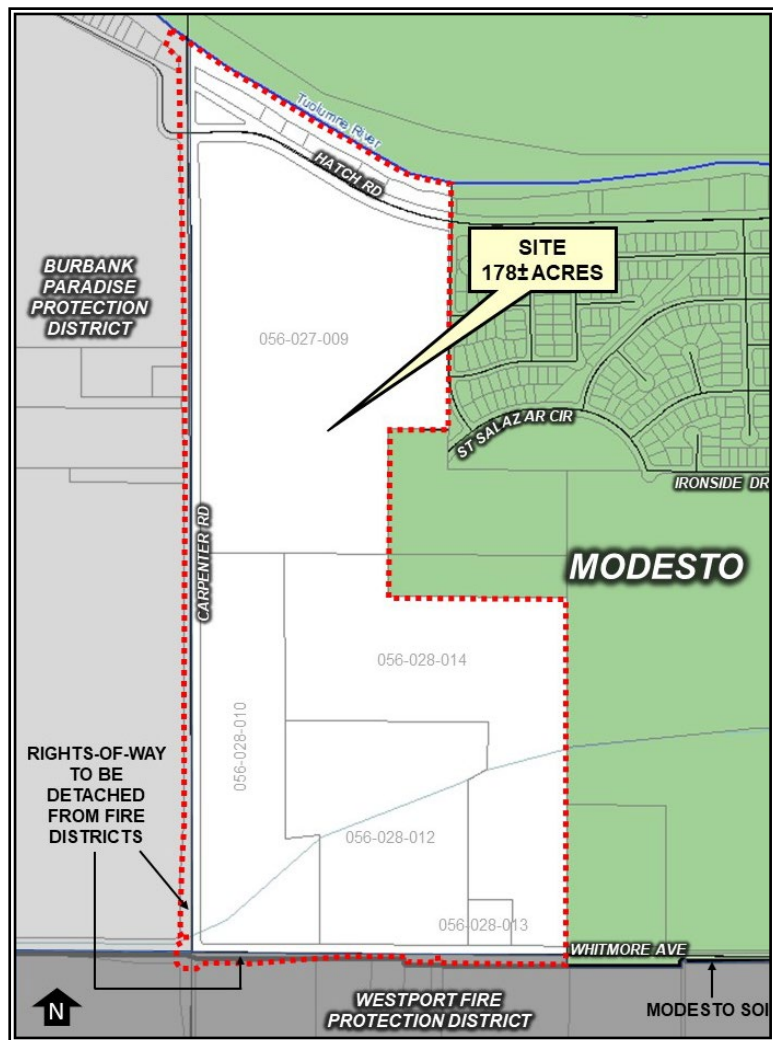
1. Applicant: City of Modesto

2. Location: The project site is located south of the Tuolumne River, east of Carpenter Road, and north of Whitmore Avenue within the City of Modesto Sphere of Influence. (See Exhibit A – Map & Legal Description.)

3. Parcels Involved and Acreage:

The project consists of approximately 178 acres and includes thirteen Assessor's parcels (APNs: 056-026-001, 006, 007, 012, 031, 032, 033, 034, 056-027-009, 056-028-010, 012, 013, & 014). Please see Exhibit A – Map and Legal Description.

4. Reason for Request: The proposed annexation will allow for the entirety of the Fairview Specific Plan to be included in the City Limits of Modesto. The City recently approved a tentative subdivision map for 217 residential lots in the annexation area. Ultimately, the number of dwelling units in the undeveloped Fairview Village Specific Plan will total approximately 1,295-2,590 units.



**BACKGROUND**

The City of Modesto originally adopted the Fairview Village Specific Plan in 1995. LAFCO approved the annexation of approximately half the Specific Plan area in 1996 for residential development. Recent interest in the development of the remaining Specific Plan area has led to the City's processing of various land use entitlements in preparation of this annexation application. On December 20, 2021, the City of Modesto Planning Commission approved a proposal to annex



approximately 178 acres of the Fairview Village Specific Plan area; amend the General Plan changing 12 acres of a 20-acre area from Commercial to Village Residential; amend the Fairview Village Specific Plan to update policies, including addition of an agricultural preservation policy; and approve a tentative subdivision map consisting of 217 residential lots on 38.5 acres. The annexation proposal, General Plan Amendment and Specific Plan Amendment were all approved by the Modesto City Council on February 8, 2022 along with a resolution of application to LAFCO (attached as Exhibit B).

## **ENVIRONMENTAL REVIEW**

The City of Modesto, as Lead Agency, prepared an initial study for the project that 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 impacts, as defined in the California Environmental Quality Act (CEQA) Section 21158, that were 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; 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 project area is considered uninhabited territory as there are less than 12 registered voters. The site currently consists of orchards, scattered single family homes, accessory buildings and a pet cemetery. The annexation area is planned for single-family homes, multi-family homes, commercial areas, parks and storm drainage, and school sites. The City recently approved a tentative subdivision map consisting of approximately 38.5 acres and 217 residential lots. Ultimately, the remaining annexation area along with the tentative subdivision map area and remainder of the Fairview Village Specific Plan Area will accommodate approximately 1,295 to 2,590 housing units.

Upon annexation, the property taxes will be shared in accordance with the City/County Master Property Tax Agreement. The subject territory is located in Tax Rate Areas 080-004, 080-030, 080-026 and 080-032. The current total assessed land value of the territory is \$2,404,259.

- 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 Reorganization)
Law Enforcement	Stanislaus County Sheriff	City of Modesto Police Dept.
Fire Protection	City of Modesto Fire Dept. (as part of the Modesto-Ceres Fire Protection Agency JPA serving the Industrial Fire Protection District territory)	Same
Planning & Building Inspection	Stanislaus County	City of Modesto
School District	Modesto City Schools	Same
Water (Potable)	Private wells, Riverdale Park Tract CSD (properties along Hatch Road)	City of Modesto (Riverdale Park Tract CSD consolidation project currently underway)
Sewer	Private septic systems	City of Modesto
Roads	Stanislaus County	City of Modesto
Mosquito Abatement	Eastside Mosquito Abatement	Same

Commission polices 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. Additional information regarding the proposed services to the area is discussed further in factors "j" and "k."

**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.***

As indicated in the previous chart, many of the services currently provided will transfer to the City of Modesto and taxes will be shared in accordance with the Master Property Tax Agreement. There are no known negative impacts to existing County governmental structures, adjacent areas or social and economic interests as a result of the reorganization.

**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.***

Section 56377 requires the Commission to consider LAFCO policies and priorities that would guide development away from existing prime agricultural lands and consider the 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 before any expansion of boundaries.

The project site is located within the City of Modesto Sphere of Influence and is adjacent to the City's boundary on its northern and eastern boundaries. Development of the project site will result in the loss of Prime Farmland. However, as described in the next section, the City of Modesto has adopted a mitigation measure to minimize the loss. Given the location of the Tuolumne River to the north, Carpenter Road to the west and Whitmore Road to the south, as well as the location of existing infrastructure, the annexation can be considered an orderly and efficient extension of urban development.

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

The proposed project is consistent with the land use designations in the City's General Plan and Fairview Village Specific Plan. The majority of the annexation area is currently planted in orchards and according to the City's Plan for Agricultural Preservation (Plan), 148 acres of the project site are designated as prime farmland by the State Department of Conservation. As a result of the proposed reorganization, this acreage will be directly and permanently converted to nonagricultural uses. According to the Plan, the City has stated that it will be using the following method or strategy for agricultural preservation:

*The City of Modesto will require the payment of in-lieu fees at a 1:1 ratio of land proposed for annexation and development to land preserved for agriculture through conservation easements or other similar restrictions. Agricultural land preserved must be of an equivalent type to the land proposed for annexations and development, so for example, prime farmland to be developed will result in the preservation of prime farmland.*

The agricultural preservation will be implemented by the City in order to minimize the impacts to agricultural lands as a result of the project and is consistent with the Commission's menu of strategies in Policy 22. The strategy is discussed further in the City's Plan for Agricultural Preservation (Exhibit E).

***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 would include thirteen (13) Assessor's Parcel Numbers shown on the legal description and map (Exhibit A). The adjacent road right-of-way along Hatch Road, Carpenter Road, and Whitmore Avenue is also included in the proposed annexation, consistent with the Commission's policies.

***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. StanCOG's level of service standards were considered as part of the City's environmental review and it was concluded that the project will not have an impact on those standards.

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

The area is currently zoned by Stanislaus County as A-2-10 (General Agriculture). The current County General Plan designation is Urban Transition. The City of Modesto has pre-zoned the territory to single family residential, multi-family residential and neighborhood commercial uses. The proposed annexation is consistent with the City's General Plan and Fairview Village Specific Plan.

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

The territory is 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: Burbank Paradise Fire Protection District, Westport Fire Protection District, Turlock Mosquito Abatement District, Riverdale Park Tract Community Services District and the Turlock Irrigation District. Upon annexation, the area will detach from the Burbank Paradise and Westport Fire Protection Districts and be removed from the Districts' Spheres of Influence.

A small area of homes along the north side of the proposed annexation are currently served by the Riverdale Park Tract Community Services District (RPTCSD) for water service. Detachment from the RPTCSD is not included as part of this action as the District is currently in the process of consolidating water services with the City of Modesto. The City and District currently have an agreement in place regarding the consolidation in anticipation of the District's dissolution following completion of infrastructure improvements in the area.

**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. Affected agencies were also notified during the City's process of adopting environmental documentation for the project. The Stanislaus County Environmental Review Committee provided a "no comment" letter on the proposed annexation. No additional 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 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.

According to the City of Modesto's Plan for Services, services will be extended to the affected territory through the following:

Wastewater Collection and Treatment – There is an existing 10-inch line in St. Salazar Circle terminating adjacent to the proposed subdivision that will be extended to serve the area. Other lines will be extended as needed. The City's Wastewater Treatment facilities have adequate capacity to serve this area when development is complete.

Storm Drainage – Future residential development will be required to transport storm water to the central drainage basin.

Water Delivery – There are several water mains in Hatch Road, Carpenter Road, and Whitmore Avenue. New development will take water from one of these, which will be extended by the project proponent to the development area. The City of Modesto has adequate water supply to serve the annexation area.

Solid Waste Disposal - The annexation area is minimally developed and no need for urban waste disposal at this time. Following development, Gilton Waste Management will collect and dispose of solid waste from the site.

Fire Protection Services – The annexation area is primarily within the Industrial Fire Protection District which is served by the City of Modesto through a joint powers agreement with the City of Ceres and the District. However, Westport Fire Protection District's boundary is the centerline of Whitmore Avenue and Burbank-Paradise Fire Protection District's boundary is the centerline of Carpenter Road. These roadway segments will be detached from the fire protection districts. Industrial's station is about 2 miles east of the site at 148 Imperial Avenue. Modesto Fire Department's nearest station is at 420 Chicago Avenue, also about 2 miles northeast of the site. No adverse impacts on staffing or response times are expected to occur with this annexation.

Police Protection – Following annexation, the area will be served by the Modesto Police Department. The police department has expressed no concerns about staffing or response times for this area.

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

As mentioned in the previous section, there are several water mains in Hatch Road, Carpenter Road, and Whitmore Avenue. New development will take water from one of these connections, which will be extended by the project proponent to the development area. The City 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 includes an approved subdivision of approximately 217 units. The subdivision and annexation area are part of the Fairview Village Specific Plan. At full build-out, the Fairview Village Specific Plan area expects to provide anywhere from 1,295 to 2,590 dwelling units and will contribute to meeting its regional housing needs.

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

For the current proposal, there are seven (7) registered voters within the affected territory. No written comments have been received at the time of this staff report.

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

As mentioned previously, the area is currently zoned A-2-10 (General Agriculture) by Stanislaus County. The current County General Plan designation is Urban Transition. The City of Modesto has pre-zoned the territory to single family residential, multi-family residential and neighborhood commercial uses. The proposed annexation is consistent with the City's General Plan and Fairview Village Specific 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**

Pursuant to State law, the Commission has adopted local goals and policies, including an Agricultural Preservation Policy. The Policy requires applicants to prepare a Plan for Agricultural Preservation that details the impacts to agricultural lands, identifies a method to minimize impacts, and provides additional information to assist the Commission in making its findings for approval of a project.

The Commission's adopted Agricultural Preservation Policy states that the Commission may consider approval of a proposal that contains agricultural land when it determines there is sufficient evidence demonstrating the following:

- a. Insufficient alternative land is available within the existing sphere of influence or boundaries of the agency and, where possible, growth has been directed away from prime agricultural lands towards soils of lesser quality.*
- b. For annexation proposals, that the development is imminent for all or a substantial portion of the proposal area.*
- c. The loss of agricultural lands has been minimized based on the selected agricultural preservation strategy. For the purposes of making the determination in this section, the term "minimize" shall mean to allocate no more agricultural land to non-agricultural uses than what is reasonably needed to accommodate the amount and types of development anticipated to occur.*

- d. *The proposal will result in planned, orderly, and efficient use of land and services. This can be demonstrated through mechanisms such as:*
- i. *Use of compact urban growth patterns and the efficient use of land that result in a reduced impact to agricultural lands measured by an increase over the current average density within the agency's boundaries (e.g. persons per acre) by the proposed average density of the proposal area.*
  - ii. *Use of adopted general plan policies, specific or master plans and project phasing that promote planned, orderly, and efficient development.*

The City of Modesto periodically prepares an Urban Growth Review document identifying vacant land available for residential development in the City. In 2015, the City's Urban Growth Review identified 910 acres of vacant land that the City anticipated would be sufficient until 2022. This analysis included areas where development had initially stalled since their annexation (e.g. Tivoli) and the annexed half of the Fairview Village Specific Plan. Demand for residential growth in both areas has since renewed. Additionally, the Fairview Village Specific Plan has been identified as an area that will assist in meeting the City's regional housing needs allocation.

The findings above also require that the City's Plan for Agricultural Preservation demonstrate that the proposal has minimized the loss of agricultural land and that the development will result in planned, orderly, and efficient use of land and services. As mentioned previously in this report, the Fairview Village Specific Plan area has long been envisioned as part of the City's growth area, having been included in the City's originally-adopted Sphere of Influence in 1984 and adopted Specific Plan in 1995. Given the existence of nearby infrastructure and existing development, the proposal can be considered a logical and orderly extension of the City's boundary. Additionally, the City has updated the Specific Plan to reflect the provision of 1:1 agricultural preservation, consistent with the Commission's Policy.

Based on the information provided by the City and the analysis provided above, Staff believes that the Commission can make the findings contained in the Agricultural Preservation Policy.

#### Waiver of Protest Proceedings

Should the Commission approve the proposal, included with the resolution is standard language that would waive protest proceedings pursuant to Government Code Section 56663, the Commission may waive protest proceedings entirely when the following conditions apply:

1. Landowners and registered voters within the affected territory have been notified via mail pursuant to section 56157 of the Cortese-Knox-Hertzberg Act.
2. The mailed notice discloses that there is a potential for extension of existing charges, fees, assessments, or taxes by the City and unless written opposition to the proposal is received prior to the commission proceedings that the commission intends to waive the protest proceedings.
3. No written opposition to the proposal from landowners or registered voters is received.

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

### **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 (with or without modification).
- Option 2**      DENY the proposal (with or without prejudice).
- Option 3**      CONTINUE this proposal to a future meeting for additional information.

### **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 recommends that the Commission approve the proposal and adopt Resolution 2022-04 (attached as Exhibit F) 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 the reorganization consisting of annexation to the City of Modesto and detachment from the Burbank Paradise and Westport Fire Protection Districts subject to standard terms and conditions.

Respectfully submitted,



Javier Camarena  
Assistant Executive Officer

Attachments - Exhibit A: Map and Legal Description (pg. 11)  
Exhibit B: City of Modesto Resolutions 2022-100, 101, 102, & 103 (pg. 21)  
Exhibit C: City's Environmental Documentation & Notice of Determination (pg. 75)  
Exhibit D: Plan for Services (pg. 141)  
Exhibit E: Agricultural Preservation Plan (pg. 145)  
Exhibit F: Draft LAFCO Resolution No. 2022-04 (pg. 159)



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## **EXHIBIT A**

### **Map and Legal Description**

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# FAIRVIEW VILLAGE NO. 2 REORGANIZATION TO THE CITY OF MODESTO PROJECT MAP

**BURBANK  
PARADISE  
PROTECTION  
DISTRICT**

**SITE  
178± ACRES**

056-027-009

**ST SALAZAR CIR**

**IRONSIDE DR**

**MODESTO**

**CARPENTER RD**

056-028-014

056-028-010

056-028-012

056-028-013

**WHITMORE AVE**

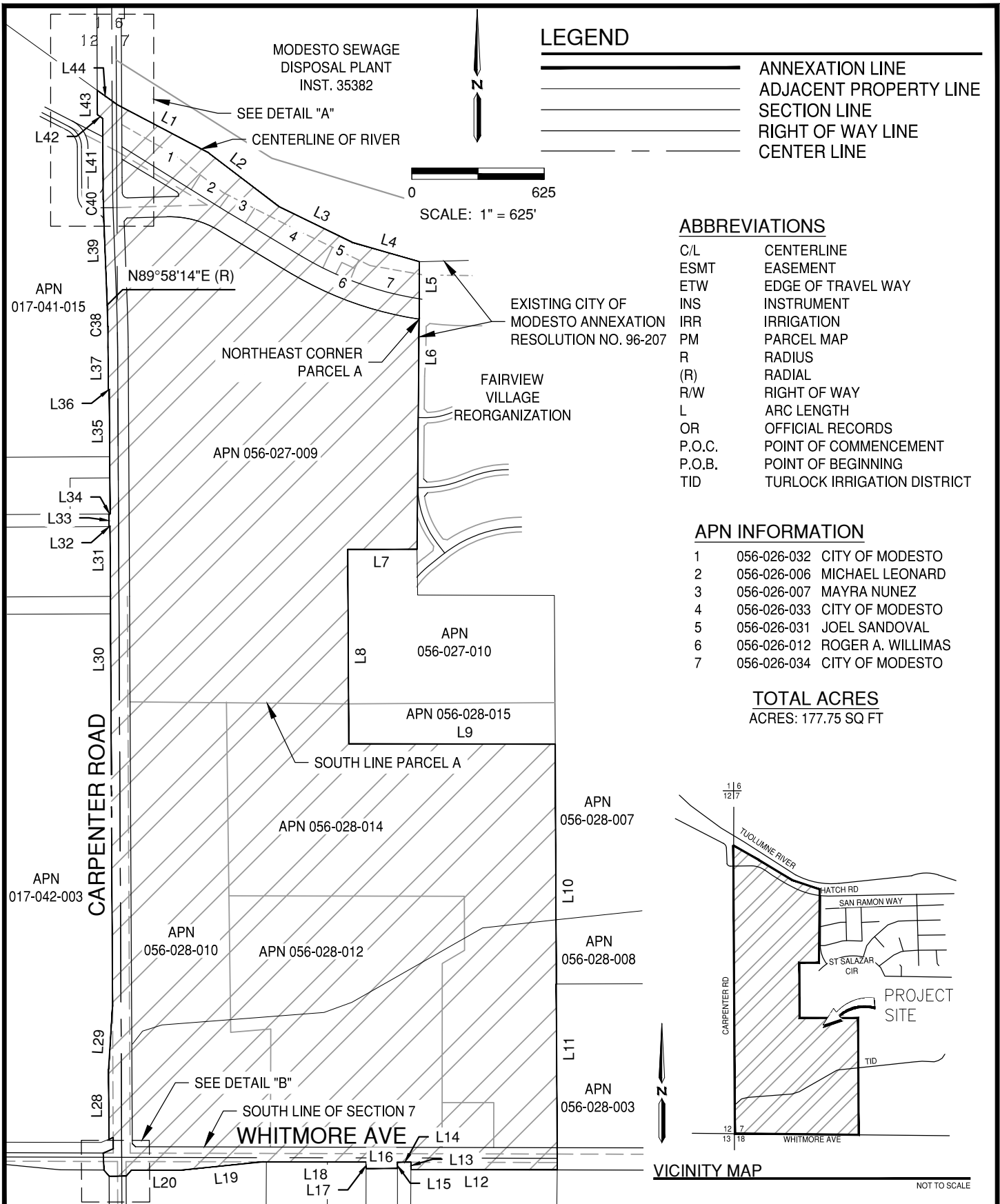
**WESTPORT FIRE  
PROTECTION DISTRICT**

**MODESTO SOI**

**RIGHTS-OF-WAY  
TO BE  
DETACHED  
FROM FIRE  
DISTRICTS**



Y:\Jobs\36601 Fairview Village TLC\Survey\MapDwg\36601-ANNEXATION-LAFCO.dwg Zmnoz 13:09:10 03/10/2022



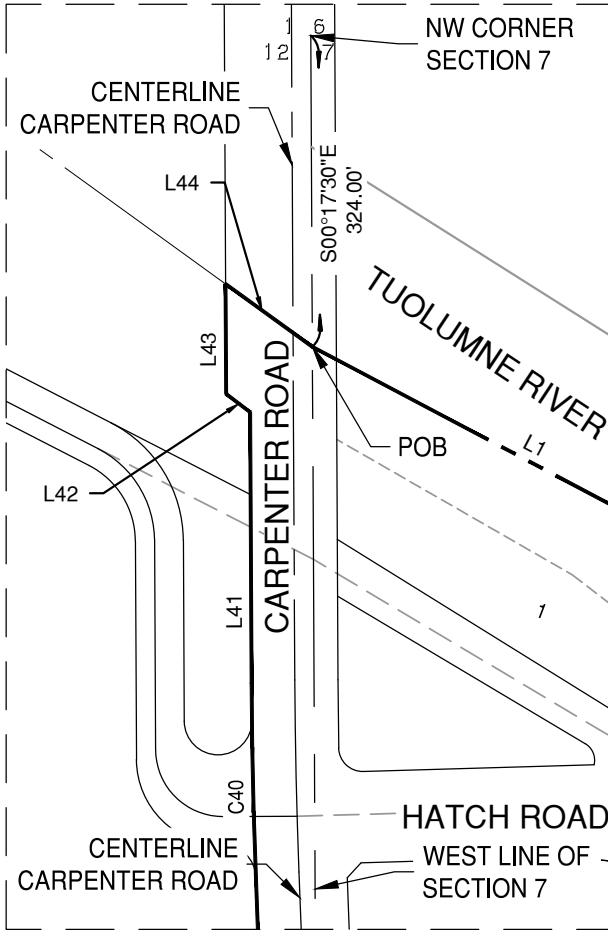
1165 Scenic Drive, Suite A  
Modesto, CA 95350  
odellengineering.com

FAIRVIEW VILLAGE NO.2 REORGANIZATION TO CITY OF MODESTO

SCALE:	1"=625'	DATE:	2022-03-10
JOB NO.:	36601		
FILE:	36601-ANNEXATION-LAFCO.DWG		

1  
of  
2

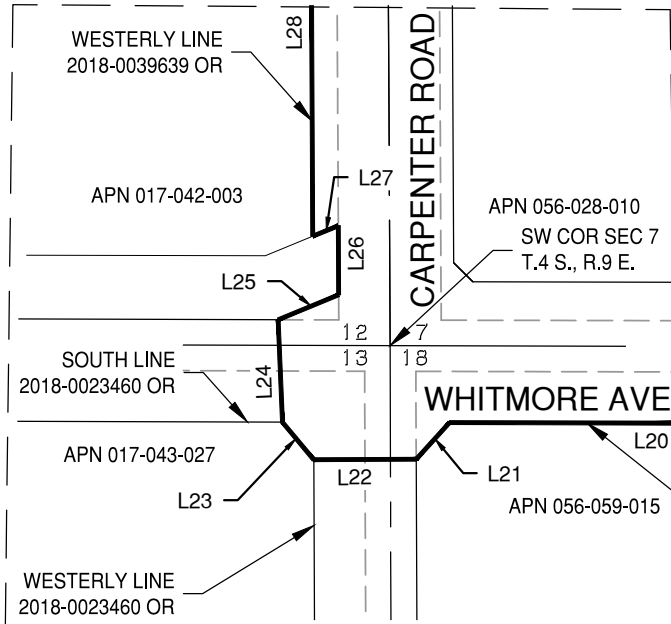
DETAIL "A"  
1"=200'



COURSES		
Course #	Direction	Length
L1	S62° 07' 35"E	494.15
L2	S52° 35' 59"E	412.73
L3	S63° 51' 06"E	386.23
L4	S73° 51' 56"E	331.10
L5	S00° 05' 30"W	266.00
L6	S00° 32' 31"W	1092.16
L7	N89° 51' 19"W	326.43
L8	S00° 15' 01"E	918.00
L9	S89° 51' 19"E	975.00
L10	S00° 15' 01"E	1132.00
L11	S00° 17' 15"E	877.58
L12	N89° 52' 30"W	690.25
L13	N00° 29' 00"E	35.00
L14	N89° 52' 30"W	63.95
L15	S00° 05' 34"W	30.00
L16	N89° 52' 30"W	148.00
L17	N00° 05' 34"E	30.00
L18	N89° 52' 30"W	486.95
L19	S84° 15' 39"W	391.51
L20	N89° 52' 30"W	230.52
L21	S42° 21' 10"W	38.65

COURSES		
Course #	Direction	Length
L22	N89° 43' 27"E	80.00
L23	N39° 48' 24"W	38.17
L24	N02° 25' 04"W	80.08
L25	N67° 37' 29"E	51.10
L26	S00° 17' 30"E	53.96
L27	S67° 37' 29"W	21.58
L28	N00° 17' 30"W	330.97
L29	N03° 34' 04"E	297.13
L30	N00° 17' 30"W	1934.89
L31	N00° 17' 46"W	329.67
L32	S89° 42' 14"W	5.00
L33	N00° 17' 46"W	59.62
L34	N89° 42' 14"E	5.00
L35	N00° 17' 46"W	587.11
L36	S89° 42' 14"W	5.00
L37	N00° 17' 46"W	200.36
L39	N02° 11' 54"W	397.37
L41	N00° 17' 22"W	282.11
L42	N52° 32' 31"W	31.58
L43	N00° 17' 21"W	114.42
L44	S54° 06' 44"E	111.55

DETAIL "B"  
1"=150'



Curve Table			
Curve #	Length	Radius	Delta
C38	198.43	5955.00	001°54'33"
C40	201.43	6045.00	001°54'33"



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

FAIRVIEW VILLAGE NO.2 REORGANIZATION TO CITY OF MODESTO

SCALE:	1"=625'	DATE:	2022-03-10
JOB NO.:	36601		
FILE:	36601-ANNEXATION-LAFCO.DWG		

2  
of  
2

FAIRVIEW VILLAGE NO. 2  
REORGANIZATION TO THE  
CITY OF MODESTO

BEING A PORTION OF SECTION 7, TOWNSHIP 4  
SOUTH, RANGE 9 EAST, MOUNT DIABLO BASE AND  
MERIDIAN  
STANISLAUS COUNTY, CALIFORNIA  
NOVEMBER 2021



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

LEGEND

	ANNEXATION LINE
	ADJACENT PROPERTY LINE
	SECTION LINE
	RIGHT OF WAY LINE
	CENTER LINE

APN INFORMATION

1	056-026-032	CITY OF MODESTO
2	056-026-006	MICHAEL LEONARD
3	056-026-007	MAYRA NUNEZ
4	056-026-033	CITY OF MODESTO
5	056-026-031	JOEL SANDOVAL
6	056-026-012	ROGER A. WILLIAMS
7	056-026-034	CITY OF MODESTO

ABBREVIATIONS

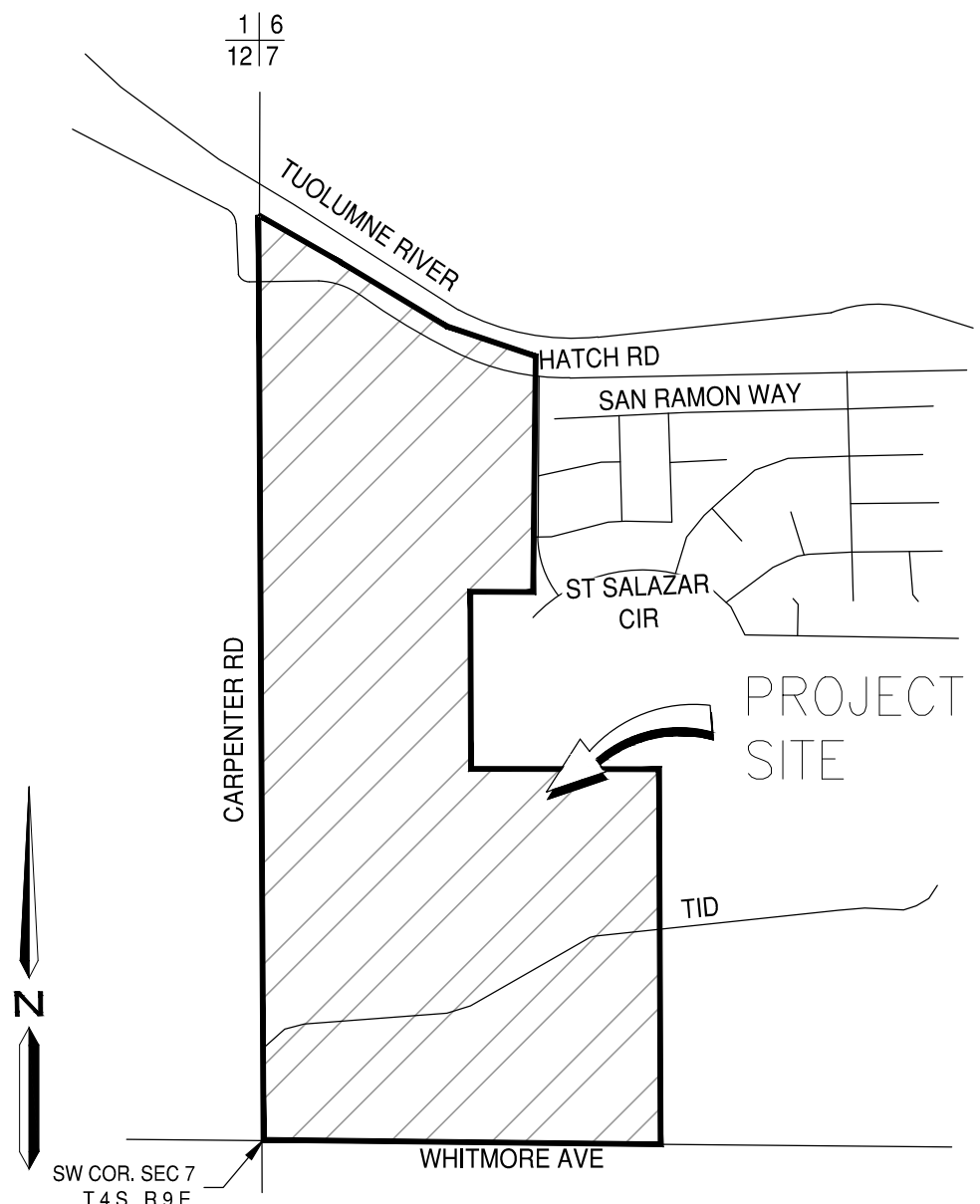
C/L	CENTERLINE
ESMT	EASEMENT
INST	INSTRUMENT
IRR	IRRIGATION
PM	PARCEL MAP
(R)	RADIAL
R/W	RIGHT OF WAY
OR	OFFICIAL RECORDS
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
TID	TURLOCK IRRIGATION DISTRICT

TOTAL ACRES  
ACRES: 177.75 AC

COURSES		
Course #	Direction	Length
L1	S62° 07' 35"E	494.15
L2	S52° 35' 59"E	412.73
L3	S63° 51' 06"E	386.23
L4	S73° 51' 56"E	331.10
L5	S00° 05' 30"W	266.00
L6	S00° 32' 31"W	1092.16
L7	N89° 51' 19"W	326.43
L8	S00° 15' 01"E	918.00
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L17	N00° 05' 34"E	30.00
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L19	S84° 15' 39"W	391.51
L20	N89° 52' 30"W	230.52
L21	S42° 21' 10"W	38.65

COURSES		
Course #	Direction	Length
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L27	S67° 37' 29"W	21.58
L28	N00° 17' 30"W	330.97
L29	N03° 34' 04"E	297.13
L30	N00° 17' 30"W	1934.89
L31	N00° 17' 46"W	329.67
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L33	N00° 17' 46"W	59.62
L34	N89° 42' 14"E	5.00
L35	N00° 17' 46"W	587.11
L36	S89° 42' 14"W	5.00
L37	N00° 17' 46"W	200.36
L38	N02° 11' 54"W	397.37
L41	N00° 17' 22"W	282.11
L42	N52° 32' 31"W	31.58
L43	N00° 17' 21"W	114.42
L44	S54° 06' 44"E	111.55

Curve Table			
Curve #	Length	Radius	Delta
C38	198.43	5955.00	001°54'33"
C40	201.43	6045.00	001°54'33"



VICINITY MAP

NOT TO SCALE



APPROVED:

DESIGNED:	N/A
DRAWN:	ZM
CHECKED:	SP
SCALE:	1"=250'
DATE:	2022-03-10
JOB NO.:	36601
FILE NO.:	36601-ANNEXATION.DWG

SHEET NO.  
1  
OF  
1

# FAIRVIEW VILLAGE NO. 2 REORGANIZATION TO THE CITY OF MODESTO, CALIFORNIA

## DESCRIPTION

All that certain real property situate in the County of Stanislaus, State of California, being a portion of the West 1/2 of Section 7, and a portion of the North 1/2 of Section 18, Township 4 South, Range 9 East, and a portion of the northeast 1/4 of Section 13 and a portion of the East 1/2 of Section 12, Township 4 South, Range 8 East M.D. B & M, described as follows:

**BEGINNING** at a point South 00°17'30" East, 324.00 feet, from the northwest section corner of Section 7, Township 4 South, Range 9 East, said point being on the west line of said Section 7 and also being the most southerly corner of the McBride Addition recorded September 18, 1963 as Instrument Number 35382, Official Records Stanislaus County;

Course 1. South 62°07'35" East, 494.15 feet, along the centerline of the Tuolumne River;

Course 2. South 52°35'59" East, 412.73 feet, along the centerline of the Tuolumne River;

Course 3. South 63°51'06" East, 386.23 feet, along the centerline of the Tuolumne River;

Course 4. South 73°51'56" East, 331.10 feet, along the centerline of the Tuolumne River, to the northwest corner Fairview Village Reorganization to the City of Modesto;

Course 5. South 00°05'30" West, 266.00 feet more or less along the west boundary line of said Fairview Village Reorganization to the City of Modesto, to a point on the easterly line of Parcel 'A' as shown on the map recorded in Book 42 of Parcel Maps, Page 2, Stanislaus County Records, said point being on the southerly right-of-way line of a 90 foot wide Hatch Road;

Course 6. South 00°32'31" West, 1092.16 feet, along the east line of said Parcel 'A' and the westerly line of said Fairview Village Reorganization to the City of Modesto;

Course 7. North 89°51'19" West, 326.43 feet, leaving the east line of said Parcel 'A', continuing along the westerly line of said Fairview Village Reorganization to the City of Modesto;

Course 8. South 00°15'01" East, 918.00 feet;

Course 9. South 89°51'19" East, 975.00 feet to a point on the east line of Parcel 'C' of said Parcel Map, said east line being the westerly line of said Fairview Village Reorganization to the City of Modesto;

Course 10. South 00°15'01" East, 1132.00 feet, along the east line of said Parcel 'C' and the westerly line of said Fairview Village Reorganization to the City of Modesto;



## **FAIRVIEW VILLAGE NO. 2 REORGANIZATION TO THE CITY OF MODESTO, CALIFORNIA**

Course 11. South 00°17'15" East, 877.58 feet, along the east line of said Parcel 'C' and the southerly continuation thereof, to the southwest corner of said Fairview Village Reorganization to the City of Modesto, being a point on the north line of Parcel 'A' as shown on the map recorded in Book 31 of Parcel Maps, Page 78, Stanislaus County Records;

Course 12. North 89°52'30" West, 690.25 feet, along north line of Parcel 'A' of said Book 31 of Parcel Maps, Page 78, to the west line of said Parcel 'A';

Course 13. North 00°29'00" East, 35.00 feet, along said west line, to a point on a line lying 20.00 feet southerly of and parallel with the centerline of Whitmore Avenue as shown on said Book 31 of Parcel Maps, Page 78;

Course 14. North 89°52'30" West, 63.95 feet, along said parallel line, to the east line of Parcel 1 as shown on the map recorded in Book 26 of Parcel Maps, Page 12, Stanislaus County Records;

Course 15. South 00°05'34" West, 30.00 feet, along said east line, to a point on the north line of said Parcel 1;

Course 16. North 89°52'30" West, 148.00 feet, along said north line, to the west line of said Parcel 1;

Course 17. North 00°05'34" East, 30.00 feet, along said west line, to a point on a line lying 20.00 feet southerly of and parallel with the centerline of said Whitmore Avenue;

Course 18. North 89°52'30" West, 486.95 feet, along said parallel line, to the most easterly point of the land described in the document recorded May 8, 2018 as instrument number 2018-0031482 official records of Stanislaus County;

Thence along the southerly line of said land the following three (3) courses:

Course 19. South 84°15'39" West, 391.51 feet;

Course 20. North 89°52'30" West, 230.52 feet;

Course 21. South 42°21'10" West, 38.65 feet to a point on a line lying 20.00 feet easterly of and parallel with centerline of Carpenter Road;

Course 22. South 89°43'27" West, 80.00 feet, leaving said southerly line, to a point on the westerly line of the land described in the document recorded April 5, 2018 as instrument number 2018-0023460 official records of Stanislaus County;

## **FAIRVIEW VILLAGE NO. 2 REORGANIZATION TO THE CITY OF MODESTO, CALIFORNIA**

Course 23. North 39°48'24" West, 38.17 feet, along the southwesterly line of said land, to a point on the south line of said land, said south line lying 60.00 feet southerly of and parallel with the centerline line of said Whitmore Avenue;

Course 24. North 02°25'04" West, 80.08 feet, leaving the southerly line of said land across said Whitmore Avenue, to a point on the southerly line of the 50.00 foot wide TID Canal described in Book 311, Page 103 official records of Stanislaus County;

Course 25. North 67°37'29" East, 51.10 feet, along the southerly line of said 50.00 foot wide canal, to a point on a line lying 40.00 feet west of and parallel with the centerline of said Carpenter Road;

Course 26. North 00°17'30" West, 53.96 feet, along said parallel line, to the northerly line of said 50.00 foot wide canal.

Course 27. South 67°37'29" West, 21.58 feet, along said north line, to a point on a line lying 60.00 feet west of and parallel with the centerline line of said Carpenter Road, said line also being the westerly line of the dedicated right-of-way as described in the road deed recorded June 8, 2018 as instrument number 2018-0039639 official records of Stanislaus County;

Course 28. North 00°17'30" West, 330.97 feet, along said parallel line;

Course 29. North 03°34'04" East, 297.13 feet, leaving said parallel line and continuing along the westerly line of said land, to point on a line lying 40.00 feet west of and parallel with the centerline of said Carpenter Road, said line being the westerly line of said Carpenter Road;

Thence along said westerly line the following twelve (12) courses:

Course 30. North 00°17'30" West, 1,934.89 feet;

Course 31. North 00°17'46" West, 329.67 feet;

Course 32. South 89°42'14" West, 5.00 feet;

Course 33. North 00°17'46" West, 59.62 feet;

Course 34. North 89°42'14" East, 5.00 feet;

Course 35. North 00°17'46" West, 587.11 feet;

Course 36. South 89°42'14" West, 5.00 feet;

Course 37. North 00°17'46" West, 200.36 feet;

## FAIRVIEW VILLAGE NO. 2 REORGANIZATION TO THE CITY OF MODESTO, CALIFORNIA

Course 38. Northerly along a tangent curve having a radius of 5,955.00 feet, concave westerly, through a central angle of  $01^{\circ}54'33''$ , an arc distance of 198.43 feet;

Course 39. North  $02^{\circ}11'54''$  West, 397.37 feet;

Course 40. Northerly along a tangent curve having a radius of 6,045.00 feet, concave easterly, through central angle of  $01^{\circ}54'33''$ , an arc distance of 201.43 feet;

Course 41. North  $0^{\circ}17'21''$  West, 282.11 feet;

Course 42. North  $52^{\circ}32'31''$  West, 31.58 feet;

Course 43. North  $00^{\circ}17'21''$  West 114.42 feet more or less, to a point on the centerline of the Tuolumne River, said point also being on the southerly line of the said McBride Addition described above;

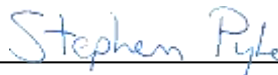
Course 44. South  $54^{\circ}06'44''$  East 111.55 feet, along the centerline of said River, to the **POINT OF BEGINNING**;

Containing 177.75 Acres more or less.

A PLAT OF THE ABOVE DESCRIBED PARCEL(S) OF LAND IS ATTACHED HERETO AS EXHIBIT "A" AND BY THIS REFERENCE MADE A PART HEREOF.

### END DESCRIPTION

This real property description has been prepared by me, or under my direction, in conformance with the requirements of the Professional Land Surveyors' Act.

  
\_\_\_\_\_  
Stephen J. Pyle  
Professional Land Surveyor  
California No. 8385



March 10, 2022  
\_\_\_\_\_  
Date

## **EXHIBIT B**

### **City of Modesto Resolutions 2022-100, 101, 102 & 103**

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**MODESTO CITY COUNCIL  
RESOLUTION NO. 2022-100**

**RESOLUTION APPROVING AN AMENDMENT TO THE MODESTO URBAN  
AREA GENERAL PLAN TO CHANGE THE DESIGNATION OF  
APPROXIMATELY 23 ACRES OF LAND IN THE IN THE FAIRVIEW  
VILLAGE SPECIFIC PLAN AREA FROM C, COMMERCIAL, TO VR,  
VILLAGE RESIDENTIAL**

WHEREAS, a new General Plan for the City of Modesto entitled “City of Modesto Urban Area General Plan”, as recommended by the Modesto City Planning Commission, was adopted by the Council of the City of Modesto by Resolution No. 95-409 on August 15, 1995, and

WHEREAS, said General Plan has been amended by Modesto City Council Resolution Nos. 95-584, 96-20, 96-338, 96-639, 97-3, 97-137, 97-158, 98-293, 99-162, 99-564, 2000-303, 2000-633, 2001-47, 2001-476, 2002-154, 2002-526, 2003-101, 2003-122, 2004-233, 2005-70, 2007-066, 2007-599, 2008-142, 2008-583, 2009-419, 2011-253, 2011-254, 2011-435, 2012-430, 2014-17, 2014-422, 2015-262, 2016-34, 2017-21, and 2019-109 copies of which are on file in the office of the City Clerk, and

WHEREAS, Government Code Section 65358 permits the amendment of General Plans by the legislative body, and

WHEREAS, STL Company LLC has applied for an amendment to the General Plan to change the land designated C, Commercial, in the Fairview Village Specific Plan to VR, Village Residential, and

WHEREAS, the Community & Economic Development Department has analyzed the proposed amendment and concluded that the proposed General Plan amendment will allow flexibility for development to respond to market conditions, consistent with the Village Residential designation, and

WHEREAS, a Final Master Environmental Impact Report was prepared for the Urban Area General Plan Update (SCH No. 2014042081) which analyzed the potential environmental effects of the proposed Project, and

WHEREAS, on December 20, 2021, the Planning Commission held a duly noticed public hearing in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, relating to this proposed amendment to the Modesto Urban Area General Plan to change the designation on approximately 23 acres of land from C, Commercial, to VR, Village Residential, and

WHEREAS, after said public hearing, the Planning Commission adopted Resolution No. 2021-21, recommending to the City Council an amendment to the Modesto Urban Area General Plan to change the designation on approximately 23 acres of land from R, Residential to C, Commercial, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on February 8, 2022, in the Tenth Street Place Chambers located at 1010 Tenth 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 amendment to the Modesto Urban Area General Plan to change the designation on approximately 23 acres of land from C, Commercial, to VR, Village Residential.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposed amendment to the Modesto Urban General Plan to as described in **Exhibit "A"**, **attached** hereto and incorporated herein by reference, is required for the public health, safety, and welfare of the citizens of Modesto.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby adopts the proposed amendment to the Urban Area General Plan as described in **Exhibit "A", attached** hereto and incorporated herein by reference.

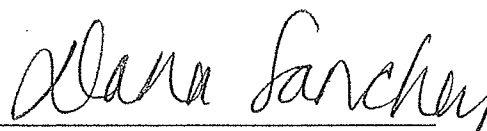
BE IT FURTHER RESOLVED that the project applicant shall indemnify, defend, and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto and its advisory agency, appeal board, or a legislative body concerning the general plan amendment 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 8th day of February, 2022, by Councilmember Madrigal, 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 Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
DANA SANCHEZ, Interim City Clerk

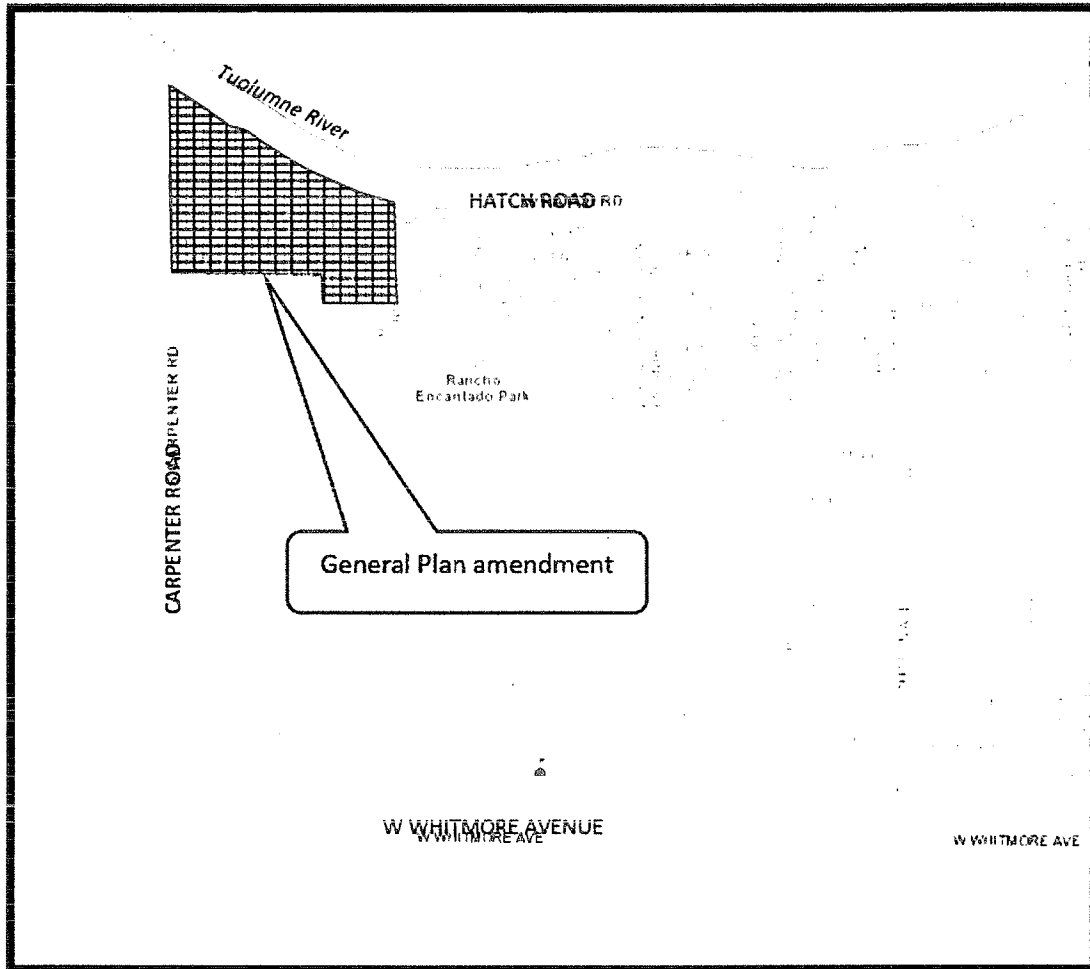
(SEAL)

APPROVED AS TO FORM:

BY:   
JOSE M. SANCHEZ, City Attorney



## EXHIBIT A



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2022-101**

**RESOLUTION APPROVING AMENDMENT NO. 4 TO THE FAIRVIEW  
VILLAGE SPECIFIC PLAN TO MAKE THE SPECIFIC PLAN CONSISTENT  
WITH POLICIES IN THE URBAN AREA GENERAL PLAN, CHANGE THE  
LAND USE AND CIRCULATION PLANS, AND MAKE OTHER REVISIONS**

WHEREAS, on December 12, 1995, the City Council by Resolution No. 95-584,  
adopted the Fairview Village Specific Plan, and

WHEREAS, Government Code Section 65453 permits the amendment of Specific  
Plans as often as deemed necessary by the legislative body, and

WHEREAS, on March 18, 1997, the City Council by Resolution No. 97-135  
adopted Amendment No. 1 to the Fairview Village Specific Plan, and

WHEREAS, on March 18, 1997, the City Council by Resolution No. 97-138  
adopted Amendment No. 2 to the Fairview Village Specific Plan, and

WHEREAS, on November 4, 1997, the City Council by Resolution No. 97-622  
adopted Amendment No. 3 to the Fairview Village Specific Plan, and

WHEREAS, STL Company LLC has filed an application to amend the Land Use  
Plan of the Fairview Village Specific Plan to change the land use designation of  
approximately 23 acres located southeast of the intersection of Hatch Road and Carpenter  
Road from Commercial (C) to Village Residential (VR) and the Circulation Plan to  
realign connector streets, ensure adequate area for the planned elementary school,  
neighborhood park, and central stormwater drainage basin, increase connectivity to the  
external roadway network, establish an agricultural preservation policy and other policies  
consistent with the General Plan and make other minor amendments, and

WHEREAS, on October 8, 2021, the proposed Annexation, General Plan Amendment, and Specific Plan Amendment were referred to Modesto City Schools, Modesto Irrigation District, Local Agency Formation Commission, County Planning and Community Development, and the Environmental Resources Director, for a 45-day referral period in accordance with Government Code sections 65453 and 65352, and

WHEREAS, on December 20, 2021, at 6:00 p.m. the Planning Commission held a duly noticed public hearing in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered concerning the proposed Fairview Village Specific Plan amendment, and

WHEREAS, after said public hearing, the Modesto City Planning Commission by Resolution Nos. 2021-22 recommended to the City Council approval of Amendment #4 to the Fairview Village Specific Plan to change the land use designation of approximately 23 acres located southeast of the intersection of Hatch Road and Carpenter Road from Commercial (C) to Village Residential (VR) and the Circulation plan to realign connector streets, ensure adequate area for the planned elementary school, neighborhood park, and central stormwater drainage basin, increase connectivity to the external roadway network, establish an agricultural preservation policy and other policies consistent with the General Plan and make other minor amendments, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on February 8, 2022, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing was held.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposed Amendment #4 to the Fairview Village Specific Plan, property located northeast of the intersection of Carpenter Road and Whitmore Avenue is consistent with the Modesto Urban Area General Plan, which designates the site as Specific Plan (SP).

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Fairview Village Specific Plan is hereby amended to change the land use designation of approximately 23 acres located southeast of the intersection of Hatch Road and Carpenter Road from Commercial (C) to Village Residential (VR) and the Circulation plan to realign connector streets, ensure adequate area for the planned elementary school, neighborhood park, and central stormwater drainage basin, increase connectivity to the external roadway network, establish an agricultural preservation policy and other policies consistent with the General Plan and make other minor amendments, as shown on **Exhibit "A"** attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the property owner and developer shall, at their sole expense, defend, indemnify and hold harmless the City of Modesto, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include but is not limited to any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Modesto shall promptly notify the developer of any such claim, action, or proceeding.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of February, 2022, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Escutia-Braaton, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci,  
Wright, Zoslocki, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:   
JOSE M. SANCHEZ, City Attorney

**Exhibit A**

**Fairview Village Specific Plan**

# City of Modesto

## Fairview Village Specific Plan

This document reflects all amendments to the Fairview Village Specific Plan, as of November 4, 1997

## Amendments to the Fairview Village Specific Plan

This document contains information from the original Fairview Village Specific Plan adopted December 12, 1995, by City Council Resolution No. 95-584, as revised by the following Specific Plan Amendments:

- SPA #1      **Incorporate Changes in Financing Installation and Ongoing Maintenance of Infrastructure within the Specific Plan Area from Various Assessment Districts to a Single, City Mello-Roos Community Facilities District**
- Recommended by Planning Commission Resolution No 97-12
- Adopted by City Council Resolution No. 97-135
- SPA#2      **Delete the Requirement for a Housing Trust Fund Equity Sharing Program and Collection of an Affordable Housing Fee**
- Recommended by Planning Commission Resolution No. 97-15
- Adopted by City Council Resolution No. 97-138
- SPA#3      **Add Language to Allow Changes in Service Providers**
- Recommended by Planning Commission Resolution No. 97-71
- Adopted by City Council Resolution No. 97-622



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### **Chapter 1: Introduction**

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- 1.2 Purpose and Nature of the Specific Plan
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- 1.4 The Planning Process

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- 2.2 Land Use
- 2.3 Infrastructure
- 2.4 Agricultural Preservation Policy

### **Chapter 3: Implementation**

- 3.1 Basic concepts
- 3.2 Submission and Approval of subsequent Projects
- 3.3 Financing Measures

## Chapter 1: Introduction

### 1.1 Forward

Fairview Village is a proposed planned community for approximately 5000 people. It is to be developed on a 364-acre site, held in three contiguous ownerships, at the southwest edge of the City of Modesto. Bounded by the expanded Hatch and Carpenter Roads and by Whitmore Avenue, the Village is designed around a large central neighborhood park and elementary school. At completion, Fairview Village will include two elementary schools, the central neighborhood park and a commercial center with shops, offices and apartments.

### 1.2 Purpose and Nature of the Specific Plan

The purpose of the Fairview Village Specific Plan is to implement the goals, objectives and policies of the City of Modesto General Plan, as authorized by Section 65450 *et. seq.* of the State Government Code. Section 65451 specifies that a Specific Plan shall include text and a diagram or diagrams to describe in detail:

1. The distribution location, and extent of the uses of land, including open space, within the area covered by the plan.
2. The proposed distribution, location and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan.
3. Standards and criteria by which development will proceed, and standards for the conservation development and utilization of natural resources, where applicable.
4. A program of implementation measures including regulations, programs, public works projects and financing measures necessary to carry out paragraphs (1), (2) and (3).

Specific plan legislation was adopted by the California legislature as an optional planning tool, available to local governments, to facilitate implementation of their General Plan. The primary function of the Specific Plan is to require that an area, or subarea of the General Plan be developed as a unit with regard to land use, public facilities and infrastructure. By grouping properties together for planning purposes, regardless of size, ownership or existing land uses, it was felt that community facilities and public improvement projects could be planned more effectively and could be financed and developed in conjunction with orderly private development. The Specific Plan is intended to prevent the piecemeal, random development of an area by requiring a rational sharing of resources.

The Specific Plan is not a rigid book of rules nor does it attempt to control every design detail of future development project. By focusing on land use, infrastructure, design standards for public improvement and implementation, it seeks to avoid the mistakes of static, end-state plans which leave little if any room for future flexibility or design creativity. The Specific Plan anticipates changing market conditions and acknowledges that developer will play an active role in determining the final design of individual projects that are consistent with Plan policies and requirements, including necessary mitigation measures for identified environmental impacts.

Prior to the Specific Plan process, property owners were able to petition successfully under the General Plan for annexation and development approvals regardless of the planning condition of nearby properties. The problem of piecemeal development was compounded in the late 1980s by a generalized real estate

boom in the State combined with reduced public funding for public improvement. Planners found it difficult to project growth impacts and to provide adequate public facilities and services. The Specific Plan was covered as a valuable subset to the General Plan. It was designed to provide a bridge that did not previously exist between public interest and resources, including requirements infrastructure and services on the one hand a private, one party land interests on the other.

In 1989, the City of Modesto adopted the Urban Growth Management Strategy, which requires that any future development within what is called the Urban Reserve be planned and annexed as villages under the auspices of Specific Plan. This action was seen as a necessary response to preventing new development new development in undeveloped areas prior to there being adequate consideration for public service facilities such as roadways, parks, schools and utility improvements.

The Fairview Village Plan provides a comprehensive, orderly approach to growth within the Sphere of Influence of the City of Modesto. It adheres to the fundamental purposes of the Specific Plan process to prevent urban sprawl by providing coordinated development of public resources and facilities concurrent with private development. As an implementation-oriented plan, it avoids the micro-management of such details as lot design and the use of architectural design standard and guidelines that have proved cumbersome, if not effective in other plans. It does not intend to limit private initiative, creativity or market flexibility during any or all phases. It strives to conform to the critical concepts of comprehensive planning while recognizing that, as a market driven plan, the very essence of successful implementation is to allow adequate flexibility for future, unknown market conditions.

In summary, The Fairview Village Specific Plan is a blueprint for the construction of a new City of Modesto community of approximately 2250 homes, a village commercial center and a new elementary school and central neighborhood park.

### 1.3 Fairview Village Setting

#### 1.3.1 Location

The Fairview Village Plan Area is located just outside the southwestern boundary of Modesto, in Stanislaus County. It is contiguous to the Bret Harte neighborhood on the east and is bounded by three existing major streets on the other sides, Whitmore Avenue on the south Carpenter Road on the west and Hatch Road on the North. The Tuolumne River is nearby, just north of Hatch Road. The Area is within easy access of both of both Highway 99 and State Route 132.

The City's Growth Management Planning policy identifies Fairview Village as a logical location for new development and the County designates it an Urban Transition area.

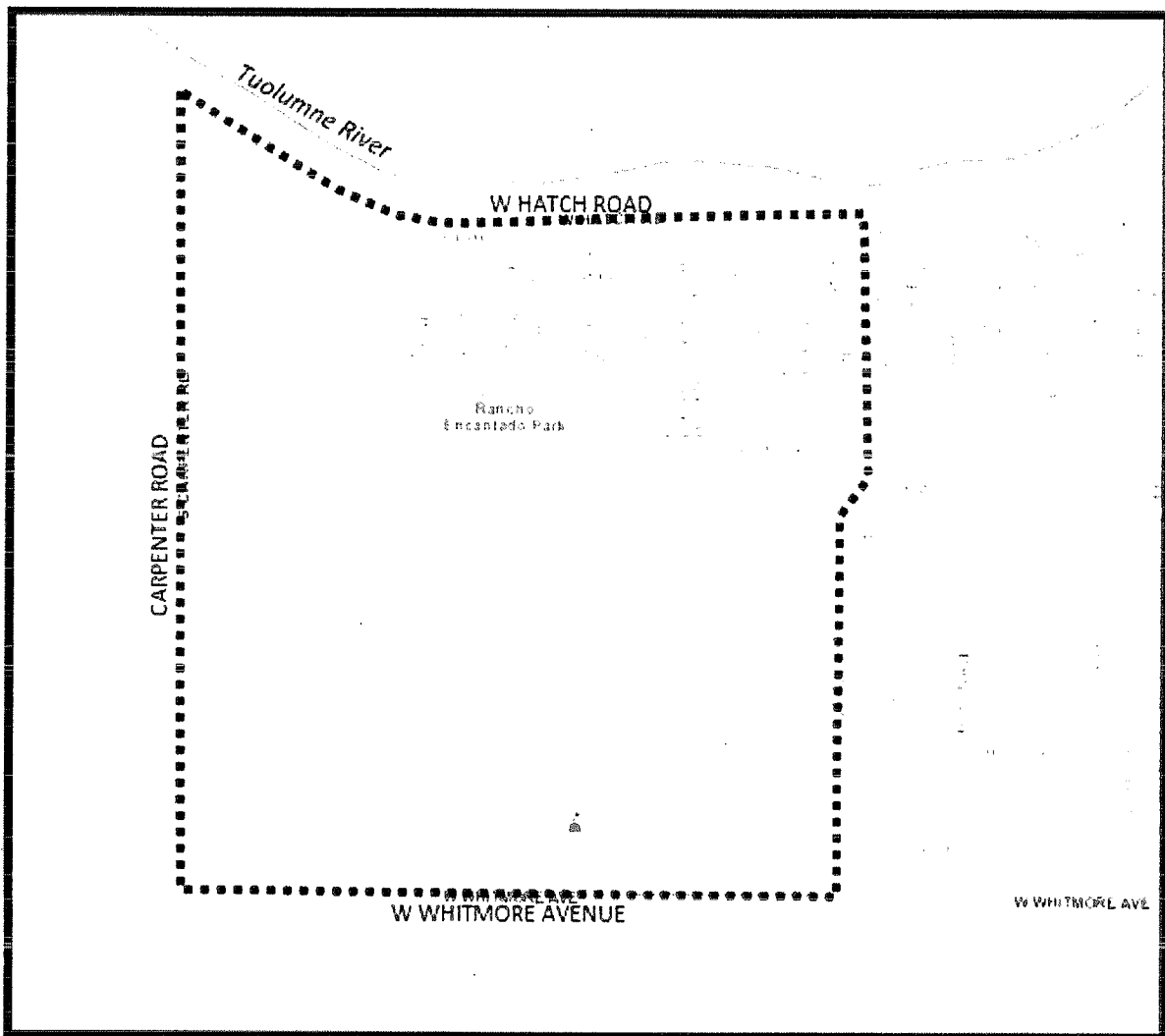


Figure 1: Location and Boundaries of Fairview Village Specific Plan

### *1.3.2 Boundaries and Area*

The Fairview Village Plan is essentially square with wash edge being approximately  $\frac{3}{4}$  mile. Two utility easements are located diagonally across the Plan Area. One is 50 feet wide and contains the Turlock Irrigation (TID) Lateral No. 1. The second is 40 feet wide and contains a City of Modesto, 60-inch force main outfall sewer line that extends to Whitmore Avenue, beyond which it becomes a gravity sewer line. Fairview Elementary School is publicly owned. The reference “property owners” in subsequent sections of the Plan is to be understood as meaning one or more of these ownerships.

### *1.3.3 Summary of the Environmental Setting*

The overall site, have been graded for irrigated agricultural use, is relatively flat, with a gradual downslope from south to north. Soils are generally alluvial deposits of sandy loam with some hardpan, designated as Prime Farmland by the California Department of Conservation. The area North of the TID lateral is designated as being within a 500-year flood plan, although some portion of the specific plan are with in the 200-year flood plain as defined by the Regional Water Quality Control Board (RWQCB). No further mitigation, beyond that identified in the Master EIR for the City General Plan Revision, is required for the Fairview Village Plan Area for loss of sensitive wildlife and Plant habitat or disturbance of archaeological or historical sites.

## **1.4 Planning Process**

This Specific Plan is part of a comprehensive planning process which serves to implement the City of Modesto General Plan goals and objectives according to Specific Plan identified principles policies and key projects. The detailed nature of the Specific Plan is intended to simplify the subsequent planning process and schedule and to clear the way for more efficient and timely approvals of projects in the Plan Area that are consistent with Plan policies, land use designations and infrastructure improvements. The process for developing in the Fairview Village Specific Plan includes:

- Annexation
- Tentative Subdivision Map Application
- Development Plan Review for Commercial and Multi-Family Development

A discussion of each of these subsequent components of the planning process following Specific Plan adoption is found in the Implementation Element of the Plan (Chapter 3)

### *1.4.1 Relationship of the Fairview Village Specific Plan to the City of Modesto General Plan*

The City of Modesto adopted a major revision to the General Plan and certified the Master EIR in August 1995. The Fairview Village Specific Plan Area is identified in the revised General Plan as one of twenty-six Comprehensive Planning Districts (CPDs) which are designated areas for managed urban growth.

The Planned Urbanizing Area is predominantly flat, vacant and/or developed with agricultural uses and minimally if at all serve with urban services and infrastructure, including roads. Because it is an area where substantial development is expected, the General Plan Growth Strategy Diagram established that all new development in the CPDs will be planned comprehensively and implemented according to Comprehensive Plan, which are defined as policy documents meant to “create a bridge between general plan policies and individual development proposals.” The General Plan recognizes Specific Plan (by section 65450 of the State Government Code) as a form of Comprehensive Plan that may be used by the City to implement CPDs. In the Fairview CPD, the General plan proposes the preparation of a Specific Plan to guide of the identified Village Residential land uses. The Fairview Specific Plan for the Fairview

CPD has been developed according to the policies outlined in the revised General Plan for land use housing and public facilities and services.

*1.4.2 Severability*

In the event that any regulations, condition, program or portion of this Specific Plan is held invalid or unconstitutional by a California or Federal Court of competent jurisdiction, such portions shall be deemed separate, distinct and independent provisions. The invalidity of such provisions shall not affect the validity of the remaining provisions of the Specific Plan thereof.

## Chapter 2: Fairview Village

This section describes the physical characteristics of Fairview Village and is organized to address the following elements, as required by Specific Plan legislation and, the considerations of the Plan Area:

- Guiding Principles
- Land Use
- Infrastructure

### 2.1 Guiding Principles

The Fairview Village Specific Plan based upon a set of guiding principles that are intended to balance requirements for automobile access with those for pedestrian and other modes of access from all points to major community facilities such as schools, parks and neighbor shopping. These principles are:

- The Specific Plan focuses upon a central neighborhood park and elementary school, easily accessible to each residential area
- The open space, including parks, retention basins, school yards and street landscaping, is purposely designed in conjunction with the circulation network to make public green space a significant experience
- Residential densities are kept as high as feasible within the limits of a changing market

The principles guiding the Fairview Village Specific Plan are consistent with City of Modesto General Plan policies for new neighborhoods:

1. Communities or neighborhoods should be designed so that housing, jobs, daily needs and other activities are within easy walking distance of each other;
2. As many activities as possible should be located within easy walking distance of transit stops;
3. Communities or neighborhoods should contain a diversity of housing types to enable citizens from a wide range of economic levels and age groups to live within its boundaries;
4. Business within a community or neighborhood should provide a range of job types for the communities or neighborhood residents;
5. The location and character of the community or neighborhood should be consistent with a larger transit network;
6. Each community or neighborhood should have a center focus that combines commercial, civic, cultural and recreational uses;
7. Each community or neighborhood should contain an ample supply of specialized open space in the form of squares, greens and parks whose frequent use is encouraged through placement and design; and
8. Streets, pedestrian paths and bike paths should contribute to a system of fully connected and interesting routes to all destinations; their design should encourage pedestrian and bicycle use by being small and spatially defined by buildings, trees and lighting by the discouraging high speed traffic; wherever possible, natural terrain, drainage and vegetation should be preserved with superior examples contained within parks or greenbelts.

## 2.2 Land Use

This section of the Specific Plan established the general distribution and extent of land uses, including open space, within the Plan Area. It contains the Land Use Diagram and Land Use Designations and confirms to Section 65451 (a)(1) of the California Government Code.

### 2.2.1 *The Village Concept*

The ¾ mile square Plan Area allows residential development to be located within an approximately ¼ mile walking distance from a central school and neighborhood park site. A neighborhood serving commercial center, which may include residential development, is located in one of the neighborhoods where it will have visibility from the higher volume roads along the edge of the planning area and also be internally accessible to each of the neighborhoods and to the central park and school.

### 2.2.2 *Residential Neighborhoods*

The residential areas surrounding the central neighborhood school and park site are visually identifiable as separate, distinctive neighborhoods. The physical identity of neighborhoods as being places where there is opportunity for shared space and social interaction usually is the result of certain predominant characteristics that include topography, street layout and landscaping, lot size and geometry, the depth and landscape character of front yard setbacks, and often to a much lesser extent, architecture.

Approximately 1075 to 2150 single family units and 220 to 440 multi-family units are proposed for Fairview Village neighborhoods, for a total of between 1097 and 2590 residential units. A variety of housing types, design styles and lot sizes for single family units is anticipated as the result of zoning standards that allow higher densities and smaller lot sizes in appropriate locations as well as from phasing that accommodates many different builders over many years. Multi-family housing is to be located in and near the village commercial center.

The Fairview Village Specific Plan does not attempt to establish any design guidelines for residential or commercial development beyond that described by zoning and by the standard described in the Land Use Element. Design standards for Fairview Village are concerned primarily with neighborhood form as determined by public infrastructure, including streets and street landscape and by land use and development intensity. Development increments of 70 to 200 lots are anticipated. Project design will determine neighborhood character along the local residential streets.

The overall goal of the Fairview Village Specific Plan, with respect to affordable housing, is to provide housing opportunities within the Village for people with diverse income levels, as is compatible with the range of market rate housing that is planned.

### 2.2.3 *Commercial Center*

Neighborhood serving commercial development is located in the northwest quadrant of the Plan Area where it has high visibility from both Carpenter and Hatch Roads, each of which are Minor Arterials. The Fairview Village Commercial center is conceived as a pedestrian-friendly neighborhood district.

Community facilities such as churches, child care centers and health clubs also are encouraged in the Village commercial center. More intensive forms of residential development are located adjacent to and, where possible, are integrated into the commercial center. The maximum development program for the commercial center is identified as being 122,000 gross square feet of retail space.



#### 2.2.4 Schools

A new elementary school is located at the center of the Fairview Village Plan Area, which allows it to be equally accessible to each of the residential neighborhoods. The school has a civic function in the community, in addition to its role as a place of education, because it will be used occasionally for public meeting and because many of the parents of the community will be involved in school activities with their children. The new school site also is adjacent to the neighborhood park to increase the sense of open space for both school and park uses. The new elementary school will be a full-serviced facility, to be constructed, as required, to serve an identified level of new residential development in the Pan Area and in conformance with the criteria and standards for the Modesto city School District.

The existing Fairview Elementary School will serve Fairview Village residents in the early phases of development. It will also continue to be an important part of the community dynamic after construction of the new, more centrally located elementary school.

#### 2.2.5 Open Space

##### 1. Neighborhood Parks

A minimum of 7 acres of parkland is required in Fairview Village. There are a number of ways to achieve this requirement.

The Fairview neighborhood park shall be adjacent to the new centrally located elementary school. Park improvements may include both active use playfields and passive recreational use areas such as open expanses of lawn. The final design of the central neighborhood park will be developed as determined by the City's Parks, Recreation and Neighborhoods Department.

##### 2. Street and Drainage Basin Landscape

The connector streets are another important part of the Plan Area landscaping. As stated above, the overall visual character of the Fairview Village neighborhood is defined largely by the alignment and landscape character of the entry street and street adjacent landscape areas.

The landscaping along the connector streets will be a major aesthetic feature of Fairview Village and will be primary concern during the final planning and design of each increment of build out. The street landscape becomes a network of green space that provides a high-quality environment for pedestrians, bicyclist and all others who move about through the Village, including motorists. Landscaping, including planting, will be allowed in the drainage basin only if appropriate to the technical operating characteristics of the drainage basins. Landscape improvement and maintenance costs will be funded through a Mello-Roos Community Facilities District.

The Fairview Village property frontage along Hatch and Carpenter Road and along Whitmore Avenue will be improved, as development occurs, to include a landscaped setback. Along Hatch and Carpenter Roads, well designed sound walls will be provided to mitigate noise levels, as identified in the General Plan. Landscaping shall be designed for the setback area to create a unified edge along these roadways and to complement and break down the scale of what otherwise could be the dominant linear character of the sound walls.

Along Whitmore Avenue, which is a Minor arterial, the landscape setback also shall be designed to accommodate the 40-foot sewer easement that is described in detail in the infrastructure section of the Plan Area. A consistently designed masonry wall will be used to prevent unwanted access into development parcels along Whitmore Avenue. Maintenance of all the landscape setback areas along the

Fairview Village side of the three edge roadways will be maintained through a Mello-Roos Community Facilities District.

### 3. Utility Easement

Complementary to the landscaped circulation and landscaped drainage basins network is a diagonal, 40-foot sewer easement that is described in detail in the infrastructure section of the Plan. This easement crosses several of the connectors and is an opportunity for an off-street linear trail and bicycle route. A basis level of landscape improvements will be provided for the sewer easement that makes it an amenity. Subject to tentative map design, all landscape improvement for secondary, recreational uses shall be compatible with the primary function of the easement as the location for the underground sewer line. Basic maintenance would be provided by a Mello-Roos community Facilities District.

#### *2.2.6 Land Use Map, Zoning Designations and Area Summary Table*

This section of the Specific Plan provides a policy to protect nearby City infrastructure from a potential land use conflict, and the standards and criteria by which development will proceed in compliance with Section 65451 (a) (3) of the Government Code. The word diagram is distinguished from a map in the context of a California Attorney General Opinion (67OPS.CAL.ATTY.GEN.75(3/7/84), To provide a certain limited degree of flexibility in applying the land use designations to specific parcels.

##### 1. Policy: Residential Land Uses Near the City Wastewater Treatment Plant

The Land Use Plan shall ensure that new residential development in areas that may be subject to potential odors from the nearby City Wastewater Treatment Plant, located northeast of the Plan Area, does not adversely restrict future operations and the continuance of present operations at this critical treatment facility. (See Implementation Element 3.2.4)

##### 2. Land Use Plan Diagram

The following diagram is a graphic illustration of the designated land uses for the Fairview Village Specific Plan Area:

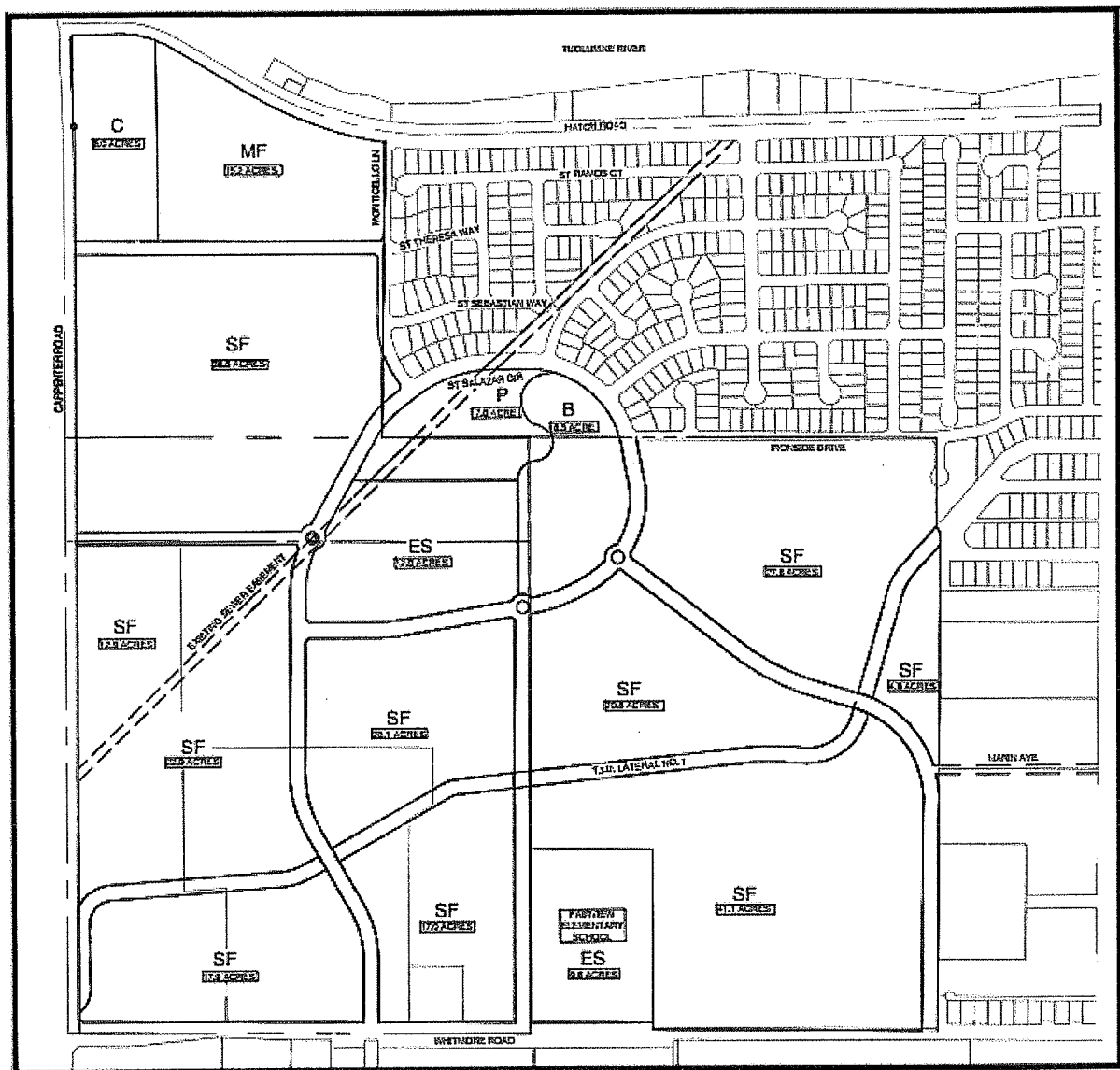


Figure 2: Land Use Diagram

### 3. Description of Fairview Village Land Use Designations

#### ***Single-family homes (SF)***

The majority of the homes in Fairview Village will be single-family, generally conforming to the standards set forth in the Modesto Zoning Code under the R-1 designation, with the following exceptions:

For lots that meet or exceed the minimum lot size in the R-1 zone:

Front setback: 12 feet to the house or front porch and side entry garage

For lots that are smaller than the minimum lot size in the R-1 zone, the following setbacks from property lines will apply:

Front setback: 10 feet to the house or front porch

Interior side setback: 4 feet

Garage face setback: 18 feet

### ***Multi-Family Homes (MF)***

Areas for multi-family homes, including townhouses and apartment units, are designated where there is convenient access to major bus routes and expressways and near the Commercial Center to promote more diverse types of commercial activity over a longer portion of the day. These areas are identified on the Land Use Diagram by the letters “MF.” Development in the multi-family area shall conform to the uses and standards of the City’s R-3 zone.

- Development Plan Review by staff shall be required prior to approval of any multi-family development to ensure compliance with City standards prior to building permit submittal.

### ***Commercial (C)***

In general, the Commercial Center shall conform to the uses and standards allowed for C-1, Neighborhood Commercial Zone, with the following modifications:

- Additional permitted uses in the Commercial Area include R-3 residential apartments as a secondary, mixed use;
- Storefronts should have clear glass display windows;
- Larger surface parking areas are to have convenient, evenly spaced pedestrian walkways that provide access to the main shopping street and public square; Surface parking areas are to be well lit;
- Provisions should be made in the commercial center for places where people can sit outdoors; and
- Development Plan Review (of the Zoning Code) by staff shall be required prior to any development in the Commercial Area to ensure compliance with City Standards prior to building permit submittal

### ***Parks and Storm Drainage***

All new parkland shall be designed to City standards.

#### ***Storm Drainage***

The drainage basins and the 40-foot underground sewer easement also discussed in both the Open Space section above and the Infrastructure section below, may be accessible for public use subject to approval by the City.

### ***Elementary Schools***

Two areas are designed as school sites and are identified on the Land Use Diagram by the Letters, "ES". Both are for elementary schools, as discussed previously in the section on Schools.

- The Fairview Elementary School site is 9.63 net acres and, as an existing facility, is considered to meet current standards for site area;
- The new Fairview Village elementary school site is 12 acres and is a community facility located adjacent to the central neighborhood park.

<b>Table 1: Land Use Summary (excluding Galas area and Fairview School)</b>			
<b>Use</b>	<b>Gross Acreage</b>	<b>Net Acreage</b>	<b>Yield</b>
Stormwater Basin	8.5	8.5	n/a
Elementary School	12	11.7	n/a
Park	7.0	6.4	n/a
Commercial	8.0	8.0	122,000
Multi-Family	15.2	15.2	220 – 440
Single Family	223.8	215.3	1,075 – 2,150
<b>TOTAL</b>	<b>284.1</b>	<b>265.1</b>	---

### **2.3 Infrastructure**

This section of the Specific Plan describes public facilities, including community services and infrastructure, needed to support the physical development described in the Land Use Section. Descriptions and proposed improvements conform to the requirements of Section 65451(a) (2) of the Government Code for transportation, circulation and access, sewage, water, drainage, solid waste disposal, and energy.

Following are the agencies and organizations which were providing services to the project area at the time the Specific Plan was originally adopted. Subsequent changes in service responsibilities may occur without affecting the validity of the Specific Plan. The City intends that adequate service will be provided to the project area, irrespective of the organization providing that service.

#### ***2.3.1 Circulation and Access***

The street layout for Fairview Village is a modified north-south/east-west grid, that connects with a circular, central connector roadway defining a large site for the Village elementary school and neighborhood park. (Six connector streets, which in turn are served by local streets, provide access to the edge arterials for the neighborhoods and commercial center). The residential street alignments are identified in the Specific Plan at a conceptual level actual alignment will be determined at the subdivision level.

The connector intersection with Hatch and Carpenter Roads and Whitmore Avenue, at a distance of ¼ mile or greater in accordance with City Standards. Hatch and Carpenter Roads and Whitmore Avenue will be widened to meet planned future width lines in conjunction with tentative subdivision map approvals as required by the City.

Connector street intersection with the circular, central connector around the neighborhood and park site are to be located at reasonable intervals that equally distribute access to the community facilities and at

## FAIRVIEW VILLAGE SPECIFIC PLAN

points on the curve that do not result in unacceptable intersection geometry. Local residential street intersections with collectors are to be sufficiently well located to allow relatively direct pedestrian routed between neighborhood and community facilities including Fairview central neighborhood park and school and the commercial center.

In concept, street widths and alignment for neighborhood tentative maps, as wells as for connector streets, are designed to encourage low speed traffic and to be friendly places for people as well as for cars. All streets in Fairview Village are amenable for multiple uses, including pedestrian bicycle and automobile traffic with the result that they become shared public space connecting individual residences and neighborhoods with the schools, shopping and parks within the overall area of Fairview Village.

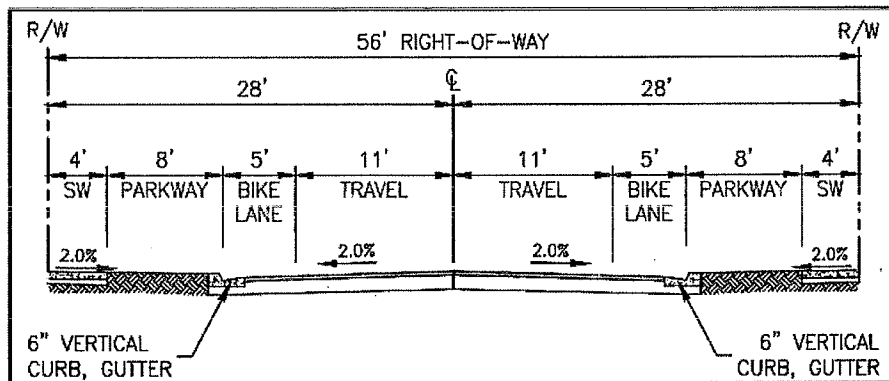
### 1. Right of Way and Design of Local Streets

Local streets shall be designed in accordance with Modesto's Standard Specifications Manual.

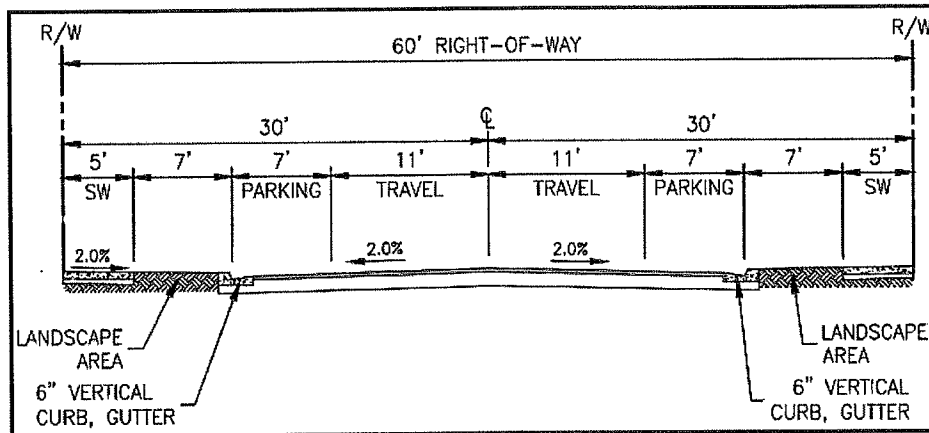
### 2. Right-of-Way for Connector Street

Connector streets should be designed using the following right of way standards:

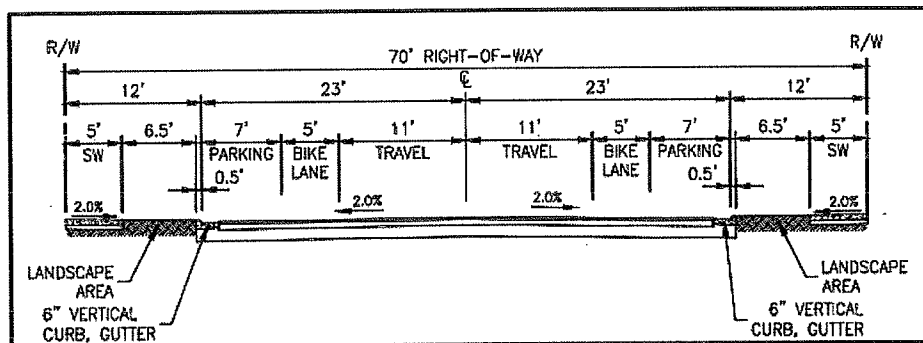
- For circular "loop" street around the central park/open space: 70' ROW (includes parking and bicycle lanes)
- For connector streets indicated on as requiring a bicycle lane, but not having parking: 56' ROW (where residential access is restricted, parking would not be provided)
- All other connector street: 60' ROW (where residential access is allowed, parking would be allowed and bike lanes would not be required)



Typical Section, 56-Foot Right of Way with Bike Lanes



Typical Section, 60 Foot ROW Secondary Connector



Typical Section, 70 Foot ROW Central Park, School Oval

### Residential Access to Connector Streets

With regard to Residential Access to Connector Streets (i.e. driveway from single family houses taking direct access to Connectors), the following three policies have been adopted in the Specific Plan:

#### a) General Policy on Access to Connectors

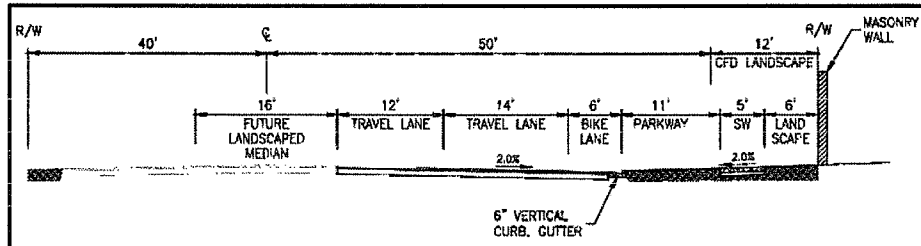
Connectors streets, which provide significant access from the interior of the project to the arterial street to the periphery of Fairview Village, should be designed such that vehicular access, at safe speeds, is not unduly impeded. In general, those most significant Connector Streets, as determined by the City, should be located and designed in such a way that residential lots direct driveway access onto those connectors is minimized.

#### b) Policy on Access to Connector Streets

Connector Streets may be allowed residential driveway access on a case by case basis. The City may allow residential driveway access to connectors unless said access presents unique safety or congestions problems.

### 3. Right of Way and Design of Minor Arterials

Three minor arterials border the Fairview Village Specific Plan: Hatch Road on the north, Carpenter Road on the west, and Whitmore Avenue on the south. The cross section of these facilities is shown below.



Typical Section, Minor Arterial

#### 2.3.2 Sanitary Sewer

Sanitary sewer service to Fairview Village will be provided by the existing City of Modesto 33-inch diameter South Trunk, located in Ustick Avenue, which runs north under the Tuolumne River to the City of Modesto Waste Water Treatment Plant, located immediately northeast of the Plan Area. The City General Plan establishes goal to provide for future operations and the continuance of present operations of this facility and the Specific Plan for Fairview Village provides measures to insure implementation of these goals both in the Land Use and Implementation sections.

Three lines have been extended from the South Trunk line the easterly boundary of the Plan Area. These lines are described as: (1) a 15-inch diameter sub-trunk on Ironside Drive, at flowline elevation 74.45 feet, which will serve most of the Plan Area, (2) a 10-inch diameter sub-trunk on Hatch Road at flow line elevation 72.02 feet, which will serve as part of the Plan Area along the Hatch Road frontage, if needed, and (3) a 6-inch diameter lateral on Dezzani Lane elevation 77.74 feet. Finally, a City of Modesto 60-inch diameter sanitary sewer force main traverse the Plan Area over northwesterly corner from northeast to southeast. This force main runs from the Modesto Waste Water Treatment Plan to remote treatment ponds near the San Joaquin River. It should be noted that the City intends to install a second 60-inch diameter pressure pipeline east of the existing 60-inch diameter force main. The existing pipeline is not available to serve Fairview Village.

The 15-inch diameter sanitary sewer on Ironside Drive will be extended west to serve new development in Fairview Village. A sanitary sewer lift station will be required to discharge into the existing line. From the lift station, a 15-inch diameter line will be extended west to the street that fronts the proposed central park and elementary school. At this point, the line will split into two 10-inch diameter lines. The northerly 10-inch line will extend 1250 feet to serve the westerly portion of the Galas property and the northwest portion of the Bava property. From the 10-inch lines at the intersection of the north/south connector and the connector that fronts the park and school, 8-inch lines will be extended north and south. Six-inch laterals are permitted only in cul-de-sacs.



### 2.3.3 Stormwater Drainage

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## FAIRVIEW VILLAGE SPECIFIC PLAN

As previously discussed in the Open Space section above the landscaping for the drainage basin will be designed so that it does not interfere with technical operating requirements. The drainage basin will not be located over the sewer easement.

After 24 hours, storm water can be discharged from the drainage basins into the City of Modesto's existing 18-inch storm drain on Hatch Road via a lift station. Following a 10-year storm, the system is designed to empty all drainage basin within approximately three days.

The TID Lateral No. 1 traverses the Plan Area over the southerly one third portion from northeast to southeast and west. It is concrete lined canal carrying over 60 to 70 cubic feet per second (cfs) during the irrigation season, from March to October. The TID is generally at elevation 86.0 feet and must remain in use to serve agriculture used in the Plan Area prior to development and to serve other properties to the west of the Plan Area.

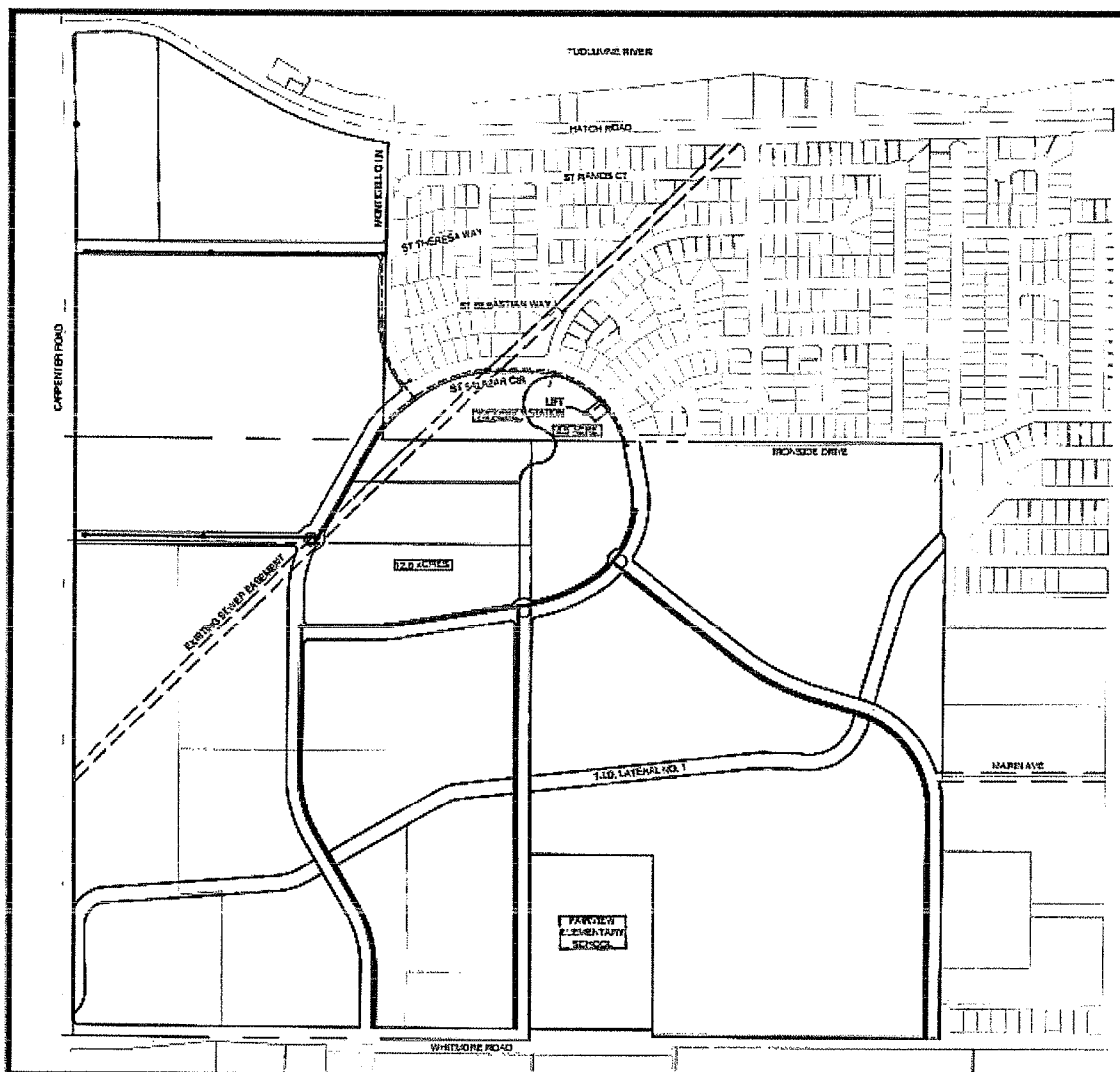


Figure 4: Stormwater Drainage System

#### 2.3.4 Water

The City of Modesto will serve Fairview Village with water following annexation to the City of Modesto. At present, there are 16-inch diameter water mains on Carpenter Road, Whitmore Avenue and Tucson Avenue. There is a 12-inch diameter water main on Hatch Road. In addition, there are 8-inch diameter water lines stubbed out to the edge of the Plan Area on Ironside Drive and Dezzani Lane from City's residential development to the east. The City anticipates the need to locate a well site near Whitmore Avenue and Carpenter Road.

Water lines to serve Fairview Village will be installed as development occurs. On the nominal half mile, 12-inch diameter lines will be installed north/south and east/west, beginning and terminating at the existing lines on the boundary streets. On the nominal quarter mile, 8-inch diameter lines will be installed, beginning and terminating at 12-inch and/or 16-inch diameter lines. Finally, 6-inch diameter lines will be installed on all other streets, beginning and terminating at the 8-inch diameter lines. As standard practice, "looping" of water lines shall be designed to avoid any "dead end" lines.

One offsite, 8-inch diameter line will be installed along the extension of Lassen Avenue from Tucson Avenue, to the east edge of the Plan Area. In accordance with City policy, all lines larger than 10 inches in diameter will be funded by the City. All lines smaller than 10 inches in diameter will be funded by the developer.

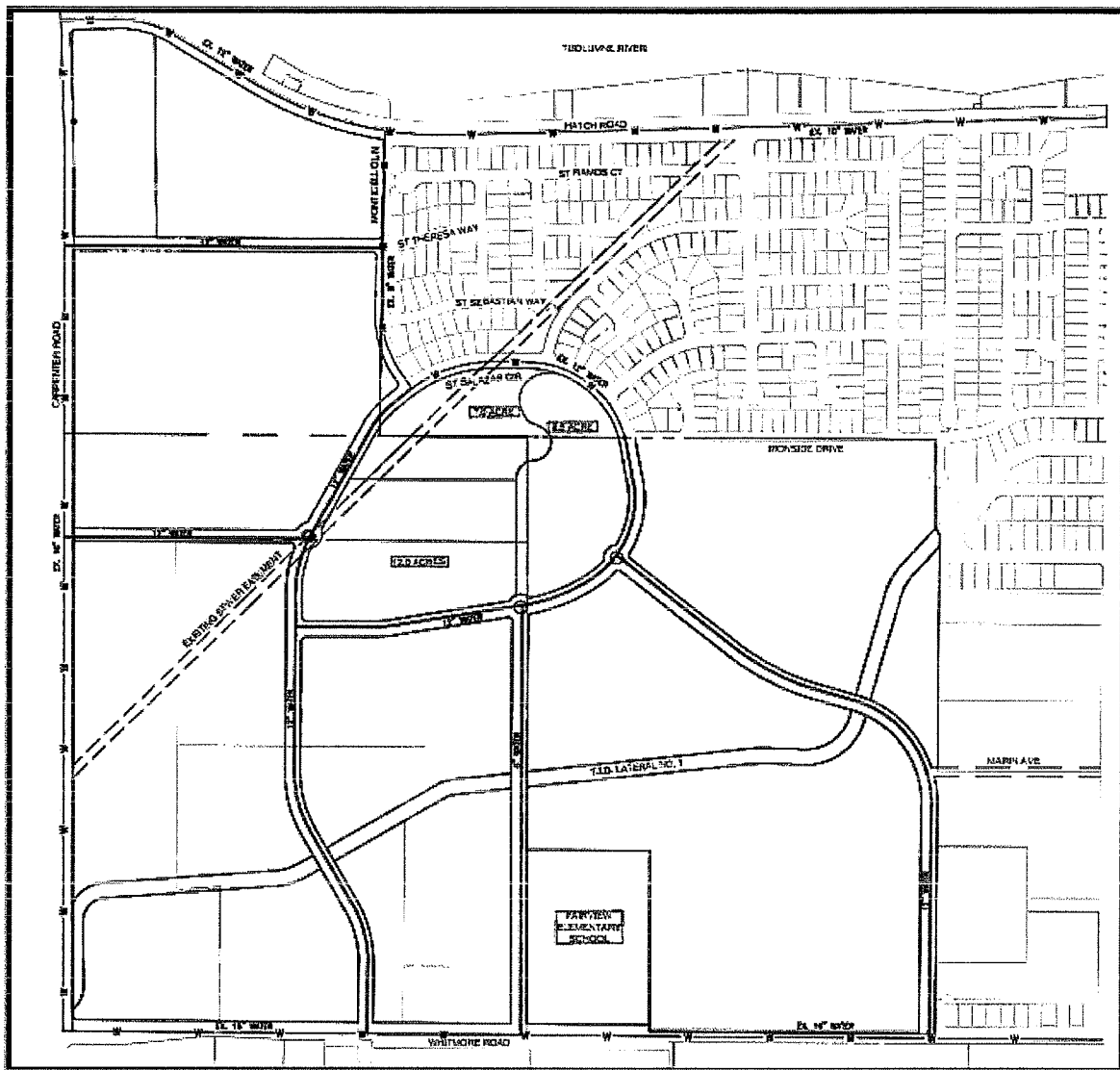


Figure 5: Backbone Water Service

### 2.3.5 Energy

The California Environmental Quality Act identifies energy conservation as a goal in community development. The City of Modesto General Plan establishes policies to mitigate the use of “fuel, water or energy in a wasteful manner.” The Specific Plan conforms to General Plan policies to mitigate adverse impacts to energy conservation by (a) requiring the use of large-scale shade trees where feasible and appropriate in landscape plans for all new development proposals, (b) encouraging Turlock Irrigation District to establish and promote a program to provide incentives for increasing the number of shade trees, and (c) coordinating with energy conservation plans provided by the Modesto and Turlock Irrigation Districts (for electricity) and by Pacific Gas & Electric (PG&E, for natural gas) on all new, large-scale development proposals in the Plan Area. Finally, the pedestrian oriented design character of

the Fairview Plan Area provides residents the energy conserving option of reduced automobile dependency.

#### *2.3.6 Other Utility Services*

The Turlock Irrigation District will provide electric services to the Plan Area. Natural gas is provided by PG&E.

#### *2.3.7 Schools*

The Plan Area is within the Modesto City School District. The middle school is Hanshaw, and the high school attendance area is Downey. There are two elementary schools with Fairview Village, the existing Fairview Elementary School and a proposed new elementary school located in the Fairview Central Park. The new elementary school will be a full-service facility to be constructed as required by new residential development in the Plan Area and in conformance to a separate agreement with the School District.

#### *2.3.8 Fire, Police and Other Services*

Fire and police services will be provided by the City of Modesto, as will service and maintenance for parks and water, sewer, streets, roads, street lighting, storm drainage, public area, landscaping and general city government services, except as otherwise noted in the Implementation Element of the Plan. Trash disposal is provided by the current franchise holder.

### **2.4 Agricultural Preservation Policy**

The Stanislaus Local Agency Formation Commission (LAFCO) has adopted a policy for the preservation of agricultural land. Every agency in Stanislaus County may choose to adopt its own agricultural preservation policy or to comply with LAFCO's adopted policy. The City of Modesto has chosen to use a portion of LAFCO's policy, as amended, which is summarized below in its current form.

In essence, LAFCO's policy requires the preservation of farmland, either indirectly or directly. The City of Modesto will require the payment of in-lieu fees at a 1:1 ratio of land proposed for annexation and development to land preserved for agriculture through conservation easements or other similar restrictions. Agricultural land preserved must be of an equivalent type to the land proposed for annexation and development, so for example, prime farmland to be developed will result in the preservation of prime farmland.

### **Chapter 3: Plan Implementation**

#### *3.1 Basic Concepts*

The most important opportunity represented by the Fairview Village Plan Area is that it is held in a small number of property ownerships. A complex implementation program is not required. The Specific Plan is designed so that each owner is made responsible for all of the improvements that are necessary for development of his or her property. In essence, it is a feasible, market driven, pay-as-you-go-plan.

Adoption of the Specific Plan establishes a comprehensive set of policies, land uses, infrastructure improvements and development standards for the Plan Area sufficient to guide the subsequent review process for project applications, which is discussed as one part of the implementation program. This procedural aspect of the implementation program may include the following components:

- Annexation
- Tentative Subdivision Maps
- Staff Level Development Plan Review for Multi Family and Commercial Development

The second part of the implementation program identifies the responsibilities of the property owner to fund and build the community facilities necessary to allow development of the Plan Area. In summary, each property owner, upon adoption of the Specific Plan, will be bound when seeking development approvals to the following set of agreements:

- Infrastructure improvements shall be built according to the location, size capacity and design described in the Specific Plan; and
- Public improvements for individual developments within the Specific Plan will be determined by the City at the time of approval of the development.

The Fairview Specific Plan provides a sufficient level of direction for public improvement and community facility requirements to guide the sequent process necessary to review and approve developer application for tentative subdivision maps and development projects. The following sections discuss in more detail the major features of the Specific Plan implementation and conform to the requirements of Section 65451 (b) of the Government Code.

### **3.2 Submittal and Approval of Subsequent Projects**

#### *3.2.1 Tentative Subdivision Map Applications*

The tentative subdivision map application process is governed by the City of Modesto's Subdivision Ordinance and the State Subdivision Map Act (Section 66410 et. seq). The tentative subdivision map application shall provide final design of connector and local roads.

To be approved, tentative subdivision map applications must conform to the requirements of the Specific Plan. Following tentative subdivision map approval, development projects may be submitted for development plan review.

#### *3.2.3 Land Use Development Standards*

Development standards shall be in accordance with the Municipal Code unless specified other is in the Specific Plan.

As noted in the Land Use section of the Plan, certain residential properties may be determined to lie within a zone of potential odor impacts from the nearby City of Modesto Wastewater Treatment Plan, which is located to the northeast of the Plan Area. In such cases, a disclosure, or other mechanisms satisfactory to the City Attorney, as determined at the time of subdivision application, may be used to achieve the goal of providing for the present and future operations of the treatment facility. Adjacent and nearby agricultural activity and future home buyers and prospective residents of Fairview Village shall be provided disclosure that they are subject to noise, dust, odor and other impacts from adjacent agricultural uses.

#### *3.2.4 Amendments to the Specific Plan*

Because of its programmatic nature and as economic conditions dictate, the Specific Plan may require more amendments than other types of plans. Amendments to the Specific Plan will be classified as either minor or major (substantial in significance)

- **Minor Amendments**

Minor amendments include simple modifications to text or graphics that do not substantially change the meaning, intent or are contrary to any provision of the Specific Plan. For example, a minor amendment could be minor acreage adjustment between adjacent land use designations that does not increase the maximum number of units. Another example could be a minor alignment adjustment with a Collector street that does not affect the general circulation and land use plan. Minor modifications may be accomplished administratively by the Director or designee or the Director may refer the purposed modification to the Planning Commission for decision without public hearing. Any decision by the Director or designee is appealable to the Planning Commission

- **Major Amendments**

Major (substantial) modifications are amendments to exhibits or text that result in significant change to the intent of the Specific Plan. Examples of major amendments would be a significant increase in the maximum number of residential units or commercial area, a substantial modification in the amount of park/basin and school site or the general circulation system layout, or a modification which may cause significant environmental impact, or other issues to be determined by the Director or designee. Major modifications require a Specific Plan Amendment and shall be approved by the Planning Commission and City Council. Major amendments shall adhere to the following format:

- All amendments to the plan will include textual, graphic or other materials suitable to replace or augment the sections being modified in the amendment. The applicant must provide amendments to the text using a strike out and underline format and amendments to graphics using clouds and delta format. The graphic format and style of the original specific plan will be followed for ease of incorporation and consistency
- Amendments to the Specific Plan may be subject to environmental analysis
- Consistent with the provision of Government Code Section 65453, both the City Council and the Planning Commission will hold public hearings on any proposed amendment to the Specific Plan.

### 3.3 Financing Strategy

#### 3.3.1 Purpose

Financing for Fairview Village is provided as part of the Specific Plan, both in accordance with specific plan State Government Code requirements (Section 65451, item 4) and with City of Modesto Urban Area General Plan policy, which states that, “Each Comprehensive Plan should include a long-range financing strategy which provides reasonable estimate of the costs of on and off-site infrastructure to support the proposed development pattern. The strategy should generally address public facility funding, including schools for any development which serves to implement the subject Comprehensive Plan. If new public facilities are required which will also serve the broader community, the Comprehensive Plan should include options for broad-based funding mechanisms.”

On-site facilities are defined as being located within the property boundaries that define the Plan Area. Off-site facilities are defined as being located outside the property lines that define the overall Plan Area. These boundaries are described in the introductory section of the Plan.

A basic concept of the Specific Plan Financing Strategy is that infrastructure improvements are to be constructed in conjunction with new development. These infrastructures shall be sized according to identified future needs with compensation from property owners who will receive future benefit.

Infrastructure improvements necessary to support proposed new development are the responsibility of individual property owners and financing may include City and or County fees. In general, fees are understood to be both the City and County’s Facilities Fees (CFFs), Community Facilities District (CFDs), the County’s Public Facility Fees (PFF), as well as an allocated portion of School and building permit fees.

#### 3.3.2. Community Facilities Districts

The City intends to create Community Facilities Districts (“CFDs”) or similar funding mechanism to fund construction and maintenance of backbone infrastructure, community facilities and possibly community services necessary to serve the Fairview Specific Plan Area. The purpose of this funding mechanism will be to ensure the City is collecting all funds necessary to construct and maintain the regional, backbone infrastructure and community facilities necessary to serve the Specific Plan Area. This CFD may include police and fire services as well. Subsequent documents shall establish the cost allocation and tax or fee structure for all properties within the Specific Plan area. It is the policy of the City Council that no new development may occur without forming or annexing to the applicable CFD(s) or other capital and maintenance funding mechanisms adopted by the City at the applicable rate(s), and by paying all applicable fees and taxes.

As a condition of approval for development of any parcel within the Specific Plan area, the property owner and/or developer shall be required to take all actions necessary to secure and establish a City Mello-Roos CFD for the Fairview Specific Plan for capital improvements and ongoing maintenance or, if said CFD has been established for the Kiernan Business Park Specific Plan, the property owner and/or developer shall take all actions reasonably necessary to annex its property to said CFD, which shall actually result in annexation of its property to said CFD at the tax rate for the zone of said CFD to which the property is ultimately annexed; or, alternatively, in the event a CFD is not formed or complete annexation of the property does not occur for any reason, the property owner and/or developer may provide a funding mechanism for said capital improvements and ongoing maintenance (and possibly police and fire services) to the same general standard as other similar capital improvements, ongoing



maintenance and community services financed by said CFD, subject to approval of the funding mechanism by the City, which approval shall not be unreasonably withheld. Payment of the CFD tax(es) shall be required prior to issuance of a building permit. Each parcel shall also be required to pay all CFF, sewer and water capacity charges and other development fees applicable to the property in accordance with City ordinances, resolutions, regulations, policies and procedures. It is essential to provide the necessary backbone infrastructure and community facilities at the earliest possible opportunity in order to ensure orderly development, mitigate potential traffic issues, and maintain appropriate service standards for the Specific Plan area. Debt financing in the CFD for the Specific Plan area may be considered for funding the construction of backbone infrastructure and community facilities necessary to serve the Specific Plan area. Developers of properties that proceed ahead of the infrastructure sequencing plan may be required to install and fund the costs of extending backbone infrastructure to their projects, subject to future reimbursement in accordance with the sequencing and prioritization contained in the CFD. Some developments may need to construct roads, sanitary sewer, water and storm drainage facilities through areas that remain undeveloped.

### *3.3.3 Capital Facilities Fees*

Capital Facilities Fees pay for citywide improvements for streets, transit, police and fire facilities, parks, air quality, general government, and administration.

### *3.3.4 Water Fees*

All development will be required to pay the City's adopted water connection fees, which pay for major water facilities needed for the project.

### *3.3.5 Sewer Fees*

There are several primary sewer fees that will apply to new development for the project's fair share of sewer service. The Sewer Capacity Charge pays for the Wastewater Treatment Plant and sewer trunk system throughout the City. The Subtrunk Charge pays for the construction and maintenance of subtrunk lines. The Lateral Charge pays for specific sewer laterals that extend from the street or alley to the specific property.

### *3.3.6 Developer Installation*

Developers are responsible to install the project infrastructure including street dedication and improvements within the Plan Area and those necessary off-site improvements. The size, location, and design of the project infrastructure will be determined at the time of Tentative Map, Final Development Plan and/or Administrative Final Development Plan approval.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2022-102**

**RESOLUTION APPROVING THE FILING OF AN APPLICATION WITH THE  
STANISLAUS LOCAL AGENCY FORMATION COMMISSION FOR THE  
REORGANIZATION OF APPROXIMATELY 177.75 ACRES LOCATED EAST  
OF CARPENTER ROAD AND NORTH OF WHITMORE AVENUE FOR  
ANNEXATION TO THE CITY OF MODESTO AND MODESTO SEWER  
DISTRICT NO. 1 AND SIMULTANEOUS DETACHMENT FROM THE  
WESTPORT AND BURBANK-PARADISE FIRE PROTECTION DISTRICTS**

WHEREAS, Bava Family Farms is the owner of approximately 58.69 acres of real property, located east of Carpenter Road and north of Whitmore Avenue, about 88.98 acres is owned by other Bava-owned businesses, and the remaining approximately 30.08 acres of real property is owned by public agencies and individuals ("Property"), and

WHEREAS, STL Company LLC ("Applicant") has approval from Bava Family Farms to apply for entitlements on its property, and

WHEREAS, the City has received a request from the Applicant to initiate reorganization of the Property, a total of approximately 177.75 acres, for annexation to the City of Modesto and simultaneous detachment from the Westport and Burbank-Paradise Fire Protection Districts 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 to be annexed 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 the Stanislaus Local Agency Formation Commission (LAFCO);  
and

WHEREAS, the Property proposed for reorganization is uninhabited as defined by Government Code Section 56079.5 (fewer than 12 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 received a Measure M advisory vote in November 1997, and

WHEREAS, the Property has been rezoned to Specific Plan, P-SP, and Low-Density Residential, P-R-1, with land use designations of Village Residential and Open Space, 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 updated in 1996, 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 20, 2021, 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. 2021-23, 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 February 8, 2022, 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 requested reorganization will result in an orderly and logical addition of land to the City.
2. The property has been rezoned to P-SP, Specific Plan, and P-R-1, Low Density Residential.
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 12 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, and updated in 1996.

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 and Modesto Sewer District No. 1 and simultaneously detach the Property from the Westport and Burbank-Paradise Fire Protection Districts.

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

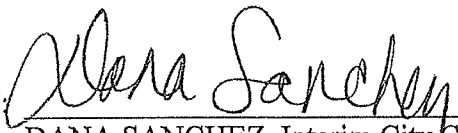
employees to attack, set aside, void, or annul, any approval by the City of Modesto and its advisory agency, appeal board, or a legislative body concerning the reorganization for the Property. The City of Modesto shall promptly notify the applicant of any claim, action, or proceeding.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of February, 2022, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:   
JOSE M. SANCHEZ, City Attorney

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

**FAIRVIEW VILLAGE #2 REORGANIZATION**

**TO THE CITY OF MODESTO**

Legal Description: Fairview Village #2 Reorganization

All that certain real property situate in the County of Stanislaus, State of California, being a portion of the West 1/2 of Section 7, and a portion of the North 1/2 of Section 18, Township 4 South, Range 9 East, and a portion of the northeast 1/4 of Section 13 and a portion of the East 1/2 of Section 12, Township 4 South, Range 8 East M.D. B & M, described as follows:

**BEGINNING** at a point South 00°17'30" East, 324.00 feet, from the northwest section corner of Section 7, Township 4 South, Range 9 East, said point being on the west line of said Section 7 and also being the most southerly corner of the McBride Addition recorded September 18, 1963 as Instrument Number 35382, Official Records Stanislaus County, thus commencing the following 40 courses:

1. South 62°07'35" East, 494.15 feet, along the centerline of the Tuolumne River;
2. South 52°35'59" East, 412.73 feet, along the centerline of the Tuolumne River;
3. South 63°51'06" East, 386.23 feet, along the centerline of the Tuolumne River;
4. South 73°51'56" East, 331.10 feet, along the centerline of the Tuolumne River, to the northwest corner of Modesto City Council Resolution No. 96-207;
5. South 00°05'30" West, 266.00 feet more or less to a point on the easterly line of Parcel 'A' as shown on the map recorded in Book 42 of Parcel Maps, Page 2, Stanislaus County Records, said point being on the southerly right-of-way line of a 90-foot-wide Hatch Road;
6. South 00°32'31" West, 1092.16 feet, along the east line of said Parcel 'A' and the westerly line of said Resolution No. 96-207;
7. North 89°51'19" West, 326.43 feet, leaving the east line of said Parcel 'A', continuing along the westerly line of said Resolution No. 96-207;

8. South 00°15'01" East, 918.00 feet;
9. South 89°51'19" East, 975.00 feet to a point on the east line of Parcel 'C' of said Parcel Map, said east line being the westerly line of said Resolution No. 96-207;
10. South 00°15'01" East, 1132.00 feet, along the east line of said Parcel 'C' and the westerly line of said Resolution No. 96-207;
11. South 00°17'15" East, 877.58 feet, along the east line of said Parcel 'C' and the southerly continuation thereof, to the southwest corner of said Resolution No. 96-207, being a point on the north line of Parcel 'A' as shown on the map recorded in Book 31 of Parcel Maps, Page 78, Stanislaus County Records;
12. North 89°52'30" West, 690.25 feet, along north line of Parcel 'A' of said Book 31 of Parcel Maps, Page 78, to the west line of said Parcel 'A';
13. North 00°29'00" East, 35.00 feet, along said wester line, to a point on a line lying 20.00 feet southerly of and parallel with the centerline of Whitmore Avenue as shown on said Book 31 of Parcel Maps, Page 78;
14. North 89°52'30" West, 63.95 feet, along said parallel line, to the east line of Parcel 1 as shown on the map recorded in Book 26 of Parcel Maps, Page 12, Stanislaus County Records;
15. South 00°05'34" West, 30.00 feet, along said east line, to a point on the north line of said Parcel 1;
16. North 89°52'30" West, 148.00 feet, along said north line, to the west line of said Parcel 1;
17. North 00°05'34" East, 30.00 feet, along said west line, to a point on a line lying 20.00 feet southerly of and parallel with the centerline of said Whitmore Avenue;
18. North 89°52'30" West, 486.95 feet, along said parallel line, to the most easterly point of the land described in the document recorded May 8, 2018 as instrument number 2018-0031482 official records of Stanislaus County;

Thence along the southerly line of said land the following three (3) courses:



19. South 84°15'39" West, 391.51 feet;
20. North 89°52'30" West, 230.52 feet;
21. South 42°21'10" West, 38.65 feet to a point on a line lying 20.00 feet easterly of and parallel with centerline of Carpenter Road;
22. South 89°43'27" West, 80.00 feet, leaving said southerly line, to a point on the westerly line of the land described in the document recorded April 5, 2018 as instrument number 2018-0023460 official records of Stanislaus County;
23. North 39°48'24" West, 38.17 feet, along the southwesterly line of said land, to a point on the south line of said land, said south line lying 60.00 feet southerly of and parallel with the centerline line of said Whitmore Avenue;
24. North 02°25'04" West, 80.08 feet, leaving the southerly line of said land across said Whitmore Avenue, to a point on the southerly line of the 50.00 foot wide TID Canal described in Book 311, Page 103 official records of Stanislaus County;
25. North 67°37'29" East, 51.10 feet, along the southerly line of said 50.00 foot wide canal, to a point on a line lying 40.00 feet west of and parallel with the centerline of said Carpenter Road;
26. North 00°17'30" West, 53.96 feet, along said parallel line, to the northerly line of said 50.00 foot wide canal.
27. South 67°37'29" West, 21.58 feet, along said north line, to a point on a line lying 60.00 feet west of and parallel with the centerline line of said Carpenter Road, said line also being the westerly line of the dedicated right-of-way as described in the road deed recorded June 8, 2018 as instrument number 2018-0039639 official records of Stanislaus County;
28. North 00°17'30" West, 330.97 feet, along said parallel line;
29. North 03°34'04" East, 297.13 feet, leaving said parallel line and continuing along the westerly line of said land, to point on a line lying 40.00 feet west of and parallel with the centerline of said Carpenter Road, said line being the westerly line of said Carpenter Road; Thence along said westerly line the following twelve (12) courses:
30. North 00°17'30" West, 1,934.89 feet;

31. North 00°17'46" West, 329.67 feet;
32. South 89°42'14" West, 5.00 feet;
33. North 00°17'46" West, 59.62 feet;
34. North 89°42'14" East, 5.00 feet;
35. North 00°17'46" West, 587.11 feet;
36. South 89°42'14" West, 5.00 feet;
37. North 00°17'46" West, 200.36 feet;
38. Northerly along a tangent curve having a radius of 5,955.00 feet, concave westerly, through a central angle of 01°54'33", an arc distance of 198.43 feet;
39. North 02°11'54" West, 397.37 feet;
40. Northerly along a tangent curve having a radius of 6,045.00 feet, concave easterly, through central angle of 01°54'33", an arc distance of 201.43 feet;
41. North 0°17'21" West, 282.11 feet;
42. North 52°32'31" West, 31.58 feet;
43. North 00°17'21" West 114.42 feet more or less, to a point on the centerline of the Tuolumne River, said point also being on the southerly line of the said McBride Addition described above;
44. South 54°06'44" East 111.55 feet, along the centerline of said River, to the **POINT OF BEGINNING;**

Containing 177.75 Acres more or less.

APNs:

056.026.001	056.026.012	056.026.033	056.028.010	056.028.014
056.026.006	056.026.031	056.026.034	056.028.012	

**EXHIBIT "B"**

**PROPOSED ROAD PROJECT**

**TABLE 1**

STATION	DATE	DESCRIPTION
11-4-42	11-1-80	PROPOSED ROAD PROJECT
11-4-43	11-1-80	PROPOSED ROAD PROJECT
11-4-44	11-1-80	PROPOSED ROAD PROJECT
11-4-45	11-1-80	PROPOSED ROAD PROJECT
11-4-46	11-1-80	PROPOSED ROAD PROJECT
11-4-47	11-1-80	PROPOSED ROAD PROJECT
11-4-48	11-1-80	PROPOSED ROAD PROJECT
11-4-49	11-1-80	PROPOSED ROAD PROJECT
11-4-50	11-1-80	PROPOSED ROAD PROJECT
11-4-51	11-1-80	PROPOSED ROAD PROJECT
11-4-52	11-1-80	PROPOSED ROAD PROJECT
11-4-53	11-1-80	PROPOSED ROAD PROJECT
11-4-54	11-1-80	PROPOSED ROAD PROJECT
11-4-55	11-1-80	PROPOSED ROAD PROJECT
11-4-56	11-1-80	PROPOSED ROAD PROJECT
11-4-57	11-1-80	PROPOSED ROAD PROJECT
11-4-58	11-1-80	PROPOSED ROAD PROJECT
11-4-59	11-1-80	PROPOSED ROAD PROJECT
11-4-60	11-1-80	PROPOSED ROAD PROJECT
11-4-61	11-1-80	PROPOSED ROAD PROJECT
11-4-62	11-1-80	PROPOSED ROAD PROJECT
11-4-63	11-1-80	PROPOSED ROAD PROJECT
11-4-64	11-1-80	PROPOSED ROAD PROJECT
11-4-65	11-1-80	PROPOSED ROAD PROJECT
11-4-66	11-1-80	PROPOSED ROAD PROJECT
11-4-67	11-1-80	PROPOSED ROAD PROJECT
11-4-68	11-1-80	PROPOSED ROAD PROJECT
11-4-69	11-1-80	PROPOSED ROAD PROJECT
11-4-70	11-1-80	PROPOSED ROAD PROJECT
11-4-71	11-1-80	PROPOSED ROAD PROJECT
11-4-72	11-1-80	PROPOSED ROAD PROJECT
11-4-73	11-1-80	PROPOSED ROAD PROJECT
11-4-74	11-1-80	PROPOSED ROAD PROJECT
11-4-75	11-1-80	PROPOSED ROAD PROJECT
11-4-76	11-1-80	PROPOSED ROAD PROJECT
11-4-77	11-1-80	PROPOSED ROAD PROJECT
11-4-78	11-1-80	PROPOSED ROAD PROJECT
11-4-79	11-1-80	PROPOSED ROAD PROJECT
11-4-80	11-1-80	PROPOSED ROAD PROJECT
11-4-81	11-1-80	PROPOSED ROAD PROJECT
11-4-82	11-1-80	PROPOSED ROAD PROJECT
11-4-83	11-1-80	PROPOSED ROAD PROJECT
11-4-84	11-1-80	PROPOSED ROAD PROJECT
11-4-85	11-1-80	PROPOSED ROAD PROJECT
11-4-86	11-1-80	PROPOSED ROAD PROJECT
11-4-87	11-1-80	PROPOSED ROAD PROJECT
11-4-88	11-1-80	PROPOSED ROAD PROJECT
11-4-89	11-1-80	PROPOSED ROAD PROJECT
11-4-90	11-1-80	PROPOSED ROAD PROJECT
11-4-91	11-1-80	PROPOSED ROAD PROJECT
11-4-92	11-1-80	PROPOSED ROAD PROJECT
11-4-93	11-1-80	PROPOSED ROAD PROJECT
11-4-94	11-1-80	PROPOSED ROAD PROJECT
11-4-95	11-1-80	PROPOSED ROAD PROJECT
11-4-96	11-1-80	PROPOSED ROAD PROJECT
11-4-97	11-1-80	PROPOSED ROAD PROJECT
11-4-98	11-1-80	PROPOSED ROAD PROJECT
11-4-99	11-1-80	PROPOSED ROAD PROJECT
11-4-100	11-1-80	PROPOSED ROAD PROJECT

## **EXHIBIT “C”**

### **PLAN FOR SERVICES**

#### **FAIRVIEW VILLAGE #2 REORGANIZATION TO THE CITY OF MODESTO**

##### **Background**

The Fairview Village #2 Reorganization area consists of 13 parcels located east of Carpenter Road, north of Whitmore Avenue, and south of the Tuolumne River. Three of the parcels are owned by the City of Modesto and six of the parcels will eventually be developed. The remaining four parcels will eventually be part of Tuolumne River Regional Park. Including adjacent roadways rights of way, the annexation is 177.75 acres total. The proposed annexation area is prezoned P-SP and P-R-1.

The purpose of the annexation is to allow residential and commercial development on the parcels prezoned P-SP and to create a logical annexation boundary for the parcels prezoned P-R-1. A Vesting Tentative Map application for residential has been filed and is being processed for 38.5 acres of the proposed annexation area.

Pursuant to Government Code Section 56653, the following Plan for Services to be extended to the affected territory has been prepared for the Fairview Village #2 Reorganization to the City of Modesto:

##### **A. Project Area and Service Agreements**

1. Traffic and Circulation: The annexation area is bounded by the City of Modesto to the north and east. Roadway dedication and improvements will be required along a portion of Carpenter Road as a condition of the Vesting Tentative Subdivision Map, but not as a condition of the annexation. There is currently no transit service to this area, but Modesto Area Express (MAX) is the most likely provider to extend service, as there are four routes within a mile of the site.
2. Waste Water Collection: There is an existing 10-inch line in St. Salazar Circle terminating adjacent to the proposed subdivision that will be extended to serve the area. Other lines will be extended as needed. The City’s Wastewater Treatment facilities have adequate capacity to serve this area when development is complete.
3. Water Delivery: There are several water mains in Hatch Road, Carpenter Road, and Whitmore Avenue. New development will take water from one

of these, which will be extended by the project proponent to the development area. The City of Modesto has adequate water supply to serve the annexation area.

4. Storm Water Drainage: Future residential development will be required to transport storm water to the central drainage basin.
5. Solid Waste Disposal: The annexation area is minimally developed and no need for urban waste disposal at this time. Following development, Gilton Waste Management will collect and dispose of solid waste from the site.
6. Fire Protection: The annexation area is primarily served by the Industrial Fire Protection District. However, Westport Fire Protection District's boundary is the centerline of Whitmore Avenue and Burbank-Paradise Fire Protection District's boundary is the centerline of Carpenter Road. These roadway segments will be detached from the fire protection districts. Industrial's station is about 2 miles east of the site at 148 Imperial Avenue. Modesto Fire Department's nearest station is at 420 Chicago Avenue, also about 2 miles northeast of the site. No adverse impacts on staffing or response times are expected to occur with this annexation.
7. Police Protection: Following annexation, the area will be served by Modesto Police Department. The police department has expressed no concerns about staffing or response times for this area.

**B. Level and Range of Services**

The City of Modesto is a full service provider of municipal services. The City will provide full services to the area upon annexation.

**C. When Can Services Be Provided?**

The services described above will be provided or available upon development. The project proponent will be required to construct some infrastructure prior to development in order to connect with the wastewater, water delivery, and stormwater collection systems.

**D. Improvements Required as a Condition of Annexation**

No improvements are required as a condition of annexation.

**E. How Will Services Be Financed?**

Capital facilities fees will be levied at the time building permits are issued. Funding for some services will be financed through utility and service fees,

property tax revenues, and the general fund. Additionally, a new Community Facilities District will be established to address funding of some services.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2022-103**

**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): GENERAL PLAN AMENDMENT FROM COMMERCIAL TO VILLAGE RESIDENTIAL IN THE FAIRVIEW VILLAGE SPECIFIC PLAN, SPECIFIC PLAN AMENDMENT NO. 4, ANNEXATION OF 177.75 ACRES TO THE CITY OF MODESTO AND SIMULTANEOUS DETACHMENT FROM WESTPORT AND BURBANK-PARADISE FIRE PROTECTION DISTRICTS**

WHEREAS, on March 5, 2019, by Resolution 2019-109, City 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, STL Company LLC, has proposed the General Plan Amendment to change the designation on approximately 23 acres in the Fairview Specific Plan area from C, Commercial, to VR, Village Residential; Amendment No. 4 to the Fairview Village Specific Plan to make the Specific Plan consistent with policies in the Urban Area General Plan, change the land use and circulation plans, and make other revisions; Fairview Village #2 Reorganization, consisting of annexation to the City of Modesto and the simultaneous detachment from the Westport and Burbank-Paradise Fire Protection Districts of 177.75 acres located east of Carpenter Road and north of Whitmore Avenue; and a Vesting Tentative Subdivision Map dividing 38.5 acres into 217 residential and 6 landscape lots, 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 2021-31 (“Initial Study”) which analyzed whether the subsequent project may cause any significant effect

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.

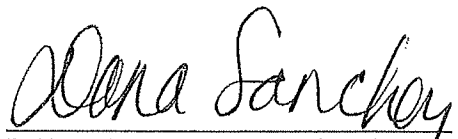
BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of February, 2022, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Escutia-Braaton, Kenoyer, Madrigal, Ricci, Wright, Zoslocki, Mayor Zwahlen

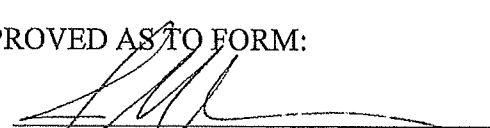
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
DANA SANCHEZ, Interim City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:   
JOSE M. SANCHEZ, City Attorney



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## **EXHIBIT C**

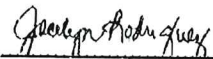
### **Notice of Determination & City of Modesto Environmental Documentation**

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**FILED**

February 9, 2022

DONNA LINDER

STANISLAUS COUNTY  
CLERK-RECORDERBy:   
Deputy Clerk**City of Modesto  
NOTICE OF DETERMINATION****ATTENTION COUNTY CLERK:****PLEASE DO NOT REMOVE BEFORE: Monday, March 14, 2022**

TO: County Clerk-Recorder  
County of Stanislaus  
1021 I Street  
Modesto, CA 95354

FROM: City of Modesto  
Community & Economic Development Dept.  
Planning Division  
P.O. Box 642  
Modesto, CA 95353

SUBJECT: Filing of Notice of Determination in compliance with Section 21152 of the Public Resources Code

Project Title: Fairview Village Annexation, Fairview Village Specific Plan Amendment #4, and Fairview Village Phase 1 Vesting Tentative Subdivision Map

State Clearinghouse Number: SCH No. 2014042081

Contact Person: Cindy van Empel, Senior Planner  
City of Modesto, Community & Economic Dev Department  
1010 Tenth St. Suite 3300, Modesto CA 95354  
(209) 577-5267

Applicants: Michael O'Hara, STL Company, LLC  
3500 Douglas Blvd., Suite 270, Roseville, CA 95661  
(925) 766-4656

Owner: Various

Project Location: northeast of the intersection of Carpenter Road and Whitmore Avenue

Project Description: In the Fairview Village area, the annexation of approximately 178 acres of land; a general plan amendment to change the land use designation on 23 acres of land from Commercial Village Residential; a specific plan amendment to amend various policies to be consistent with general plan and agricultural preservation policies; and a vesting tentative subdivision map to divide 38.5 acres into 217 residential lots and 6 landscape lots.

This is to advise that the City of Modesto, the lead agency, has approved the above-described project on February 9, 2022, and has made the following determinations, pursuant to Section 21157.1 of the CEQA Guidelines:

The project is within the scope of the Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. The following findings have been found to be true:

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.
6. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

The Initial Study, Environmental Assessment No. EA/C&ED 2021-31, on file at the City of Modesto, Community and Economic Development Department, provides substantial evidence to support findings 1 thru 6, noted above.

This is to certify that the Master EIR is available to the general public at:

City of Modesto, Community & Economic Development Department, Planning Division,  
1010 Tenth Street, Modesto, CA 95354

  
Cindy van Empel, City of Modesto

Date: February 9, 2022

Title: Senior Planner

# **City of Modesto**

## **Finding of Conformance with the Urban Area General Plan Master EIR (SCH No. 2014042081)**

### **Initial Study Environmental Checklist C&ED No. 2021-31**

**For the proposed:**

**Fairview Village Annexation #2  
General Plan Amendment from Commercial to Village  
Residential  
Fairview Village Specific Plan Amendment #4  
Fairview Village Phase 1 Vesting Tentative Subdivision Map**

**Prepared by:  
City of Modesto  
Community & Economic Development Department  
Planning Division**

**December 10, 2021**

# **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 Fairview Village Annexation, Fairview Village Specific Plan Amendment #4, and Fairview Village Phase 1 Vesting Tentative Subdivision Map are "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)

An environment impact report was prepared for the Fairview Village Specific Plan and certified in 1997. Since that time, there have been several major updates to the General Plan, the most recent having been adopted in 2019. Consequently, the Fairview Village Specific Plan will be evaluated against the 2019 General Plan and Master EIR (SCH# 2014042081) and the 1997 environmental document will be set aside.

### **II. PROJECT DESCRIPTION**

- A. Title: Fairview Village Annexation, Fairview Village Specific Plan Amendment #4, and Fairview Village Phase 1 Vesting Tentative Subdivision Map
- B. Address or Location: northeast of the intersection of Carpenter Road and Whitmore Avenue
- C. Applicant: Bava Family Farms  
3104 Valdez Drive  
Modesto, CA 95355
- D. City Contact Person: Cindy van Empel

Project Manager: Cindy van Empel  
Department: Community & Economic Development  
Phone Number: (209) 577.5267

E-mail address: cvanempel@modestogov.com

- E. Current General Plan Designation(s): VR, Village Residential; C, Commercial; OS, Open Space
- F. Current Zoning Classification(s): P-SP, Prezoned Specific Plan
- G. Surrounding Land Uses:
  - North: Tuolumne River, residential (city)
  - South: agriculture (county)
  - East: vacant residential and residential (city and county)
  - West: agriculture (county)
- 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 proposed project has four components: annexation, general plan amendment, specific plan amendment, and vesting tentative subdivision map. These are described below.

#### Annexation

The westerly 177.75 acres of the Fairview Village Specific Plan area and seven lots north of Hatch Road are proposed to be annexed to the City of Modesto. This would entail the annexation of the area to Sewer District 1 and detachment of a portion of Carpenter Road from the Burbank-Paradise Fire Protection District and a portion of Whitmore Avenue from the Westport Fire Protection District. The area to be annexed includes APNs 056.026.001, 056.026.006, 056.026.007, 056.026.012, - 56.026.031-.034, 056.027.009, 056.027.009, 056.028.010, 056.028.012-.014.

#### General Plan Amendment

The General Plan will be amended to revise the portion of the Fairview Village Specific Plan designated C, Commercial, to VR, Village Residential. A roughly 20-acre area in the unincorporated area of the specific plan is designated C, Commercial, in the General Plan. This amendment would change that designation from C, Commercial, to VR, Village Residential. As currently conceived, the Fairview Village Specific Plan will have about 8 acres of commercial development, with the remaining 12 acres to be residential.

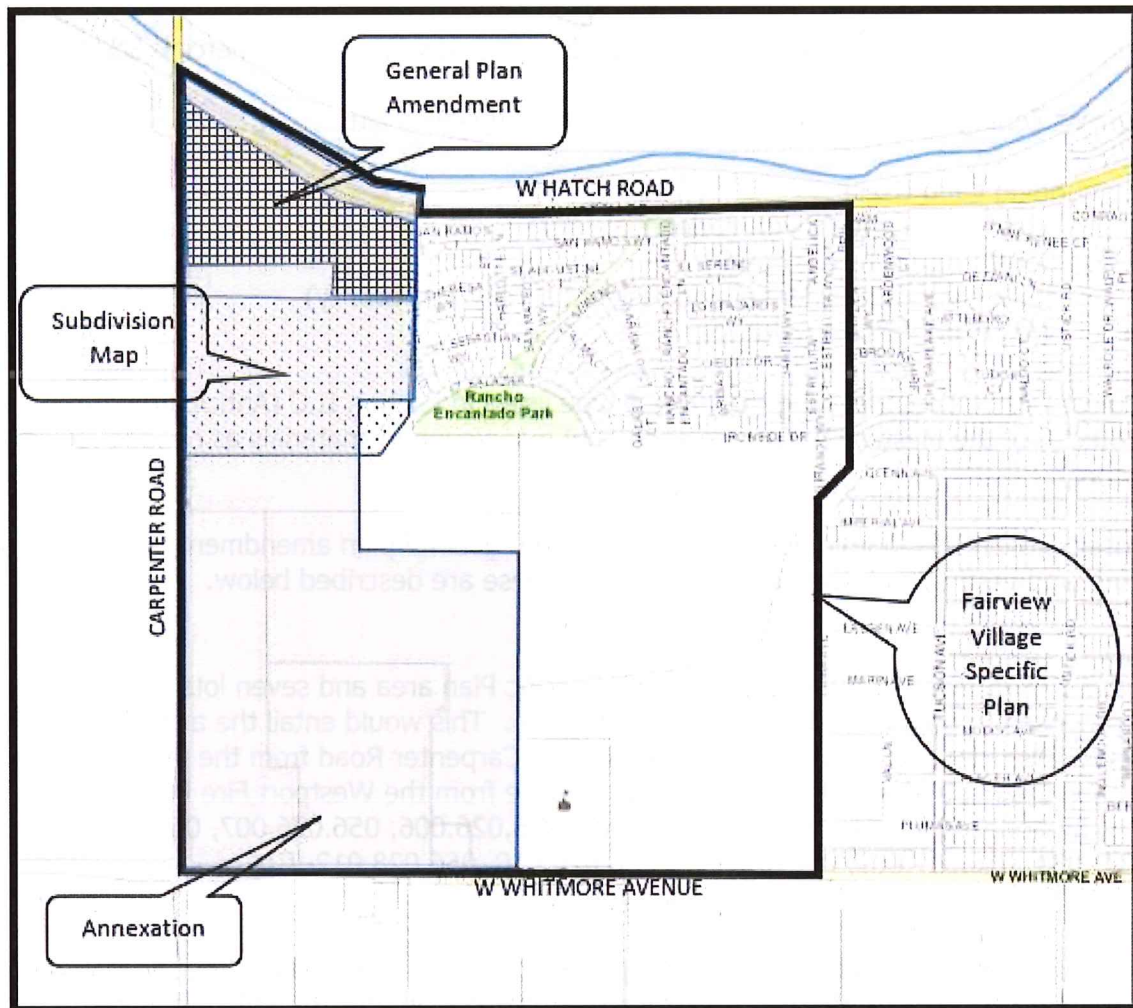
#### Specific Plan Amendment

Specific Plan Amendment #4 will amend storm water basin policies and agricultural preservation policies in order to be consistent with the General Plan. The circulation and land use plans will also be revised. The number of dwelling units will range from approximately 1,075-2,150 single family and 220-440 multifamily dwelling units for a total of 1,295-2,590 dwelling units, consistent with the General Plan estimate of 2,310 dwelling units. The Commercial designation would be reduced to approximately 8 acres, reflecting the reduced need for commercial square footage. The backbone street plan will be altered slightly. Finally, substantial portions of the Fairview Village Specific Plan are being revised to streamline project review, consistent with current practices of the City of Modesto.

#### Vesting Tentative Subdivision Map

The map will divide approximately 38.5 acres into 217 residential lots and six landscape lots. Residential lots range in size from 3,140 square feet to 9,825 square feet. Internal streets will have 50 feet of right of way, while external streets will have 56, 60, or 70 feet of right of way.





**FIGURE 1: Project Boundaries**

**I. Other Public Agencies Whose Approval is Required:**

Local Agency Formation Commission  
Board of Equalization

**III. FINDINGS / DETERMINATION (SELECT ONE ON THE BASIS OF THE ANALYSIS IN SECTION IV)**

**1. \_\_\_ 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.

Synthia Charamiopol  
Project Manager

Senior Planner  
Title

16 Dec 21  
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) Modesto City County is the lead agency for the entire project. The subdivision map cannot be implemented until and unless the annexation is approved by the Local Agency Formation Commission.
- (2) All appropriate and relevant City policies will be applied to the project.
- (3) The proposed project will not result in changes to federal, state, or local regulations. The Specific Plan Amendment will result in revisions that make the existing Fairview Village Specific Plan compliant with the existing General Plan.
- (4) No information about significant resources has been identified by the City or by agencies to which this project was referred for comment.
- (5) The project lies wholly within the City of Modesto's General Plan boundary and Sphere of Influence.
- (6) All appropriate and relevant policies contained in the General Plan Master EIR will be applied to this project.

## 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 impacts are expected and no mitigating policies from the Master EIR will be applied. 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) The project includes a specific plan amendment that would result in a range of approximately 1,075-2,150 single family and 220-440 multifamily dwelling units for a total of 1,295-2,590 dwelling units, consistent with the General Plan estimate of 2,310 dwelling units. The Commercial designation would be reduced to approximately 8 acres, reflecting the reduced need for commercial square footage. Traffic resulting from the general plan and specific plan amendments would be about the same as that assumed in the General Plan. Therefore, no impacts will occur as compared to the analysis in the General Plan Master EIR and no mitigation measures will be applied.
- (2) The project would not exceed a level of service standard established by the county congestion management agency (StanCOG). No impacts will occur.
- (3) The proposed project would not result in a change in air traffic patterns. There are no airports within two miles of the site. No impacts on airports will occur.
- (4) There are no changes to the specific plan that would increase hazards. Traffic engineering reviewed the proposal and identified no design features in the specific plan amendment or the Vesting Tentative Subdivision Map that would result in traffic hazards. No impacts have been identified and no mitigation measures will be applied.
- (5) The proposed specific plan amendment includes additional bicycle facilities that will promote the use of alternative transportation methods, consistent with General Plan policies. No impacts are anticipated and no mitigation measures will be applied.
- (6) There are no significant changes in the level of service or the volume-capacity ratio as a result of the project, and therefore there are no significant long-term traffic impacts.



## **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:

The appropriate policies to be applied to this project include **AQ-100, AQ-103, AQ-105, AQ-107** through **AQ-110**, and **AQ-113** through **AQ-116** from the Master EIR. 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"/>	X	<input type="checkbox"/>
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) The proposed project includes annexation of the remaining area of the Fairview Village Specific Plan to the City of Modesto, a General Plan amendment to change from C, Commercial, to VR, Village Residential, the area of the Fairview Village Specific Plan south of Hatch Road, amendment of the Fairview Village Specific Plan document to make it consistent with current General Plan policies, and a Vesting Tentative Subdivision Map to divide approximately 38.5 acres into 217 residential lots and 6 landscape lots. This project is anticipated under the General Plan. Tailpipe emissions resulting from development in this area is expected to be consistent with the emissions evaluated as part of the General Plan Master EIR, therefore, no greater impacts will occur as compared to the analysis in the General Plan Master EIR.

- (2-4) As a development project consistent with and smaller than the development anticipated in the General Plan Master EIR, impacts from this project would be less than those anticipated in the Master EIR. Therefore, the project will have no impact on air quality plans or on violations of air quality standards.
- (5-6) The project is in proximity to existing single-family development. Air quality impacts are expected from construction activities, which would be temporary in nature. Impacts would be less than significant level with mitigation measures **AQ-100, AQ-103, AQ-105, AQ-107** through **AQ-110**, and **AQ-113** through **AQ-116** from the Master EIR. No odors are expected to be released that would be inconsistent with odors from residential development.
- (7) The proposed project would result in the emission of greenhouse gases from the use of internal combustion engines used in transportation and construction and from the use of natural gas in a residential context. These impacts are consistent with impacts evaluated in the General Plan Master EIR, but would not exceed those impacts because the proposed project is consistent with the General Plan. No additional impacts are expected.
- (8) The project would not exceed emissions thresholds established by the SJVAPCD, and is consistent with the development standards for a residential use as established by the General Plan. As part of the approval process, the Air District requires the developer seek the Air District's separate approval under the Indirect Source Review Rule. No additional impacts are expected to occur, as compared to the impacts disclosed in the General Plan Master EIR.

### **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:

The appropriate policies to be applied to this project include **Noise-4, Noise-6, Noise-7, and Noise-11** from the Master EIR. 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:

- (1-4) The proposed project has been part of the General Plan for decades and is consistent with the noise and vibration policies contained in the General Plan. Noise and vibration expected wot occur during construction and operation of the project are expected to be consistent with similar development throughout the city and region.

Construction noise could be substantial at times, particularly during earth-moving activities for residences near new development. General Plan mitigating policies **Noise-4** and **Noise-11** would reduce those impacts, but short-term construction noise could still be substantial.

Areas of the Fairview Village Specific Plan are within the 71 dB contour along Carpenter Road, as shown on Table V.3.9 of the General Plan (with General Plan scenario). The General Plan and Specific Plan require noise attenuation when outdoor noise is expected to exceed 65 dB. A sound wall is proposed as part of the Vesting Tentative Subdivision Map, which will reduce noise impacts from Carpenter Road at adjacent residences. General Plan mitigating policies **Noise-6** and **Noise-7** will be applied to the project.

No impacts are expected greater than those evaluated in the General Plan Master EIR and no mitigation measures will be applied.

- (5-7) The project site is approximately 3 miles west-southwest of the nearest airport, the Modesto City-County Airport, and so is well outside the area most likely to experience effects from the airport. There is no private airstrip nor rail line nearby. No impact is expected to occur and no mitigation measures will be applied.

## **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:

General Plan Master EIR mitigating policy **AL-21** will be applied. 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"/>	<b>X</b>
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) The proposed project has been included in the last several versions of the General Plan and has been analyzed as part of the General Plan Master EIR. The project is consistent with General Plan policies related to agricultural resources.
- (2) Most of the annexation area is classified as prime agricultural land in the General Plan Master EIR. Therefore, the project is subject to the Stanislaus County Local Agency Formation Commission's agricultural preservation policy (General Plan mitigation **AL-21**), which calls for 1 acre of prime farmland to be preserved for every 1 acre of prime farmland that is taken out of production. This will be made a condition of approval on the Vesting Tentative Subdivision Map and has been included as a policy in the Specific Plan Amendment.
- (3-6) There are no Williamson Act contracts in the Fairview Village Specific Plan area, nor are there any forests on the property. The proposed project will result in the direct conversion of prime farmland, discussed under item 2, but will not result in the indirect conversion of farmland, as major roadways, which are a major driver of farmland conversion already exist. Urban utilities cannot normally be extended without annexing land to a city or utility district; the utilities that will be extended to serve this portion of the Fairview Village Specific Plan will only be sized to serve this area. In order to serve areas outside of the Fairview Village Specific Plan with urban



services, separate discretionary actions would have to be made. As a result, no impacts are expected and no mitigation measures 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:

No impacts are expected to occur that are greater than those evaluated in the General Plan Master EIR. No mitigation measures will be applied. 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:

- (1-4) The proposed project has been included in the General Plan and its Master EIR for many years. Urban water will need to be extended to serve the annexation area and the Vesting Tentative Subdivision Map and no water supply problems are anticipated as a result. The project has been referred to Engineering staff and to the Turlock Irrigation District and no concerns with water supply were raised. No significant impact is anticipated and no mitigations will be applied.

## **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:

No impacts are expected to occur that are greater than those evaluated in the General Plan Master EIR. No mitigation measures will be applied. 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) Sewer service will need to be extended to the annexation area and will be extended to serve the Vesting Tentative Subdivision Map area, should the annexation be approved. The project is consistent with General Plan policies addressing development and the provision of sewer service. The project was referred to Engineering staff for review and comment and no concerns were raised regarding service or capacity. No impacts are expected and no mitigation measures will be applied.

## **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:

The applicable mitigating policies to be applied to this project is SWPH-14 (k) from the Master EIR. 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"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
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) The proposed project is consistent with General Plan policies related to sensitive plants and wildlife habitat. No mitigation measures will be applied.

- (2) The project applicant contracted for the preparation of a biological due-diligence review with Moore Biological Consultants. That study is contained in Appendix A. The study concluded that the property has been heavily disturbed by long-term agricultural activities, making it unlikely that special-status plant species will occur on the site and there is no critical habitat for federally listed species. Some of the larger orchard trees could provide suitable raptor nesting habitat, but no active nests were observed. Other sensitive species have been determined to be unlikely to be observed on the site. Master EIR measure **SWPH-14 (k)** shall be a condition of approval, as recommended by the biological study.
- (3-7) The proposed project is not anticipated to have an effect on wetlands or riparian habitat and would not interfere with movements of fish or wildlife, although the Tuolumne River is adjacent to the project site. Areas adjacent to the Tuolumne River are designated Open Space and will eventually be incorporated into Tuolumne River Regional Park. No sensitive natural community has been identified within the project area. Modesto has no regulations that protect biological resources and there is no habitat conservation plan in the area. No impact is anticipated and no mitigation would be applied from the Master EIR.



## **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:

No impacts are expected to occur that are greater than those evaluated in the General Plan Master EIR. No mitigation measures will be applied. Policies relating to archaeological resources will only be implemented if resources are discovered during any phase of development. Measures **AH-15**, **AH-16**, **AH-17**, and **AH-18** from the General Plan Master EIR will be applied as needed and appropriate. 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) The project is consistent with General Plan policies and lies outside the Archaeological Resources Study Area. There are no known historic or archaeological resources in the project vicinity and no impacts on these resources are expected. The proposed project has been referred to potentially affected tribal authorities in the region and none has expressed concerns. Ground disturbance could result in the discovery of unknown resources, however. In the event historic or archaeological resources are discovered during construction, mitigation measures **AH-15**, **AH-16**, **AH-17**, and **AH-18** will be applied as needed and appropriate.

## **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 impacts are expected to occur that are greater than those evaluated in the General Plan Master EIR. Measures **FWQ-11**, **FWQ-13**, **FWQ-14**, and **FWQ-16** from the Master EIR will be applied as conditions of approval. 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) The proposed project is consistent with the storm drainage policies in the Urban Area General Plan. The project will utilize low impact strategies and meet the standards contained in the "Guidance Manual for New Development-Storm Water Quality Control Measures." This requirement will be implemented as a condition of project approval. The project was referred to the Land Development Engineering Department who indicated no concerns with storm water runoff. The project will not contribute additional water runoff that would exceed the capacity of the storm drainage system. Policies **SD-10**, **SD-12**, **SD-13**, and **SD-15** from the Master EIR will be applied as conditions of approval.

## **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 impacts are expected to occur that are greater than those evaluated in the General Plan Master EIR. Measures **FWQ-11**, **FWQ-13**, **FWQ-14**, and **FWQ-16** from the Master EIR will be applied as conditions of approval. 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"/>	X

Discussion:

- (1, 6) The proposed project is consistent with the flooding and water quality policies in the Urban Area General Plan. This project is similar in nature to residential development in Modesto and throughout the region. No unusual impacts are expected to occur and compliance with Modesto's NPDES permit during construction will be required. Measures **FWQ-11**, **FWQ-13**, **FWQ-14**, and **FWQ-16** will be applied as conditions of approval.
- (2-4) The Fairview Village Specific Plan lies outside of FEMA's 100-year floodplain boundary. The northerly portions of the seven lots that lie north of Hatch Road (FEMA FIRM Map No.

06099C0535E, September 26, 2008), however, lie within the 100-year floodplain. The 100-year floodplain is located downslope from Hatch Road in the Tuolumne River floodway. Of these seven lots, the largest three are owned by the City of Modesto. These properties are all designed OS, Open Space, and will eventually be part of the Tuolumne River Regional Park, which will substantially reduce any further risk of damage to life or property from flooding along the Tuolumne River in the Fairview Village Specific Plan.

A portion of the site is located 1-in-200 chance (200-year) flood hazard area. In accordance to the Central Valley Flood Protection Act of 2008, cities and counties are required to make findings related to an "Urban Level of Flood Protection" before approving a tentative map within a flood hazard zone. The state Department of Water Resources (DWR) has defined location criteria for determining whether or not a project is subject to urban level of flood protection requirements. The location criteria indicate that for a subdivision to be subject to the requirement, it must be located in an area with a potential flood depth above three (3) feet. Analysis of the site (Appendix B, Balance Hydrologics Assessment of Floodplain Extents and Pertinent Flood Elevations for Design, Fairview Comprehensive Planning District, City of Modesto, November 30-2017) has conservatively identified the elevation of a 200-year flooding event to be 72.21 feet, and the grading plan of the tentative map demonstrates that the lowest pad elevation is 71.1 feet. As the difference is approximately fourteen inches, the project is not subject to the urban level of flood protection requirements.

No impacts greater than those evaluated in the General Plan are expected to occur and no mitigation measures will be applied.

- (5,7,8) The project will not violate water quality standards or waste discharge requirements. The project would not substantially alter the existing drainage pattern of the site, area or a watercourse in a manner that would result in erosion or siltation. The City's Land Development Engineering Staff have reviewed the project and indicated no concerns that the project would cause significant flooding or unanticipated sources of runoff. The project will not contribute additional water runoff that would exceed the capacity of the storm drainage system.

## **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 impacts are expected to occur that are greater than those evaluated in the General Plan Master EIR. No mitigation measures will be applied. 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 has been developed in cooperation with the Department of Parks, Recreation and Neighborhoods, which has determined that it is consistent with General Plan policies regarding parks and open space. The specific plan amendment will ensure that the central park is developed. No impacts are anticipated and no mitigation measures will be applied.

## 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 impacts are expected to occur that are greater than those evaluated in the General Plan Master EIR. No mitigation measures will be applied. 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>				

	<b>Potentially Significant Impact</b>	<b>Less Than Significant w/Mitigating Policies</b>	<b>Less Than Significant Impact</b>	<b>No Impact</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) The proposed project is consistent with the intensity of development anticipated to occur within the boundaries of the Fairview Village Specific Plan and is consistent with policies relating to schools in the General Plan. The application was referred to Modesto City Schools for comment. The school district expressed no concerns; new development will be assessed fees in effect at the time development occurs. No impacts are expected to occur and no mitigation measures will be applied.

### 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 impacts are expected to occur that are greater than those evaluated in the General Plan Master EIR. No mitigation measures will be applied. 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:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
<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) The proposed project includes detachment from the Stanislaus County Sheriff's Department and attachment to the Modesto Police Department for the annexation area. The proposed project is consistent with General Plan policies having to do with policing and was referred to MPD for review and comment. MPD expressed no concerns with the proposed project. No impacts are expected and no mitigation measures will be applied.

## **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 impacts are expected to occur that are greater than those evaluated in the General Plan Master EIR. No mitigation measures will be applied. 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 project is consistent with the fire service policies in the General Plan. The project would not result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives. The project area will continue to be served by the Industrial Fire Protection District. Two minor detachments, from the Westport and Burbank-Paradise Fire Protection Districts will be required, but these fire protection districts currently serve only a portion of the bordering streets and do not serve any of the properties in the Fairview Village Specific Plan area. The project was referred to the Modesto City Fire Department, which indicated no concerns. No impacts are expected and no mitigation measures will be applied.

## 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 impacts are expected to occur that are greater than those evaluated in the General Plan Master EIR. No mitigation measures will be applied. 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) The proposed project is consistent with General Plan policies related to solid waste. There is nothing about the project that sets it apart from other similar projects in Modesto and the region. Furthermore, the project was referred to the Solid Waste Division for comment and the division had no concerns about it. No impacts are expected and no mitigation measure will be applied.



## 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 impacts are expected to occur that are greater than those evaluated in the General Plan Master EIR. No mitigation measures will be applied. 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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
hazardous materials into the environment.				
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:

- (1-3) The proposed project is consistent with the hazardous materials policies stated in the General Plan. No unusual hazardous materials are expected to be used, stored, or transported to and from the site, other than those that normally occur with residential and commercial development. No impacts are expected to occur and no mitigation measures will be applied.
- (4) The project area is not 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 not create a significant hazard to the public or the environment. The site was evaluated for known contaminants as identified by the CA State Department of Toxic Substances Control ([www.envirostor.dtsc.ca.gov](http://www.envirostor.dtsc.ca.gov)) and the CA State Department of Water Resources ([geotracker.waterboards.ca.gov](http://geotracker.waterboards.ca.gov)) and is not shown to contain any contaminants.

- (5-6) Harry Sham field is located approximately 3 miles east-northeast of the site, which lies well outside the airport safety zones. No unusual hazards are expected to occur, due to the distance from the airport, and no mitigation measures will be applied.
- (7-8) No impacts from wildfires is expected to occur, as the area is not particularly susceptible to such events. The site is well-located to be evacuated, should a major emergency occur, lying as it does near State Routes 132 and 99. No mitigation measures will be applied.

## **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 mitigation measures from the Master EIR 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) There are no known geological or soil issues in the project area and there are no known mineral resources in the Modesto General Plan area. No impacts are expected and no mitigation measures will be applied.
- (2) There are no known faults on or near the project site, nor is the site known to have soil problems that would impact development or that are of value to the region or to the state. No impacts are expected and no mitigation measures will be applied.

## 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 MEIR mitigation measures 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:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
<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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
Urban Area General Plan.				

Discussion:

- (1-2) The proposed project is consistent with the energy policies in the General Plan. No new impacts are anticipated to occur and no mitigation measures will be applied. The project would not result in energy consumption during construction, operation, maintenance or removal that is more wasteful, inefficient and unnecessary than assumed in the General Plan. No Master EIR mitigation measures will be applied.

## 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 MEIR mitigations will be applied to the 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) The project is consistent with the visual resources policies contained in the General Plan. No mitigation measures will be applied.
- (2-4) The project site is near the Tuolumne River, but there are no views of the river from the site and would not degrade views to riverside areas. There are no scenic resources in the Fairview Village Specific Plan area, as identified in the General Plan. The specific plan area has been planned for urban development for decades and has been evaluated as part of the General Plan Master EIR. No unanticipated impacts are expected to occur and no mitigation measures will be applied.
- (5) The proposed project will create new light and glare sources. However, this specific plan was approved in the 1990s in substantially similar form and has been included in the General Plan and Master EIR for decades. No new impacts are expected and no mitigation measures will be applied.
- (6-7) Development will be set back from the bluff above the Tuolumne River, which will prevent the degradation of river and park views in the area. Existing development at the top of the bluff will eventually be removed as part of the Tuolumne River Regional Park and, indeed, the City of Modesto already owns some of the lots at the top of the bluff. No impacts that were not evaluated in the General Plan Master EIR are expected to occur and no mitigation measures will be applied.





## **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 mitigation measures 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) The Fairview Village Specific Plan area has been in the General Plan boundary for many years. The adopted Specific Plan is designated as Village Residential, which allows for a mix of uses to ensure new development has destinations nearby within walking distance.
- (2) The proposed project would remove barriers to the completion of the Fairview Village Specific Plan by annexing the remainder of the specific plan area to the City of Modesto and amending the Fairview Village Specific Plan to make it consistent with the General Plan. No impacts would occur and no mitigation measures will be applied.
- (3-4) The project is consistent with the land use plan, policies and regulations of the City of Modesto. There are no habitat conservation plans or natural community conservation plans in the vicinity, therefore, no conflict would occur. No impacts are expected, and no mitigation will be applied.

## **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:**

**AQ-100.** Reduce particulate emissions from construction, grading, excavation, and demolition to the maximum extent feasible in accordance with the requirements of SJVAPCD Regulation VIII. Regulation VIII was adopted to reduce the amount of particulate matter suspended in the atmosphere as a result of emissions generated from anthropogenic (man-made) fugitive dust sources. (Policy VII.H.2.jj)

**AQ-103.** Effectively stabilize dust emissions using water, chemical stabilizer / suppressant, cover with a tarp or other suitable cover or vegetative ground cover, all disturbed areas, including storage piles, which are not being actively utilized for construction purposes. (Policy VII.H.2.mm)

**AQ-105.** Effectively control fugitive dust emissions utilizing application of water or by presoaking all land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities. (Policy VII.H.2.oo)

**AQ-107.** When materials are transported off site, cover all materials, or effectively wet them to limit visible dust emissions, and maintain at least six inches of freeboard from top of container. (Policy VII.H.2.qq)

**AQ-108.** Limit operations or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.) (Policy VII.H.2.rr)

**AQ-109.** Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, effectively stabilize said piles for fugitive dust emissions utilizing sufficient water or chemical stabilizer / suppressant. (Policy VII.H.2.ss)

**AQ-110.** Within urban areas, immediately remove trackout when it extends 50 or more feet from the site and at the end of each workday. (Policy VII.H.2.tt)

**AQ-113.** Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent (1%). (Policy VII.H.2.ww)

**AQ-114.** Install wheel washers for all exiting trucks, or wash all trucks and equipment leaving the site. (Policy VII.H.2.xx)

**AQ-115.** Install wind breaks at windward side(s) of construction areas. (Policy VII.H.2.yy)

**AQ-116.** Suspend excavation and grading activity when winds exceed 20 mph (regardless of windspeed, an owner/operator must comply with Regulation VIII's 20 percent opacity limit). (Policy VII.H.2.zz)

### **Generation of Noise and Vibration:**

**Noise-4.** Implement noise-reducing construction practices as conditions of approval where substantial construction-related noise impacts would be likely to occur, such as with extended periods of pile driving, or where construction is expected to continue or where sensitive receptors would be affected by construction noise. Conditions of approval may include, but are not limited to:

- Require construction equipment, including air compressors and pneumatic equipment to have properly maintained mufflers;
- Require impact tools to be equipped with shrouds or shields;
- Require that the quietest equipment available be used; and,
- Require selection of haul routes that affect the fewest number of people. (Policy VII-G.3.b)

**Noise-6.** Use the most recent noise contour map (Figure VII-2) to implement the requirements of Noise Insulation Standards contained in Title 24 of the California Code of Regulations. Developers may be allowed to demonstrate that detailed noise studies and / or mitigation are not necessary due to local conditions, changes in the expected future noise environment, or inapplicable assumptions made in the Master EIR. (Policy VII-G.3.d)

**Noise-7.** Incorporate construction practices and acoustic treatment in new residential construction to reduce typical indoor noise levels to 45 dB. Developers of residential buildings within the 65 dBA contours shown in the General Plan Master EIR shall demonstrate that interior noise has been reduced to 45 dB. Other types of development should be protected against noise intrusion at least to the levels indicated on UAGP Table VII-2. (Policy VII-G.3.e)

**Noise-11.** Limit trucking to specific routes, times, and speeds that avoid or minimize adverse effects on sensitive receptors. (Policy VII-G.3.i)

### **Effects on Agricultural Lands:**

**AL-21.** Require development projects to comply with current LAFCo policy(ies) regarding preservation of agricultural resources. (Policy VII-D.4[f])

### **Increased Demand for Long-Term Water Supplies:**

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category. Water studies / analyses may be required depending on the scope or location of the proposed development project.

### **Increased Demand for Sanitary Sewer Services:**

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category. Sanitary sewage generation and/or capacity studies may be required depending on the scope or location of the proposed development project.

### **Loss of Sensitive Wildlife and Plant Habitat:**

#### **SWPH-14 (k).**

The State-threatened Swainson's hawk is known to nest within the General Plan Area in grassland, riparian, and agricultural habitats. Because of the loss of suitable foraging habitat and existing nesting habitat that may occur during area development, mitigation measures compensating for these potential losses of habitat shall be included. The CDFW considers the removal of known raptor nest trees, even outside of the nesting season, to be a significant impact under CEQA and, in the case of Swainson's hawk, could also result in "take" under the CESA. This is especially true in species such as Swainson's hawk, which exhibit high site fidelity to nest trees and nesting area year after year (CDFG 1994).

To avoid such impacts, surveys for nesting Swainson's hawk shall be conducted for projects within riparian, grassland, and agricultural habitats as mapped by Figure V-7-1 or for projects within 0.25 mile of such habitats (see Figure V-7-2) and containing potential nest trees (trees greater than 20 feet in height). Surveys shall follow the methodology developed by the Swainson's Hawk Technical Advisory Committee (2000) and survey potential nest trees within 0.25 mile of disturbance activities.

- If ground disturbance is initiated during the nesting season (March 15 – July 31), two pre-construction surveys shall be conducted with surveys not recommended between April 20 and June 10 because of difficulty in detecting active Swainson's hawk nests during the egg incubation period. The first survey may be conducted up to two months prior to initial activities. The second survey shall occur within 14 days of project initiation.
- If an active nest is observed, a no-disturbance buffer zone shall be established in coordination with CDFW. No-disturbance buffers for new and intensive disturbances are typically 0.25 mile surrounding the nest location until the nest has been determined to no longer be active by a qualified biologist; however, the buffer may be reduced in consultation with CDFW and is dependent upon nest location, existing disturbance barriers, and baseline disturbance levels.
- No surveys are required if ground disturbance is initiated outside of the nesting season; however, impacts to known nest trees should be avoided at all times of year. If avoidance of a known nest tree (documented nest site within the previous five years) is not feasible,

consultation with the CDFW is warranted prior to taking any action, and a determination of "take" potential under CESA or under Fish and Game Code Sections 3503.5 and 3513 will be made. Project-related "take" (as defined in Section 86 of the Fish and Game Code) of Swainson's hawk must be completely avoided or a State Incidental Take Permit, pursuant to Section 2081 of the Fish and Game Code, would be warranted.

In addition, the Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California (CDFG 1994) recommends that for projects impacting foraging habitat within one mile of an active nest tree, habitat be protected in perpetuity at a 1:1 ratio for each acre of Swainson's hawk foraging habitat impacted; for projects greater than one mile but within five miles of an active nest tree, 0.75 acre of habitat should be protected in perpetuity for every acre of foraging habitat impacted (0.75:1); and for projects greater than 5 miles but within ten miles of an active nest tree, 0.5 acre of habitat should be protected in perpetuity for every acre of foraging habitat impacted (0.5:1). Per the Staff Report (CDFG 1994), suitable foraging habitat includes annual grasslands, pasturelands, alfalfa and cereal cropland, fallow fields, and beet, tomato, and other low-growing row or field crops. Vineyards, orchards, and cotton fields are considered unsuitable foraging habitat because of vegetation height and/or density (CDFG 1994). The project sponsor should provide funding of a sufficient long-term endowment for the management of the protected properties.

### **Disturbance of Archaeological / Historic Sites:**

**AH-15.** Whenever possible, avoid disturbing or damaging archaeological resources. Preservation in place to maintain the relationship between the artifacts and the archaeological context is the preferred manner of mitigating impacts to archaeological sites. Preservation may be accomplished by:

- (1) Planning construction to avoid archaeological sites;
- (2) Incorporating sites within parks, green space, or other open space;
- (3) Covering the sites with a layer of chemically stable soil; and/or,
- (4) Deeding the site into a permanent conservation easement.

When in-place mitigation is not feasible, data recovery through excavation may be necessary. A data recovery plan, which makes provisions for adequately recovering the scientifically consequential information about the site, shall be prepared and adopted prior to any excavation being undertaken. Such studies must be deposited with the Central California Information Center in Turlock, California. Special rules apply to any archaeological sites known to contain human remains (Health and Safety Code Section 7050.5; Guidelines Section 15126.4(b)).

Data recovery shall not be required if the lead agency determines that testing or studies already completed have adequately recovered the necessary data, provided that the data have already been documented in another EIR and are available for review at the California Historical Resource Regional Information Center (Guidelines Section 15126.4(b)). (Policy VII.F.2[I])

**AH-16.** Allow reasonable time for the qualified archaeologist to notify the proper authorities for a more detailed inspection and examination of the exposed cultural resources. During this time, excavation and construction would not be allowed in the immediate vicinity of the find; however, those activities could continue in other areas of the project site. (Policy VII.F.2[m])

**AH-17.** If any find is determined to be significant by the qualified archaeologist, representatives of the construction contractor and the City, the qualified archaeologist, and a representative of the Native American community (if the discovery is an aboriginal burial) will meet to determine the appropriate course of action. (Policy VII.F.2[n])

**AH-18.** All cultural materials recovered as part of a monitoring program are subject to scientific analysis, professional museum curation, and a report prepared according to current professional standards. (Policy VII.F.2[o])

#### **Increased Demand for Storm Drainage:**

**SD-10.** Construction activities shall comply with the requirements of the City's Stormwater Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (Policy VI.G.3)

**SD-12.** Ensure that new development complies with the City of Modesto's *Stormwater Management Program: Guidance Manual for New Development Stormwater Quality Control Measures*. (Policy VI.G.5)

**SD-13.** Require new development to implement an appropriate selection of permanent pollution control measures in accordance with the City's implementation policies for the municipal NPDES stormwater permit. (Policy VI.G.6)

**SD-15.** Integrate Low Impact Development principles into proposed development projects' design. Low Impact Development is a storm water management and land development strategy that promotes conservation and use of natural on-site features combined with engineered small-scale hydrologic devices. In designing development projects, minimize the amount of impervious surface in order to maximize on-site infiltration of stormwater runoff and minimize the potential for storm water runoff from the site. (Policy VI.G.8)

#### **Flooding and Water Quality:**

**FWQ-11.** Construction activities shall comply with the requirements of the City's Storm Water Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (Policy VI.G.3)

**FWQ-13.** Ensure that new development complies with the City of Modesto's Stormwater Management Program: *Guidance Manual for New Development Stormwater Quality Control Measures*. (Policy VI.G.5)

**FWQ-14.** Require new development to implement an appropriate selection of permanent pollution control measures in accordance with the City's implementation policies for the municipal NPDES stormwater permit. (Policy VI.G.6)

**FWQ-16.** Integrate Low Impact Development principles into proposed development projects' design. Low Impact Development is a storm water management and land development strategy that promotes conservation and use of natural on-site features combined with engineered small-scale hydrologic devices. In designing development projects, minimize the amount of impervious surface in order to maximize on-site infiltration of stormwater runoff and minimize the potential for storm water runoff from the site. (Policy VI.G.8)

#### **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.

## APPENDIX A

MOORE BIOLOGICAL CONSULTANTS, April 6, 2021

(Appendices available upon request from the Clerk)

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## **EXHIBIT D**

### **Plan for Services**

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## FAIRVIEW VILLAGE #2 REORGANIZATION TO THE CITY OF MODESTO

### Background

The Fairview Village #2 Reorganization area consists of 13 parcels located east of Carpenter Road, north of Whitmore Avenue, and south of the Tuolumne River. Three of the parcels are owned by the City of Modesto and six of the parcels will eventually be developed. The remaining four parcels will eventually be part of Tuolumne River Regional Park. Including adjacent roadways rights of way, the annexation is 177.75 acres total. The proposed annexation area is prezoned P-SP and P-R-1.

The purpose of the annexation is to allow residential and commercial development on the parcels prezoned P-SP and to create a logical annexation boundary for the parcels prezoned P-R-1. A Vesting Tentative Map application for residential has been filed and is being processed for 38.5 acres of the proposed annexation area.

Pursuant to Government Code Section 56653, the following Plan for Services to be extended to the affected territory has been prepared for the Fairview Village #2 Reorganization to the City of Modesto:

#### A. Project Area and Service Agreements

1. Traffic and Circulation: The annexation area is bounded by the City of Modesto to the north and east. Roadway dedication and improvements will be required along a portion of Carpenter Road as a condition of the Vesting Tentative Subdivision Map, but not as a condition of the annexation. There is currently no transit service to this area, but Modesto Area Express (MAX) is the most likely provider to extend service, as there are four routes within a mile of the site.
2. Waste Water Collection: There is an existing 10-inch line in St. Salazar Circle terminating adjacent to the proposed subdivision that will be extended to serve the area. Other lines will be extended as needed. The City's Wastewater Treatment facilities have adequate capacity to serve this area when development is complete.
3. Water Delivery: There are several water mains in Hatch Road, Carpenter Road, and Whitmore Avenue. New development will take water from one of these, which will be extended by the project proponent to the development area. The City of Modesto has adequate water supply to serve the annexation area.

4. Storm Water Drainage: Future residential development will be required to transport storm water to the central drainage basin.
5. Solid Waste Disposal: The annexation area is minimally developed and no need for urban waste disposal at this time. Following development, Gilton Waste Management will collect and dispose of solid waste from the site.
6. Fire Protection: The annexation area is primarily served by the Industrial Fire Protection District. However, Westport Fire Protection District's boundary is the centerline of Whitmore Avenue and Burbank-Paradise Fire Protection District's boundary is the centerline of Carpenter Road. These roadway segments will be detached from the fire protection districts. Industrial's station is about 2 miles east of the site at 148 Imperial Avenue. Modesto Fire Department's nearest station is at 420 Chicago Avenue, also about 2 miles northeast of the site. No adverse impacts on staffing or response times are expected to occur with this annexation.
7. Police Protection: Following annexation, the area will be served by Modesto Police Department. The police department has expressed no concerns about staffing or response times for this area.

**B. Level and Range of Services**

The City of Modesto is a full service provider of municipal services. The City will provide full services to the area upon annexation.

**C. When Can Services Be Provided?**

The services described above will be provided or available upon development. The project proponent will be required to construct some infrastructure prior to development in order to connect with the wastewater, water delivery, and stormwater collection systems.

**D. Improvements Required as a Condition of Annexation**

No improvements are required as a condition of annexation.

**E. How Will Services Be Financed?**

Capital facilities fees will be levied at the time building permits are issued. Funding for some services will be financed through utility and service fees, property tax revenues, and the general fund. Additionally, a new Community Facilities District will be established to address funding of some services.

## **EXHIBIT E**

### **Agricultural Preservation Plan**



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# **Plan for Agricultural Preservation**

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for the Fairview Village No.2  
Reorganization

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February 2022

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# Plan for Agricultural Preservation

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- 1.4 Regulatory Framework and Policy Consistency
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## 1.1 Introduction and Purpose

Agriculture is a leading industry in Stanislaus County. Accordingly, changes to the urban development boundary that would lead to the conversion of existing agricultural lands to uses other than agricultural uses, must be evaluated such that growth and vitality of agriculture within the County is maintained and encouraged.

LAFCO's mission is to "discourage sprawl, preserve open space and prime agricultural lands, promote the efficient provision of government services and encourage the orderly formation of local agencies." Consistent with the legislative intent, Stanislaus County LAFCO adopted the Agricultural Preservation Policy on March 27, 2019. The goals of the policy are as follows:

Guide development away from agricultural lands where possible and encourage efficient development of existing vacant lands and infill properties within the agency's boundaries prior to conversion of additional agricultural lands.

Fully consider the impacts a proposal will have on existing agricultural lands.

Minimize the conversion of agricultural lands to other uses.

Promote preservation of agricultural lands for continued agricultural uses while balancing the need for planned, orderly development and the efficient provision of services.

In order for LAFCO to determine how a development proposal meets the stated goals of the Agricultural Preservation Policy, a Plan for Agricultural Preservation must be provided with the LAFCO application requirements. This document contains the Plan for Agriculture Preservation associated with the annexation of the Fairview Village No. 2 annexation.

## 1.2 Project Setting and History

The annexation area is composed of 178 acres located northeast of Carpenter Road and Whitmore Avenue. The property abuts the existing City limits and is adjacent to existing development to the east.

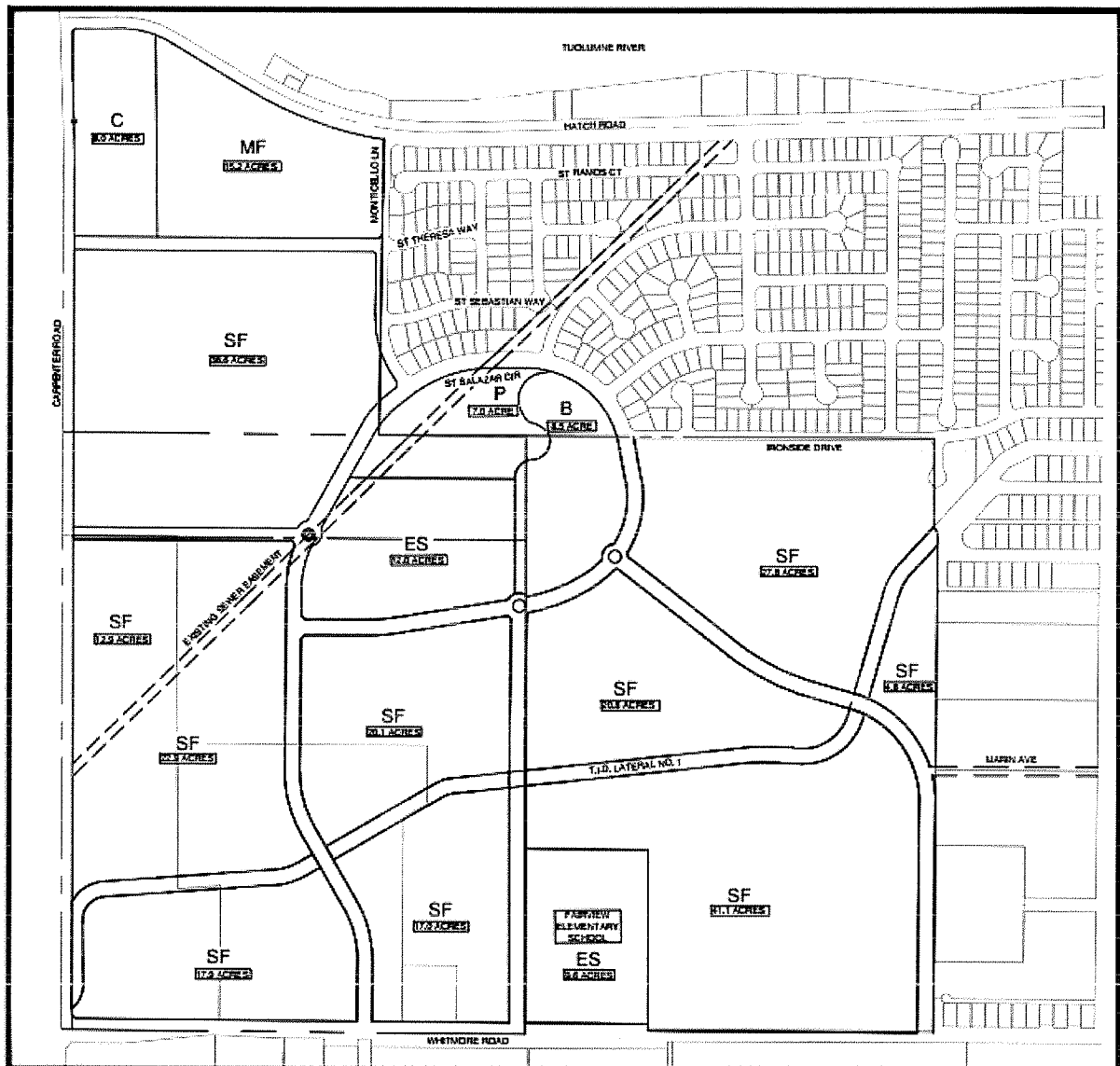
The Plan Area is within the LAFCO-approved sphere of influence of the City of Modesto, in unincorporated Stanislaus County, and has been slated for development since the adoption of the Urban Growth Policy in 1974:

The Plan Area has been within the City's sphere of influence since 1985.

The Plan Area is a part of the Fairview Village Specific Plan, adopted in 1995.

### 1.2.1 Project Description

The Fairview Village Specific Plan is a comprehensively-planned residential development and was recently amended to update policies, including those related to agricultural preservation. It is estimated to accommodate up to 2,310 dwelling units with 8 acres of commercial development.



### **1.2.2 Agricultural Resources**

Approval and annexation of the Fairview Village No. 2 annexation would result in permanent conversion of farmland to urban uses. Development of the Plan Area would result in the permanent conversion of approximately 148 acres of Prime Farmland.

### **1.2.3 Williamson Act Lands**

There are no Williamson Act contracts in the Fairview Village Specific Plan Area.

## **1.3 Vacant Land Inventory and Absorption Study**

The City of Modesto conducts periodic review of vacant or underutilized residential, commercial and industrial lands to assist the City Council in determining the direction and timing of growth to areas that can be served by urban infrastructure. In 2015 the Urban Growth Review (the Review) was prepared in conjunction with the City of Modesto Urban Area General Plan. The primary purpose of the Review is to “assure adequate inventory of vacant land served with urban infrastructure to accommodate anticipated economic development during the next five years as a minimum time frame.”

The Review identifies 910 adjusted acres of vacant land available for residential development within the incorporated area as of 2015. The 910 acres of residential inventory was considered sufficient land for residential development until 2022. In 2012 the City of Modesto was operating at a deficit, unable to meet the “Five-Year Target Inventory” to maintain a five year supply of vacant residential land on an annual basis. The purpose of the “Five-Year Target Inventory” is to provide sufficient inventory on an annual basis to reduce over-inflated land values and to fulfill local housing needs as part of the Urban Area General Plan Housing Element.

The land absorption analysis includes some residential lands which are in unincorporated Stanislaus County, slated for development and that have completed the Measure M advisory vote. The 2015 Review identified the Fairview Village area as vacant, although it is developing. Likewise, areas in the Tivoli area are also moving forward with development projects.

The 2015 Urban Growth Review dovetails with the City’s Housing Element to identify lands for residential development in order to meet State-mandated regional housing needs. Together, these two documents,

stipulate how the City of Modesto will meet its share of residential units as identified by Stanislaus Council of Governments (StanCOG) in the Regional Housing Needs Plan (RHNP).

#### **1.4 Regulatory Framework and Policy Consistency**

The Specific Plan Area must be assessed in accordance to the regulations of the jurisdiction and the region. City, county and regional planning policies apply to the Specific Plan Area and may potentially affect the type of development allowed within the Plan Area. To follow is a list of relevant policies, regulations and programs for which the Plan Area must comply.

##### **1.4.1 Stanislaus County Local Agency Formation Commission Policies**

In consideration of changes to city and district boundaries, including spheres of influence, LAFCO must consider the possible loss of agricultural lands, and adherence with the Government Code 56377:

LAFCO policies direct that the development or use of land for uses other than open space will be guided away from existing prime agricultural lands, unless such actions would not promote the planned, orderly, efficient development of an area; and that urban uses will be directed to within existing local agency jurisdiction or sphere of influence.

The comprehensively-planned community stipulates orderly and efficient development of the Specific Plan Area through the regulatory document, the Fairview Village Specific Plan. Given that the Fairview Village Specific Plan is within the sphere of influence and promotes planned, orderly development as a logical extension of the surrounding neighborhood.

##### **1.4.2 Stanislaus County Policies**

The Stanislaus County General Plan provides the following relevant policies related to agricultural land, and for which the Plan Area already complies:

Policy 2.4: To reduce development pressures on agricultural lands, higher density development and infilling shall be encouraged. (County General Plan, Agricultural Element)

Policy 2.11: The County recognizes the desire of cities and unincorporated communities to grow and prosper and shall not oppose reasonable requests

consistent with city and county agreements to expand, providing the resultant growth minimizes impact to adjacent agricultural land. (County General Plan, Agricultural Element)

Policy 2.13: In recognition that unincorporated land within the sphere of influence of cities or community services districts and sanitary districts serving unincorporated communities ultimately urbanize, the County shall cooperate with cities and unincorporated communities in managing development in the sphere of influence areas. (County General Plan, Agricultural Element)

#### **1.4.3 City of Modesto Policies**

The City's Urban Area General Plan provides the following relevant policies related to agricultural land, and for which the Plan Area already complies:

Policy VII-D.4[a]: The City will not annex agricultural land unless urban development consistent with the General Plan has been approved by the City. (Modesto Urban Area General Plan)

Policy VII-D.4[b]: The City shall support the continuation of agricultural uses on lands designated for urban uses until urban development is imminent. (Modesto Urban Area General Plan)

Policy VII-D.4[d]: Where necessary to promote planned City growth, the City shall encourage the development of those agricultural lands that are already compromised by adjacent urban development or contain property required for the extension of infrastructure or other public facilities, before considering urban development on agricultural lands that are not subject to such urban pressures. (Modesto Urban Area General Plan)

The City's Urban Area General Plan stipulates a land use intensity as a range of typical densities on an area-wise basis (Modesto Urban Area General Plan, Chapter 3, Community Development Policies, page III-4). This requirement seeks to encourage higher-density developments, creating less demand for urban land and discouraging sprawl. The General Plan requires a minimum density of 6.6 dwelling units per gross acres.

#### **1.4.4 Regional Planning Efforts**

StanCOG participated in the San Joaquin Valley Blueprint Plan along with eight other Valley Regional Planning Agencies. The Blueprint Plan establishes a vision for future



growth in the San Joaquin Valley and provides a framework for implementing that growth. Early on in this multi-year planning process, 12 Smart Growth Principles were established as the core values of the Valley and the basis for future Blueprint planning and implementation:

- Create a range of housing opportunities and choices
- Create walkable neighborhoods
- Encourage community and stakeholder collaboration
- Foster distinctive, attractive communities with a strong sense of place
- Make development decisions predictable, fair and cost-effective
- Mix land uses
- Preserve open space, farmland, natural beauty, and critical environmental areas
- Provide a variety of transportation choices
- Strengthen and direct development towards existing communities
- Take advantage of compact building design
- Enhance the economic vitality of the region
- Support actions that encourage environmental resource management

The Fairview Village Specific Plan is consistent with the 12 Smart Growth Principles established by the Blueprint and exemplifies the core vision for future development within the San Joaquin Valley—an efficient, sustainable and livable community.

The San Joaquin Valley Blueprint Plan established a preferred growth scenario, B+. This growth scenario seeks to protect environmental resources and agricultural lands by emphasizing compact growth within existing communities. The preferred scenario serves as a guideline for Valley cities and encourages increased densities in all eight valley counties. The preferred growth scenario recommends that Stanislaus County achieve 5.6 dwelling units per gross acre on average.

## 1.5 Analysis of Mitigation Measures

As a proposed residential development on Prime Farmland, methods or strategies for minimizing the loss of agricultural lands must be identified. During the preparation of the initial study associated with the Specific Plan amendments, staff identified that, consistent with the General plan Master Environmental Impact Report (MEIR), the Fairview Village No. 2 annexation is subject to General Plan mitigation AL-21, requiring preservation of farmland.

## 1.6 Strategies for Minimizing the Loss of Agricultural Lands

To meet the requirements of the LAFCO Agricultural Preservation Policy, the Plan for Agricultural Preservation must specify a method or strategy to minimize the loss of agricultural lands. As such, the Fairview Village Specific Plan area will provide agricultural mitigation at ratio of 1:1, consistent with the LAFCO Strategy No. 2. This Plan for Agricultural Preservation therefore provides the following, consistent with the Specific Plan, as amended:

*The Stanislaus Local Agency Formation Commission (LAFCO) has adopted a policy for the preservation of agricultural land. Every agency in Stanislaus County may choose to adopt its own agricultural preservation policy or to comply with LAFCO's adopted policy. The City of Modesto has chosen to use a portion of LAFCO's policy, as amended, which is summarized below in its current form.*

*In essence, LAFCO's policy requires the preservation of farmland, either indirectly or directly. The City of Modesto will require the payment of in-lieu fees at a 1:1 ratio of land proposed for annexation and development to land preserved for agriculture through conservation easements or other similar restrictions. Agricultural land preserved must be of an equivalent type to the land proposed for annexations and development, so for example, prime farmland to be developed will result in the preservation of prime farmland.*

## 1.7 Conclusion

The following justifications are offered in conclusion of the Plan for Agricultural Preservation for the Fairview Village Specific Plan.

1. *The project is slated for development, consistent with the City's General Plan and Zoning and is within the Sphere of Influence.* The Fairview Village Specific Plan is identified as a "Planned Urbanizing Area" in the City's General Plan and is within an urban transition (UT) zone of the A-2-10 County zoning designation, which specifically designates land for conversion from agriculture to urban land uses. In addition, the Plan Area is within the LAFCO-approved sphere of influence for the City of Modesto (1984). Therefore urban development is planned, consistent with the intent of LAFCO, the City of Modesto, and Stanislaus County.
2. *The project provides needed residential land.* As identified in the Urban Growth Review (2015), the City must maintain a "Five-Year Target Inventory" of lands available for residential development. This "Five-Year Target Inventory" assures available land to meet the region's housing needs and reduce over-inflation of land values. The Fairview Village Specific Plan will contribute to the "Five-Year Target Inventory." In addition, the City's Housing Element identifies the Fairview Village Specific Plan area as contributing to the residential inventory to meet the City's Regional Housing Needs Allocation.
3. *The project is consistent with the San Joaquin Valley Blueprint Plan.* The Fairview Village Specific Plan implements the 12 Smart Growth Principles established by the Blueprint and exemplifies the core vision for future development within the San Joaquin Valley. The Fairview Village Specific Plan proposes compact development with a range of housing types.
4. *The project is surrounded by urban corridors and urban infrastructure.* The Plan Area is surrounded by an existing transportation network which can accommodate the proposed development.

To the east of the annexation area are other existing single-family residential neighborhoods. In this context, the annexation is merely a logical expansion of the existing surrounding neighborhoods with sufficient transportation corridors and existing City services that extend to the site.

5. *The project incorporates policies and regulations that limit development pressure on Prime Farmland.* By proposing compact development near existing transportation and services, the Plan Area is guiding development away from other existing prime farmlands that lies to the south and west in unincorporated Stanislaus County.
6. *Preservation of agricultural lands is encouraged through increased density and infill development.* The Fairview Village Specific Plan represents the completion of a long-planned residential area and is consistent with the city's policies encouraging increased density and infill development.
7. *The project does not create impacts beyond what was anticipated in the MEIR associated with the City's General Plan, and addressed by the Statement of Overriding Considerations.* The Plan Area and surrounding lands are planned for residential development consistent with the intensity proposed by the project, as part of a Comprehensive Planning District of the General Plan. Impacts of the Fairview Village Specific Plan are within the scope of what was anticipated by the MEIR and are therefore addressed by the MEIR Statements of Overriding Considerations.

In conclusion, the provisions set forth in this Plan for Agricultural Preservation require the Fairview Village No. 2 annexation project to provide 1:1 agricultural mitigation, a strategy identified by the LAFCO Agricultural Preservation Policy. Based on this methodology and the analysis provided in this document, the proposal complies with LAFCO requirement for minimizing the loss of agricultural lands.

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## **EXHIBIT F**

**Draft LAFCO Resolution No. 2022-04**

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**STANISLAUS COUNTY LOCAL AGENCY  
FORMATION COMMISSION**

**RESOLUTION**

**DATE:** March 23, 2022

**NO.** 2022-04

**SUBJECT: LAFCO APPLICATION NO. 2022-02 – FAIRVIEW VILLAGE NO. 2  
REORGANIZATION 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 178 acres to the City of Modesto and detach said acreage from the Burbank-Paradise and Westport Fire Protection Districts;

**WHEREAS**, the Commission conducted a duly noticed public hearing on March 23, 2022 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;

**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 subject territory and it is located within the City's Sphere of Influence and Primary Area;

**WHEREAS**, the territory is considered uninhabited as there are less than 12 registered voters;

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

**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**, the Commission has received the Plan for Agricultural Preservation submitted by the City for the proposal that provides information regarding impacts to agricultural lands and the City's strategy to minimize the loss of agricultural lands;

**WHEREAS**, at the time and in the form and manner provided by law, the Executive Officer provided notice of the March 23, 2022 public hearing by this Commission; 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. Determines that the Plan for Agricultural Preservation, as submitted by the City, contains sufficient evidence demonstrating consistency with the goals of the Commission's Agricultural Preservation Policy.
4. 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 reorganization consisting of the annexation of

the subject territory as well as additional unincorporated road right-of-way along Hatch Road, Carpenter Road and Whitmore Avenue and detachment from the Burbank-Paradise and Westport Fire Protection Districts.

- 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.
- 5. Designates the proposal as the "Fairview Village No. 2 Reorganization to the City of Modesto".
  - 6. Waives the protest proceedings and orders the reorganization pursuant to Government Code Section 56663.
  - 7. 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