



**STANISLAUS LAFCO
LOCAL AGENCY FORMATION COMMISSION**

Sara Lytle-Pinhey, Executive Officer
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Chair Michael Van Winkle, City Member
Vice Chair, Jim DeMartini, County Member
Terry Withrow, County Member
Bill Berryhill, Public Member
Amy Bublak, City Member
Richard O'Brien, Alternate City Member
Brad Hawn, Alternate Public Member
Vito Chiesa, Alternate County Member

**AGENDA
Wednesday, September 25, 2019
6:00 P.M.
Joint Chambers—Basement Level
1010 10th Street, Modesto, California 95354**

The Stanislaus Local Agency Formation Commission welcomes you to its meetings. As a courtesy, please silence your cell phones during the meeting. If you want to submit documents at this meeting, please bring 15 copies for distribution. Agendas and staff reports are available on our website at least 72 hours before each meeting. Materials related to an item on this Agenda, submitted to the Commission or prepared after distribution of the agenda packet, will be available for public inspection in the LAFCO Office at 1010 10th Street, 3rd Floor, Modesto, during normal business hours.

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 speak on items that are not listed on the regular agenda. All persons wishing to speak during this public comment portion of the meeting are asked to fill out a "Speaker's Card" and provide it to the Commission Clerk. Each speaker will be limited to a three-minute presentation. 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 August 28, 2019 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 Proposed dues structure for 2020.

- C. "In the News."

5. DECLARATION OF CONFLICTS AND DISQUALIFICATIONS

6. CONSENT ITEM

The following consent items are expected to be routine and non-controversial and will be acted upon by the Commission at one time without discussion, unless a request has been received prior to the discussion of the matter.

- A. **PROPOSED LAFCO MEETING CALENDAR FOR 2020.**
(Staff Recommendation: Accept the 2020 Meeting Calendar.)

7. PUBLIC HEARINGS

Any member of the public may address the Commission with respect to a scheduled public hearing item. Comments should be limited to no more than three (3) minutes, unless additional time is permitted by the Chair. All persons wishing to speak during this public hearing portion of the meeting are asked to fill out a "Speaker's Card" and provide it to the Commission Clerk prior to speaking.

- A. **LAFCO APPLICATION NO. 2019-08 – WELLS AVENUE REORGANIZATION TO THE CITY OF MODESTO.** Request to annex approximately 35 acres located south of Pelandale Avenue and west of McHenry Avenue to the City of Modesto and simultaneously detach the area from the Salida Fire Protection District. The annexation is within the City's Sphere of Influence and is meant to accommodate new residential development. The City of Modesto assumed the role of Lead Agency, pursuant to the California Environmental Quality Act (CEQA), for the project. The City prepared an initial study and adopted a finding of conformance with its Modesto Urban General Plan Master Environmental Impact Report (SCH No. 2014042081), pursuant to Section 21157.1 of the CEQA Guidelines. LAFCO, as a Responsible Agency, will consider the environmental documentation prepared by the City as part of its action. (Staff Recommendation: Adopt Resolution No. 2019-18 Option 2, denying the proposal without prejudice.)

8. OTHER BUSINESS

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 October 23, 2019.
B. Adjournment.

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: LAFCO meetings are conducted in English. Please make arrangements for an interpreter if necessary.



STANISLAUS LOCAL AGENCY FORMATION COMMISSION

MINUTES

August 28, 2019

1. CALL TO ORDER

Vice-Chair DeMartini called the meeting to order at 6:00 p.m.

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

Commissioners Present: Jim DeMartini, Vice Chair County Member
Terry Withrow, County Member
Richard O'Brien, Alternate City Member
Brad Hawn, Alternate Public Member

Staff Present: Sara Lytle-Pinhey, Executive Officer
Javier Camarena, Assistant Executive Officer
Jennifer Goss, Commission Clerk
Alice Mimms, LAFCO Counsel

Commissioners Absent: Michael Van Winkle, Chair, City Member
Bill Berryhill, Public Member
Amy Bublak, City Member
Vito Chiesa, Alternate County Member

2. PUBLIC COMMENT

None.

3. APPROVAL OF MINUTES

- A. Minutes of the June 26, 2019 Meeting.

Motion by Commissioner Hawn, seconded by Commissioner Withrow and carried with a 4-0 vote to approve the Minutes of the June 26, 2019 meeting by the following vote:

Ayes:	Commissioners: DeMartini, Hawn, O'Brien and Withrow
Noes:	Commissioners: None
Ineligible:	Commissioners: None
Absent:	Commissioners: Berryhill, Bublak, Chiesa and Van Winkle
Abstention:	Commissioners: None

4. CORRESPONDENCE

A. Specific Correspondence.

None.

B. Informational Correspondence.

1. CALAFCO Board Nominations and Achievement Award Nominations Packet.
2. CALAFCO Proposed dues structure for 2020.
3. 2019 Annual CALAFCO Conference Flier.

C. "In the News"

5. DECLARATION OF CONFLICTS AND DISQUALIFICATIONS

None.

6. CONSENT ITEM

A. **MUNICIPAL SERVICE REVIEW NO. 2019-02 AND SPHERE OF INFLUENCE UPDATE NO. 2019-02 – HILLS FERRY, KNIGHTS FERRY AND PATTERSON CEMETERY DISTRICTS.** The Commission will consider the adoption of a Municipal Service Review (MSR) and Sphere of Influence (SOI) Update for the Hills Ferry, Knights Ferry and Patterson Cemetery Districts. 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. 2019-16.)

Motion by Commissioner Withrow, seconded by Commissioner Hawn and carried with a 4-0 vote to approve the update and adopt Resolution No. 2019-16, by the following vote:

Ayes:	Commissioners: DeMartini, Hawn, O'Brien and Withrow
Noes:	Commissioners: None
Ineligible:	Commissioners: None
Absent:	Commissioners: Berryhill, Bublak, Chiesa and Van Winkle
Abstention:	Commissioners: None

7. PUBLIC HEARING

A. **LAFCO APPLICATION NO. 2019-09, MSR. NO. 19-05 & SOI. NO. 19-06 – NORTHWEST TRIANGLE NO. 2 REORGANIZATION TO THE CITY OF TURLOCK.** The City of Turlock has requested to expand its Sphere of Influence and annex approximately 22 acres located at 3525 W. Monte Vista Avenue to the City of Turlock and detach the area from the Keyes Fire Protection District. The site is part of the City of Turlock's Northwest Triangle Specific Plan. An updated Municipal Service Review has been prepared and will be included as part of the Commission's action. The City of Turlock, as Lead Agency, has prepared an initial study and adopted a Mitigated Negative Declaration (SCH No. 2017042019) consistent with its

General Plan Environmental Impact Report, pursuant to Section 21157.1 of the CEQA Guidelines. LAFCO, as a Responsible Agency, will consider the environmental documentation prepared by the City as part of its action. (Staff Recommendation: Adopt Resolution No. 2019-15, approving the Reorganization.)

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

Vice-Chair DeMartini opened the Public Hearing at 6:12 p.m.

Katie Quintero, representing the City of Turlock, stated she was available to answer questions of the Commission.

Vice-Chair DeMartini closed the Public Hearing at 6:13 p.m.

Motion by Commissioner O'Brien, seconded by Commissioner Hawn, and carried with a 4-0 vote to adopt Resolution No. 2019-15, by the following vote:

Ayes:	Commissioners: DeMartini, Hawn, O'Brien and Withrow
Noes:	Commissioners: None
Ineligible:	Commissioners: None
Absent:	Commissioners: Berryhill, Bublak, Chiesa and Van Winkle
Abstention:	Commissioners: None

8. OTHER BUSINESS

A. INTERACTIVE MAPPING TOOL FOR CITY & SPECIAL DISTRICT DATA (Staff Recommendation: Accept the report.)

Motion by Commissioner Withrow, seconded by Commissioner Hawn, and carried with a 4-0 vote to accept the report, by the following vote:

Ayes:	Commissioners: DeMartini, Hawn, O'Brien and Withrow
Noes:	Commissioners: None
Ineligible:	Commissioners: None
Absent:	Commissioners: Berryhill, Bublak, Chiesa and Van Winkle
Abstention:	Commissioners: None

9. COMMISSIONER COMMENTS

None.

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:

- Upcoming items for September will include the Wells Avenue Annexation to the City of Modesto.

- Upcoming for the October meeting: Staff is working on the Northwest Newman Master Plan Annexation.
- Staff is currently working on a large-scale annexation to the Eastside Water District and plans to bring it to the Commission soon.

12. CLOSED SESSION – EXECUTIVE OFFICER ANNUAL EVALUATION

Pursuant to Government Code Section 54957, a closed session will be held to consider the following item: Public Employee Performance Evaluation – Title: LAFCO Executive Officer

Alice Mimms, Legal Counsel, announced the closed session and provided an opportunity for the public to comment. There were no comments and the Commission recessed to Closed Session at 6:22 p.m.

The Commission reconvened at 6:37 p.m. Counsel Mimms stated there was no reportable action.

13. ADJOURNMENT

- A. Vice-Chair DeMartini adjourned the meeting at 6:38 p.m.

NOT YET APPROVED

Sara Lytle-Pinhey, Executive Officer

August 12, 2019

TO: Member LAFCos
SUBJECT: Proposed new dues structure for approval at 2019 Annual Business Meeting

Dear Member LAFCos:

The CALAFCO Board of Directors continues to develop services to meet the evolving needs of our members, yet we find ourselves continually challenged to meet those needs with limited resources.

At the CALAFCO Annual Meeting in Yosemite last fall, the Board explained that additional revenues must be raised to close the ongoing structural deficit, which the association has operated with since its inception. As many of you heard, CALAFCO has had an unhealthy reliance on Conference revenue to balance the budget which is not a sound fiscal practice. After receiving your feedback during the roundtable discussions at that Conference and after process of almost 18 months, the Board took a two-phase approach to addressing the ongoing structural deficit.

First, as a short-term strategy to address this structural deficit in FY 2019-20, the Board approved a one-time cost sharing option in which member LAFCo dues were increased by 16.25% and the Board used one-time Conference net profits to close the deficit (\$33,452 raised through the 16.25% increase and \$31,138 coming from Conference net profit). As we move into FY 2019-20, the adopted budget has a structural deficit of \$37,980.

The Board was also committed to a long-term strategy of revising the current dues structure into a more sustainable model. As a result, at their May 10, 2019 meeting, the Board considered several options for a new dues structure brought forward from the Finance Ad Hoc Committee. This Committee undertook a lengthy and detailed process, considering eleven (11) different options before deciding on the two brought to the Board.

After much discussion and careful consideration, the Board unanimously approved presenting the proposed new dues structure to you, the membership, for a vote at the October 31, 2019 Annual Business Meeting. A new dues structure requires the approval of the membership as it is a change in the Bylaws.

The structure is population based with a number of variables including an annual base rate, population threshold and a per capita rate. Population data will be updated annually.

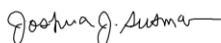
The first step to changing the dues structure is for the membership to discuss it at the Annual Business Meeting and vote. Should the membership approve the new structure, the Board will adopt policies relating to the three variables. To help you better understand the process up to this point in time, a Q&A document has been created and included with this letter. It provides details and answers to the questions we know many of you have. Additionally we are including a matrix of what the new dues structure looks like for the first year of implementation (FY 2020-21) should the membership approve.

Also the Annual Business Meeting Agenda and meeting packet will contain a full staff report with details and the proposed changes to the Bylaws associated with the new dues structure. This will be published early August.

We understand raising dues at any time is a difficult proposition. Our work at CALAFCO strives to support the success and meet the needs of all member LAFCos, large and small. We are committed to continually enhancing the services of CALAFCO and fulfilling our mandate "to assist member LAFCos with educational and technical resources that otherwise would not be available." We hope you will agree when we discuss this at our Annual Business Meeting at this year's Conference.

We and the rest of the Board are available to answer any questions you may have. You are encouraged to seek out the feedback of your regional Board members.

On behalf of the CALAFCO Board of Directors,

A handwritten signature in black ink, appearing to read "Joshua J. Susman".

Josh Susman
Chair of the Board

A handwritten signature in blue ink, appearing to read "Pamela Miller".

Pamela Miller
Executive Director

Cc: CALAFCO Board of Directors
enclosures

CALAFCO
Proposed member LAFCo dues structure and dues beginning FY 2020-21

County	Population Estimate 2020	Population For Dues Calculation	Base Dues	Per Capita Dues	Base + Per Capita Dues	Total Per Capita Rate
ALAMEDA	1,703,660	700,000	1,000	9,662	10,662	0.0063
ALPINE	1,107	1,107	1,000	15	1,015	0.9171
AMADOR	37,560	37,560	1,000	518	1,518	0.0404
BUTTE	230,701	230,701	1,000	3,184	4,184	0.0181
CALAVERAS	44,953	44,953	1,000	620	1,620	0.0360
COLUSA	23,144	23,144	1,000	319	1,319	0.0570
CONTRA COSTA	1,178,639	700,000	1,000	9,662	10,662	0.0090
DEL NORTE	26,997	26,997	1,000	373	1,373	0.0508
ELDORADO	189,576	189,576	1,000	2,617	3,617	0.0191
FRESNO	1,033,095	700,000	1,000	9,662	10,662	0.0103
GLENN	29,691	29,691	1,000	410	1,410	0.0475
HUMBOLDT	137,711	137,711	1,000	1,901	2,901	0.0211
IMPERIAL	195,814	195,814	1,000	2,703	3,703	0.0189
INYO	18,724	18,724	1,000	258	1,258	0.0672
KERN	930,885	700,000	1,000	9,662	10,662	0.0115
KINGS	154,549	154,549	1,000	2,133	3,133	0.0203
LAKE	65,302	65,302	1,000	901	1,901	0.0291
LASSEN	30,626	30,626	1,000	423	1,423	0.0465
LOS ANGELES	10,435,036	700,000	1,000	9,662	10,662	0.0010
MADERA	162,990	162,990	1,000	2,250	3,250	0.0199
MARIN	265,152	265,152	1,000	3,660	4,660	0.0176
MARIPOSA	18,031	18,031	1,000	249	1,249	0.0693
MENDOCINO	90,175	90,175	1,000	1,245	2,245	0.0249
MERCED	286,746	286,746	1,000	3,958	4,958	0.0173
MODOC	9,422	9,422	1,000	130	1,130	0.1199
MONO	13,986	13,986	1,000	193	1,193	0.0853
MONTEREY	454,599	454,599	1,000	6,274	7,274	0.0160
NAPA	143,800	143,800	1,000	1,985	2,985	0.0208
NEVADA	99,548	99,548	1,000	1,374	2,374	0.0238
ORANGE	3,260,012	700,000	1,000	9,662	10,662	0.0033
PLACER	397,368	397,368	1,000	5,485	6,485	0.0163
PLUMAS	19,374	19,374	1,000	267	1,267	0.0654
RIVERSIDE	2,500,975	700,000	1,000	9,662	10,662	0.0043
SACRAMENTO	1,572,886	700,000	1,000	9,662	10,662	0.0068
SAN BENITO	60,067	60,067	1,000	829	1,829	0.0305
SAN BERNARDINO	2,230,602	700,000	1,000	9,662	10,662	0.0048
SAN DIEGO	3,398,672	700,000	1,000	9,662	10,662	0.0031
SAN FRANCISCO	905,637	700,000	1,000	9,662	10,662	0.0118
SAN JOAQUIN	782,662	700,000	1,000	9,662	10,662	0.0136
SAN LUIS OPISPO	284,126	284,126	1,000	3,922	4,922	0.0173
SAN MATEO	792,271	700,000	1,000	9,662	10,662	0.0135

CALAFCO
Proposed member LAFCo dues structure and dues beginning FY 2020-21

County	Population Estimate 2020	Population For Dues Calculation	Base Dues	Per Capita Dues	Base + Per Capita Dues	Total Per Capita Rate
SANTA BARBARA	460,444	460,444	1,000	6,355	7,355	0.0160
SANTA CLARA	2,011,436	700,000	1,000	9,662	10,662	0.0053
SANTA CRUZ	282,627	282,627	1,000	3,901	4,901	0.0173
SHASTA	180,198	180,198	1,000	2,487	3,487	0.0194
SIERRA	3,129	3,129	1,000	43	1,043	0.3334
SISKIYOU	44,186	44,186	1,000	610	1,610	0.0364
SOLANO	453,784	453,784	1,000	6,263	7,263	0.0160
SONOMA	515,486	515,486	1,000	7,115	8,115	0.0157
STANISLAUS	572,000	572,000	1,000	7,895	8,895	0.0156
SUTTER	101,418	101,418	1,000	1,400	2,400	0.0237
TEHAMA	65,119	65,119	1,000	899	1,899	0.0292
TRINITY	13,389	13,389	1,000	185	1,185	0.0885
TULARE	487,733	487,733	1,000	6,732	7,732	0.0159
TUOLUMNE	53,976	53,976	1,000	745	1,745	0.0323
VENTURA	869,486	700,000	1,000	9,662	10,662	0.0123
YOLO	229,023	229,023	1,000	3,161	4,161	0.0182
YUBA	79,087	79,087	1,000	1,092	2,092	0.0264

As proposed, the formula described below is used to create the proposed FY 2020-21 dues as noted above.

Notwithstanding the foregoing, Member LAFCO annual membership dues shall be levied based upon a formula that includes the following components:

1. Dues are population based. The fiscal year 2020-2021 dues uses a 0.013802199 per capita rate and 2020 population estimates based on data from the California Department of Finance.
2. A base charge as set by the Board of Directors, which shall be the same for each LAFCO. The base charge for fiscal year 2020-2021 is \$1,000 per LAFCO.
3. A population threshold as set by the Board of Directors.
4. Population estimates per County updated annually based on data provided by the California Department of Finance.
5. The per capita rate shall be set by the Board of Directors.
6. No LAFCO will pay less than its current dues based on the baseline dues of fiscal year 2018-2019.

CALAFCO BULLETIN

Proposed LAFCo Membership New Dues Structure

To be presented to the Membership for consideration and vote at the
2019 Annual Business Meeting in Sacramento, California on
October 31, 2019

Questions & Answers



Question: *How did the Board come up with the proposed dues structure?*

Answer: The Board spent over a year deliberating the structural deficit and dues structure through their Finance Ad Hoc Committee. They considered feedback received from the membership at the 2018 Annual Conference from the regional roundtable discussions and the message to work towards a more sustainable dues structure model. The Board discussed at length options presented to them by the Ad Hoc Committee in February and May.

Question: *Why was this structure selected over other options considered?*

Answer: After extensive research and discussion by the Ad Hoc Committee, and after considering a variety of possible structures including those based on LAFCo budget, County category (urban-suburban-rural), flat rate increases and population, ultimately it was a population-based structure that was favored. The Ad Hoc Committee presented two options to the Board with this population-based structural model and the Board agreed the population-based structure created the fewest irregularities to resolve and created a more sustainable funding formula. Ultimately this structure was unanimously approved by the Board.

Question: *What are the variables in the formula?*

Answer: The formula includes: (1) A flat annual fee or base rate (each LAFCo will pay the same flat rate); (2) Population threshold number; and (3) A per capita rate.

Question: *How will these variables be determined each year as CALAFCO considers member LAFCo dues?*

Answer: Should the membership approve the new structure, the Board will create policies to support the new structure. These policies will include the consideration of each of these variables and possible future adjustments. These policies will include keeping the Board's discretion to increase the dues by the CPI annually.

Question: *Where will the population data come from?*

Answer: The population data will be updated annually as the Board considers the next fiscal year dues. The data source to be used for updates is the California Department of Finance population estimates.

Question: *Is CALAFCO still budgeting for a net profit for the Annual Conference and how does that impact the annual budget?*

Answer: Yes. The Board has given clear direction that each year the annual budget should have a 15% net profit built into the budget for the Annual Conference (pursuant to Board Policy 4.2). CALAFCO's current FY 2019-20 budget calls for a 15% (or \$20,817) net profit. This net profit is still used to help balance the budget. However, the goal is for CALAFCO to move away from the unhealthy and unsustainable reliance on any higher net profit assumptions to balance the budget and fill the structural deficit.

The Ad Hoc Committee and the Board discussed at length using sponsorships to boost revenue and the Board continues to feel this revenue is unreliable and unpredictable and therefore unrealistic to use as a reliable revenue source.

Question: *How were the proposed base rate, population threshold and per capita rate selected?*

Answer: First, the Board committed to using the FY 2018-19 dues as the baseline from which to work, which they did (the FY 2018-19 dues are lower than the FY 2019-20 dues). The Board anticipated the FY 2020-2021 operational costs to be close to \$300,000, which was the baseline budget number from which they worked. The Ad Hoc Finance Committee considered eleven (11) different options before deciding on the population-based model with the three variables. To narrow that further, after looking at several (three) options with different variable numbers, the Board selected the current formula (\$1,000 base rate, 700,000 population threshold, per capita rate of 0.013802199 and population estimates for 2020 given that is the year the new dues structure would take effect, should it be approved). While this and other formulas realized the \$300,000 anticipated operational budget, these particular variables created dues for each LAFCo that the Board felt were the most equitable at this time.

Question: *How is this structure different than the current structure?*

Answer: The straight 3-category model no longer effectively serves the Association's member LAFcos. County populations vary enough that 3 categories just did not accurately capture the broader population picture. With the proposed model, the gap in the amount paid between the more populated rural LAFcos and their suburban colleagues has been reduced, as has the gap between the higher populated suburban LAFcos and the urban LAFcos.

Question: *Are LAFcos in counties with a population over 700,000 exempt from any future increase based on population growth?*

Answer: The proposed changes call for the Board to set the population threshold annually. Should the membership approve this proposed structure, the Board will set policies around the variables of population threshold, base rate and per capita rate. This means that population threshold can change based on Board discretion.

Question: *What if our LAFCo has a financial hardship? Is that still addressed in the Bylaws?*

Answer: Yes. The Board unanimously agreed to keep the provision of allowing any LAFCo with a financial hardship to bring that to the Board for consideration. (Please refer to Bylaws Section 2.2.4).

Question: *What will the dues be for my LAFCo if the membership approves this new structure?*

Answer: The spreadsheet accompanying this bulletin details what the first year will look like with this formula. As a starting point, the Bylaws will reflect the formula used to get at these rates and the rate chart itself. That detailed information will be contained in the meeting packet for the October 31, 2019 Annual Membership meeting.

Question: *When will the membership vote on this proposed structure?*

Answer: The proposed structure is being presented to member LAFcos for voting at the Annual Business meeting on October 31, 2019 during the Annual Conference in Sacramento. The Annual Business Meeting agenda and meeting packet will be distributed in early August, allowing approximately three months for discussion prior to the vote.

Question: *Can we vote by proxy or absentee ballot if we are not attending the Annual Business meeting?*

Answer: No, all member LAFcos must be present to vote at the Annual Business meeting pursuant to Bylaws Section 3.7. For purposes of voting, each member LAFCo must be in good standing – which means all dues are current and paid in full by September 30, 2019. Further, each member LAFCo shall submit to CALAFCO the name of their voting delegate by September 30, 2019.

Question: *What happens if the membership does not approve the proposed new dues structure?*

Answer: The Association will continue to have a structural deficit and may need to rely on accessing Fund Reserves to balance the budget. Further, in order to have a balanced budget, without additional sustainable and reliable revenues, expenses will need to be reduced which will equate to a reduction in services offered.

Question: *Who can I talk to if I have questions?*

Answer: If you have questions you are encouraged to contact Pamela Miller, CALAFCO's Executive Director at pmiller@calafco.org or 916-442-6536. You can also contact the CALAFCO Board Chair Josh Susman at jsusman@calafco.org. You are highly encouraged to reach out to any of your regional Board members and/or your regional staff representatives. All of their names and contact information can be found on the CALAFCO website at www.calafco.org.

CORRESPONDENCE – IN THE NEWS

Newspaper Articles

- The Ceres Courier, September 3, 2019, “New Keyes plant filters out arsenic.”
- West Side Index, September 5, 2019, “Council revises transition policies for NW Newman landowners.”

IN THE NEWS – The Ceres Courier, September 3, 2019

New Keyes plant filters out arsenic

◦ EPA regulations forces Keyes to add new filtration for arsenic

By Jeff Benziger

The community of Keyes celebrated the installation of a new water treatment system designed to remove arsenic from the town's drinking water supply.

The project has been a long time in the works, said Ernie Garza, general manager of the Keyes Community Services District (KCSD). On Saturday morning the district showed off its new system of tanks and pipelines at 4290 Jessup Road and offered tours. The new system will be in operation shortly.

Keyes' problems with unacceptable high levels of arsenic arose in late 2006 when the district was issued a Notice of Non-Compliance from the California Department of Public Health. Garza said that the quality of Keyes' drinking water had not deteriorated but the Environmental Protection Agency had lowered the maximum allowable contaminant level for arsenic from 50 parts per billion to 10 parts per billion. Three of four Keyes wells were testing at 12 to 14 parts per billion.

The project involved construction of water transmission lines, well upgrades and building the Arsenic Treatment Facility. A seven-day test run of the system showed arsenic numbers were well below eight parts per billion. KCSD has been given approval to start a required 30-day commissioning test for the facility while providing treated water to residents.

Dealing with non-compliance became a major headache for district officials. The firm of Tuckfield & Associates was hired to complete a comprehensive water rate study in 2012 to ensure KCSD had enough financing standing to seek a loan to build a treatment facility. The study revealed that district water rates had to be increased by 26.8 percent to qualify for an \$8 million loan from the State Revolving Fund to pay for most of the project.

An engineering firm designed and produced construction plans while KCSD secured a \$3 million grant and a 30-year interest-free \$5.1 million loan from the state. However, by the time the facility design and construction plans were submitted to and given approval by the state, a few years had passed and the construction costs had risen from \$8.1 million to \$14.9 million – exceeding the district's financial ability. The district's salvation came by consolidating with four private mobile home parks and the Faith Home Teen Ranch located outside of district boundaries whose private wells were also in violation of the federal arsenic standards. The outside owners agreed to partake in the project in exchange for financial support to receive water. The consolidation of private water systems with KCSD system made the treatment project eligible for Proposition 1 grants as a severely financially disadvantaged district. Proposition 1, passed by the voters in 2018, authorized a general obligation bond to provide monies for loans, grants and projects.

The consolidation of the water systems increased the project costs to \$23.4 million which covered engineering, design and construction of water transmission lines to the mobile home parks, upgrades of wells and the construction of the treatment facility. Consolidation also allowed KCSD to snag a \$20 million grant and a \$3.4 million 30-year interest-free loan from the State Revolving Fund.

Garza said the board's decision to consolidate was wise since it only had to borrow \$3.4 million instead of the original \$5.1 million.

"This resulted in a win-win situation for the district as well as for the mobile home parks and teen ranch," he said.

Figure 1

"We are not buying votes," Holland countered. He said that the city expects to qualify for lower-interest project financing by providing service to those properties.

IN THE NEWS – West Side Index, September 5, 2019 (Continued Page 2)

Ultimately, Holland said, the city took the concerns of property owners to heart and brought revisions to the council which benefit landowners.

The revisions give property owners more time to connect to city services as they become available, allow livestock owners to reach agreements with the city to replace non-domestic animals which perish, let landowners retain wells for irrigation purposes, permit roosters within certain parameters and extend the period of time a property owner may be reimbursed for any main water or sewer lines they are required to install.

Holland repeatedly emphasized that, while the policies are needed to establish a framework of guidelines, the city has the ability and intent to utilize discretion and flexibility based on case-by-case circumstances.

Council members voted 4-0, with Laroy McDonald absent, to approve the implementation policy revisions.

"I do understand the property owner concerns. I sympathize with you. This annexation has been going on for a long time. It is not a surprise to anybody," council member Murray Day commented. "It is for the good of the community as a whole. We have made every accommodation that I can possibly see for you to make this as easy a transition for you as possible."

City officials have emphasized that the project does not compel any property owner to sell or develop their land.

Rather, Holland said, Northwest Newman puts the foundation in place for development as the market and landowner interest dictate.

He said the project will ultimately provide job generation, housing and commercial opportunities for the community while developing well-planned neighborhoods rather than piecemeal subdivisions.

And, Holland added, while the annexation may ultimately mean change for property owners it also promises benefits.

"If this doesn't go through, who is going to fix Jensen Road? Who is going to remedy some of those constraints that are already out there? This is a project the city is trying to do the appropriate way," Holland concluded.

Holland said he anticipates the proposed annexation going to the county's Local Agency Formation Commission, better known as LAFCO, in October.

MEMORANDUM

DATE: September 25, 2019
TO: LAFCO Commissioners
FROM: Sara Lytle-Pinhey, Executive Officer
SUBJECT: **Proposed LAFCO Meeting Calendar for 2020**

RECOMMENDATION

Staff recommends that the Commission accept the proposed 2020 LAFCO Meeting Calendar

BACKGROUND

Each year, the Commission considers the following year's regular meeting calendar. The Commission's regular meetings occur on the fourth Wednesday of each month, with the exception of the November and December meetings that are combined due to the holidays and held on the first Wednesday in December. The calendar includes holidays and CALAFCO educational opportunities (staff workshop and annual conference) for the Commission's information.

Attachment: Proposed LAFCO 2020 Meeting Calendar

LAFCO CALENDAR FOR 2020

REGULAR MEETING TIME: 6:00 P.M.

JANUARY							FEBRUARY							MARCH							APRIL						
Su	M	Tu	W	Th	Fr	Sa	Su	M	Tu	W	Th	Fr	Sa	Su	M	Tu	W	Th	Fr	Sa	Su	M	Tu	W	Th	Fr	Sa
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5	6	7	8	9	10	11	2	3	4	5	6	7	8	8	9	10	11	12	13	14	5	6	7	8	9	10	11
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19	20	21	22	23	24	25	16	17	18	19	20	21	22	22	23	24	25	26	27	28	19	20	21	22	23	24	25
26	27	28	29	30	31		23	24	25	26	27	28	29	29	30	31					26	27	28	29	30		
MAY							JUNE							JULY							AUGUST						
Su	M	Tu	W	Th	Fr	Sa	Su	M	Tu	W	Th	Fr	Sa	Su	M	Tu	W	Th	Fr	Sa	Su	M	Tu	W	Th	Fr	Sa
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3	4	5	6	7	8	9	7	8	9	10	11	12	13	5	6	7	8	9	10	11	2	3	4	5	6	7	8
10	11	12	13	14	15	16	14	15	16	17	18	19	20	12	13	14	15	16	17	18	9	10	11	12	13	14	15
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24	25	26	27	28	29	30	28	29	30					26	27	28	29	30	31		23	24	25	26	27	28	29
31																					30	31					
SEPTEMBER							OCTOBER							NOVEMBER							DECEMBER						
Su	M	Tu	W	Th	Fr	Sa	Su	M	Tu	W	Th	Fr	Sa	Su	M	Tu	W	Th	Fr	Sa	Su	M	Tu	W	Th	Fr	Sa
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13	14	15	16	17	18	19	11	12	13	14	15	16	17	15	16	17	18	19	20	21	13	14	15	16	17	18	19
20	21	22	23	24	25	26	18	19	20	21	22	23	24	22	23	24	25	26	27	28	20	21	22	23	24	25	26
27	28	29	30				25	26	27	28	29	30	31	29	30						27	28	29	30	31		



LAFCO MEETINGS – REGULAR TIME: 6:00 P.M.

(4TH WEDNESDAY OF EVERY MONTH, WITH THE EXCEPTION OF NOVEMBER & DECEMBER, WHICH ARE COMBINED AND HELD ON THE 1ST WEDNESDAY IN DECEMBER)



HOLIDAYS



CALAFCO STAFF WORKSHOP – NEWPORT BEACH (March 25th-27th)
CALAFCO ANNUAL CONFERENCE – MONTEREY (October 21st – 23rd)

* MARCH'S REGULARLY SCHEDULED MEETING IS TENTATIVE, AS THE CALAFCO STAFF WORKSHOP OVERLAPS THE MEETING DATE.

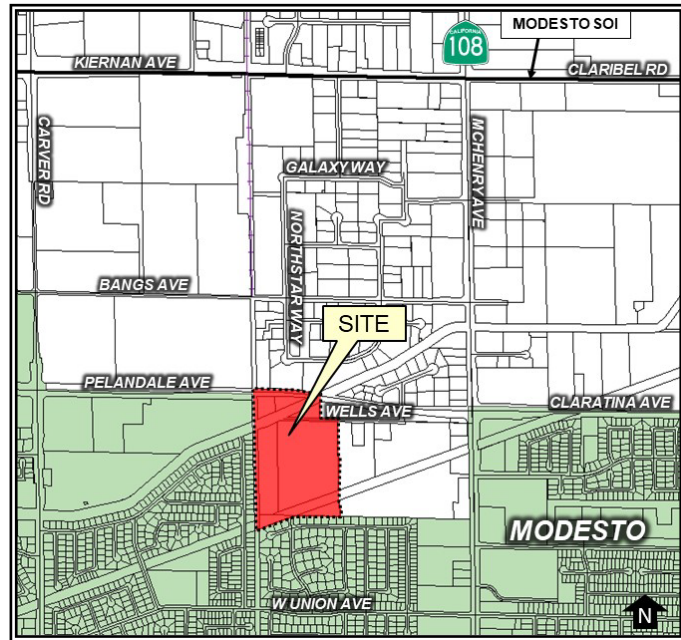
**EXECUTIVE OFFICER'S AGENDA REPORT
SEPTEMBER 25, 2019**

**LAFCO APPLICATION NO. 2019-08 –
WELLS AVENUE REORGANIZATION TO
THE CITY OF MODESTO**

PROPOSAL

The proposed project is a request to annex approximately 35 acres located south of Pelandale Avenue and west of McHenry Avenue to the City of Modesto and simultaneously detach the area from the Salida Fire Protection District. The annexation is within the City's Sphere of Influence and is meant to accommodate future residential development.

1. Applicant: City of Modesto
2. Location: The project site is located south of Pelandale Avenue and west of McHenry Avenue, adjacent to City and within its current Sphere of Influence. (See Exhibit A – Map & Legal Description.)
3. Parcels Involved and Acreage:
The project includes approximately 35 acres and includes seven Assessor's parcels (APNs: 046-005-008, 018, 019, 046-004-011, 021, 046-009-001 & 046-005-006). Please see Exhibit A – Map and Legal Description.
4. Reason for Request: The proposed annexation will allow for new residential development of approximately 70 to 132 dwelling units within the City of Modesto.



BACKGROUND

The proposed annexation consists of seven parcels. Four of the parcels are publicly owned, with the remaining three parcels to be developed totaling approximately 24 acres. Including adjacent street right-of-way, the annexation area is 35.2 acres total. The proposed annexation area was pre-zoned as Planned Development by the City of Modesto (attached as Exhibit B).

The purpose of the annexation is to allow residential development on the privately-owned parcels of approximately 70 to 132 dwelling units. The development is expected to consist of a gated, single family detached subdivision with a drainage basin and open space.

ENVIRONMENTAL REVIEW

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

documentation prepared by the City of Modesto (attached as Exhibit C).

FACTORS

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires several factors to be considered by a LAFCO when evaluating a proposal. The following discussion pertains to the factors, as set forth in Government Code Section 56668:

- a. Population and population density; land area and land use; 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 vacant land and a drainage basin. It has been pre-zoned by the City for Planned Development which will include low-density residential.

The City currently has a Master Property Tax Agreement with the County and further entered into the North McHenry Corridor Agreement, which includes the annexation area. The subject territory is located in Tax Rate Areas 109-007 109-009, and 109-027. The current total assessed land value of the territory is \$881,526.

- 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	Salida Fire Protection District	City of Modesto Fire Dept.
Planning & Building Inspection	Stanislaus County	City of Modesto
School District	Modesto City Schools	Same
Water (Potable)	None	City of Modesto
Sewer	None	City of Modesto
Roads	Stanislaus County	City of Modesto
Mosquito Abatement	Eastside Mosquito Abatement	Same

Commission 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. The City and County have a Master Property Tax Agreement approved in 1983 and updated in 1996. The City and County further entered into a tax sharing agreement in 1998 known as the North McHenry Corridor Agreement. The proposed annexation area is within this tax agreement area. 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.*

LAFCO policies and priorities are intended to guide development away from existing prime agricultural lands and encourage development of existing vacant or nonprime agricultural land for urban uses within the existing jurisdiction of a local agency or within the sphere of influence of a local agency. The proposed annexation will have no impact to agricultural lands.

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 residential land use designation in the City's General Plan. The site is vacant and has not been farmed in many years. The majority of the property is classified by the State Department of Conservation as grazing land and existing drainage basins on the site are designated as urban or already impacted lands. The project site is not used for grazing and is substantially surrounded by urban development. No impacts on farmland are expected to occur. As the proposal would not impact agricultural lands, it is considered exempt from the requirement that the applicant prepare a Plan for Agricultural Preservation, consistent with Commission Policy 22.

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

The proposed boundary would include seven (7) Assessor's Parcel Numbers shown on the legal description and map (Exhibit A). The adjacent road right-of-way along Pelandale Avenue, the Virginia Corridor and the Hetch Hetchy right-of-way is also included in the proposed annexation. Staff is recommending that if the Commission approves the annexation, a condition be placed on it to include the additional unincorporated right-of-way

of Pelandale Avenue extending west of the project, as to not create an additional area of alternating jurisdictions along the Pelandale right-of way.

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

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

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

The area is currently zoned by Stanislaus County as A-2-10 (General Agriculture), PI 24 (Planned Industrial), PD 143 (Planned Development) and R-A (Rural Residential). The current County General Plan designations are Urban Transition, Planned Industrial, and Planned Development. The City of Modesto has pre-zoned the territory to Planned Development and designated the area as Residential in its General Plan. The proposed annexation is consistent with the City's General Plan.

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

The territory is 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: Salida Fire Protection District, Eastside Mosquito Abatement District, and the Modesto Irrigation District. Upon annexation, the area will detach from the Salida Fire Protection District and also be removed from the District's Sphere of Influence. (Further discussion regarding detachment from the District can be found in Factor "j".)

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 and pre-zoning for the project.

Salida Fire Protection District

Staff received a letter from William D. Ross on behalf of the Salida Fire Protection District dated August 9, 2019 (Exhibit E). The letter states that the detachment will have a financial impact on the District, citing a prior agreement that the District made with the prior annexation of Kiernan Business Park. The letter also states that changes should be made to the City's municipal service review (MSR) and sphere of influence to be consistent with the proposed annexation.

The Salida Fire Protection District currently collects a special benefit assessment within its territory. According to property tax records, in the prior year, approximately \$30 in assessments were collected from the annexation area. As noted in the District's letter,

during a prior City annexation of the Kiernan Business Park East area, the City and District entered into an agreement to share assessment revenues and services in that annexation area. At that time, the City and District had just entered into the Modesto Regional Fire Authority (known as MRFA), which was later dissolved in 2014. While LAFCO Staff recommends long term planning between the Salida Fire Protection District and City of Modesto for areas that may be affected financially due to future annexations/detachments, it does not appear that this annexation in and of itself will have a significant impact on the District's services. Further, the City of Modesto Fire Department has indicated that it is able to provide service to the proposed site.

The proposed annexation does not require a sphere of influence amendment as the proposal is within the City's existing sphere of influence and primary area. Thus, it also does not necessitate an update to the municipal service review, as would be required prior to or concurrently with a sphere of influence amendment. LAFCO Staff reviewed the City's last municipal service review, updated in 2004, and did not identify any deficiencies in the document related to the City fire services. Additionally, LAFCO staff completed a municipal service review for the fire districts within Stanislaus County in 2016. The fire MSR identified that the future growth of cities and the associated loss of revenue from property taxes, assessments and development fees is an ongoing concern for many fire protection districts. The MSR recommended that districts engage in long-term planning, including the identification of specific areas where there is potential for annexation and/or detachment and an analysis of the financial impacts.

Stanislaus County Environmental Review Committee & Public Works

LAFCO Staff received letters from the Stanislaus County Environmental Review Committee and Department of Public Works regarding orderly development in the North McHenry area and the inclusion of additional road right-of-way. The County requested that the proposed annexation also include the remaining 51.87 acres of unincorporated land adjacent to the proposed annexation directly east of the project site (see Exhibit E). The letter states that without this area, an approximately 780-foot section of Wells Avenue will be considered County-Maintained roadway, but will be carrying primarily City of Modesto traffic.

The County also requested that the City of Modesto annex the full width of Pelandale Avenue from the project site west to Tully Road (inadvertently identified as Carver Road on the map included with their letter). The City is currently maintaining Pelandale Avenue pursuant to a joint powers agreement. This would prevent the road from being in multiple jurisdictions west of the site, if the annexation is approved in its current form.

Modesto Irrigation District

Staff received a letter from the Modesto Irrigation District (Exhibit E). The letter provided locations of Modesto Irrigation District facilities located on the project site and specified requirements and standards needed prior to development.

- 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.

Wastewater Collection and Treatment – There is an existing 10-inch sewer main in Pelandale Avenue that terminates just north of MID Lateral #6 on the west side of Modesto's Pelandale Storm Basin. This main is not connected to the downstream wastewater collection system, and is dry. Modesto has a project to extend the North Trunk in Bangs Avenue from Carver Road to Tully Road, including an extension of the 10-inch main in Tully Road and connection to the North Trunk extension, which is anticipated to be completed by the end of 2019. These pipelines would serve the annexation area and have adequate capacity to do so. The project proponent will be required to extend the 10-inch main under MID Lateral #6 and connect to the existing 6-inch main in Detroit Lane, to serve both future residential development and adjacent commercial and industrial area.

Storm Drainage – Future residential development will be required to address storm water drainage on site. Drainage from public roadways is being captured in existing storm drainage basins.

Water Delivery – The City of Modesto has existing 10-inch water mains in Detroit Lane and Crocus Drive. The project proponent will be required to extend a 10-inch main from Crocus Drive to Detroit Lane, including a crossing of the Hetch Hetchy right-of-way. The City has stated it has adequate water supply to serve the annexation.

Fire Protection Services – The annexation area will detach from the Salida Fire Protection District and will be served by the City of Modesto Fire Department following annexation. Two stations are located near the site. Station No. 7, located at 1800 Mable Avenue, is approximately 2.2 miles east of the site. Station No. 11, located at 4225 Carver Road, is approximately 1.25 miles west of the site. No adverse impacts on staffing or response times are expected to occur with this annexation.

Police Protection – The area will be served by the City of Modesto Police Department. The Police Department has not expressed any concerns with impacts to staffing or response times upon annexation.

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

As mentioned in the previous section, water connections are present north and south of the project site in Detroit Lane and Crocus Drive. 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 will provide approximately 70 to 132 dwelling units within the City of Modesto 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 no registered voters within the affected territory.

Staff received a phone call from a property manager at McHenry Manor Mobile Home Park, located east of the annexation proposal along McHenry Avenue. The property manager had questions about the proposed annexation and had concerns with potential sewer connection fees, should the Mobile Home Park have to annex in the future. No additional comments have been received at the time of this staff report.

o. Any information relating to existing land use designations.

As mentioned previously, the property is currently zoned A-2-10 (General Agriculture), PI 24 (Planned Industrial), PD 143 (Planned Development) and R-A (Rural Residential). The current General Plan designation is Urban Transition, Planned Industrial, and Planned Development. The City of Modesto has been pre-zoned the territory to Planned Development and is designated as Residential in its General Plan.

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

As defined by Government Code §56668, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services. There is no documentation or evidence suggesting the proposal will have a measurable effect for or against promoting environmental justice.

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

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

DISCUSSION

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

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

During the initial stages of the proposal, LAFCO Staff met with the City Staff and the project's representatives to discuss the proposed annexation boundaries. Staff recommended that the

proposal include the additional parcels east of the proposed residential development in order to create a more logical City boundary in the area. This recommendation as also included in a written response to the City's referral for the project. Staff noted that with the annexation of the Modesto Mobile Home Park (approved by the Commission earlier this year), approximately 50 acres of unincorporated territory would remain, surrounded by three sides of the City, just southwest of McHenry and Pelandale Avenues. The letter recommended inclusion of the entire area, consistent with Commission Policy 20, as described above.

Based on Policy 20, consistency with the goals of the Cortese-Knox-Hertzberg Act, and the letters from the Stanislaus County Environmental Review Committee & Department of Public Works, LAFCO Staff continues to recommend inclusion of the unincorporated area directly east of the project site to McHenry Avenue to create a more logical boundary. Inclusion of this additional territory in the application provides the opportunity for existing residents and property owners in the area to voice their opinion on the annexation. Should the Commission agree that the additional territory should be included in the application Staff recommends that the Commission deny the proposal in its current form "without prejudice" to allow the proponent to make a revised application without delay.

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 deny the proposal without prejudice and adopt Resolution 2019-18 Option 2 (attached as Exhibit F) which:

1. Denies the proposal without prejudice in order to allow the applicant to return with a modified application to include the entire area south of Pelandale Avenue.

Should the Commission approve the proposal, Staff recommends the Commission adopt Resolution 2019-18 Option 1 (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. Conditions the annexation upon submittal of a revised legal description that includes Pelandale Avenue road right-of-way adjacent to the proposal and westerly to Tully Road; and,
5. Approves LAFCO Application No. 2019-08 – Wells Avenue Reorganization to the City of Modesto subject to the standard conditions as outlined in the resolution.

Respectfully submitted,

Javier Camarena

Javier Camarena
Assistant Executive Officer

Attachments - Exhibit A: Map and Legal Description (pg. 11)
Exhibit B: City of Modesto Resolutions 2019-238 & 239 (pg. 19)
Exhibit C: City's Environmental Documentation & Notice of Determination (pg. 39)
Exhibit D: Plan for Services (pg. 105)
Exhibit E: Comment Letters (pg. 111)
Exhibit F: Draft LAFCO Resolution No. 2019-18 (Option 1 & 2) (pg. 139)

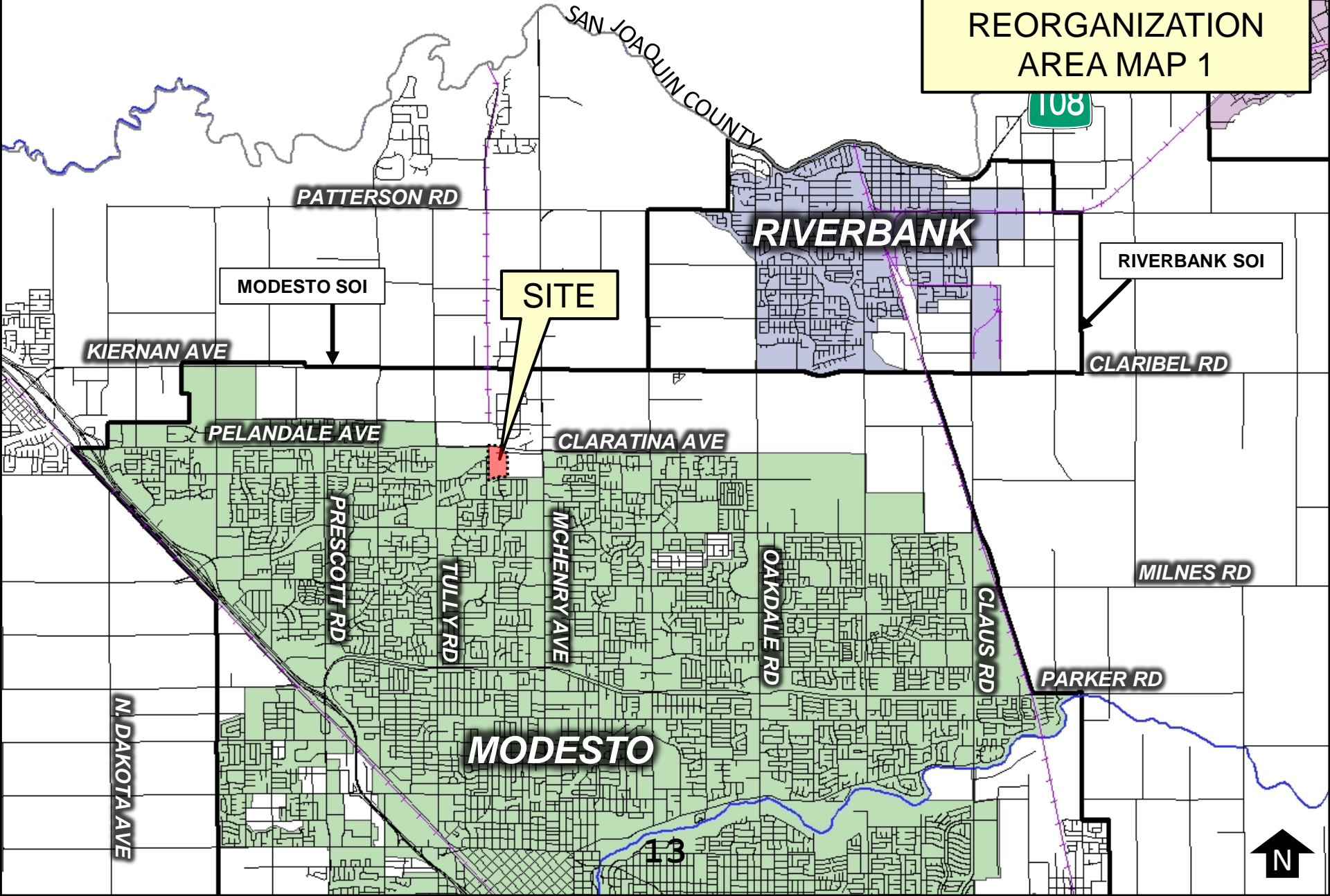
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EXHIBIT A

Map and Legal Description

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LAFCO APP. 2019-08
WELLS AVENUE
REORGANIZATION
AREA MAP 1



LAFCO APP. 2019-08
WELLS AVENUE
REORGANIZATION
AREA MAP 2



MODESTO SOI

KIERNAN AVE

CLARIBEL RD

CARVER RD

GALAXY WAY

MC HENRY AVE

COFFEE RD

BANGS AVE

NORTHSTAR WAY

SITE

PELANDALE AVE

WELLS AVE

CLARATINA AVE

MODESTO

W UNION AVE

14

ROSELLE AVE

N

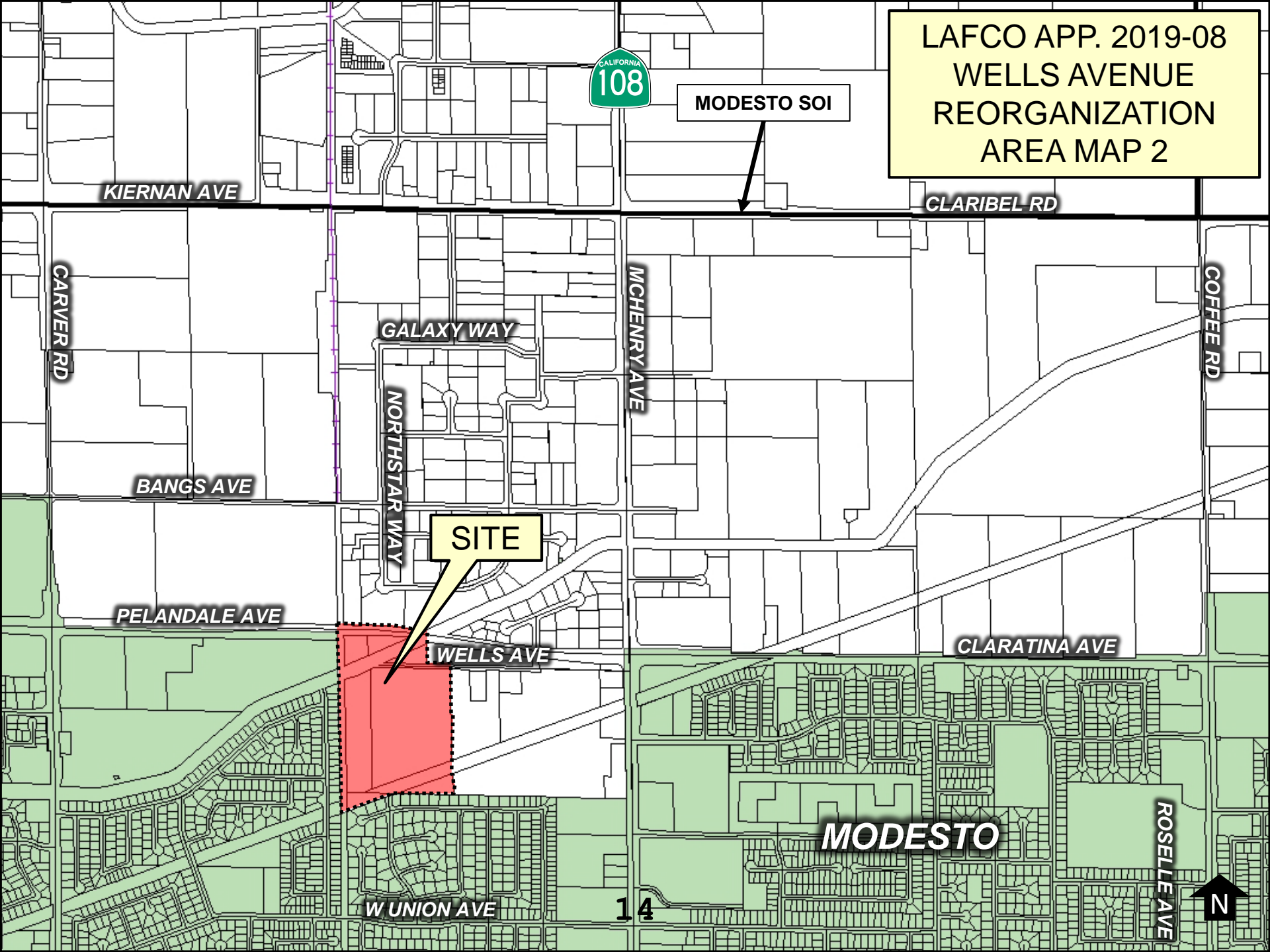


EXHIBIT A

ANNEXATION NO. 2019-__ TO THE CITY OF MODESTO

LEGAL DESCRIPTION

All that portion of the South half of Section 5, Township 3 South, Range 9 East, Mount Diablo Meridian, Stanislaus County, State of California, described as follows:

COMMENCING at the Southeast corner of said Section 5; thence North 88°48'27" West along the South line of said Section 5 and existing Northerly Limit line of the City of Modesto, a distance of 1643.22 feet to the Southeast corner of Parcel 1 described in that certain Grant Deed recorded as Document No. 2009-0122748, and the Northerly line of map entitled "Bloomfield No. 2 recorded as Book 26 of Maps, Page 76" both Stanislaus County Records, and **THE POINT OF BEGINNING** of this description;

- (1) along the Northerly line of said existing Northerly Limit line of the City of Modesto and Northerly line of said "Bloomfield No. 2, North 88°48'27" West 517.83 feet to the Southeasterly line of 110-ft Hetch-Hetchy right of way;
- (2) South 70°09'11" West along last said line, a distance of 532.47 feet to the Easterly segment of the existing Limit line of the City of Modesto and the Easterly line of Wesson Place Subdivision recorded as Book 30 of Maps, Page 94;
- (3) North 01°11'45" West along last said line a distance of 191.33 feet to the section line common to said Sections 5 and 8;
- (4) North 01°10'52" West along the Easterly line of Wesson ESTATES NO. 3 Subdivision per Book 27 of Maps, Page 95, Stanislaus County Records, a distance of 1527.85 feet to the Northerly line of 100-ft Pelandale Avenue as shown on Book 52 of Parcel Maps, Page 59, Stanislaus County Records;
- (5) along the Northerly line of said Pelandale Avenue South 88°44'27" East 212.20 feet to beginning of a tangent curve concave to the South having a radius of 5067.50;
- (6) continue along the Northerly line of said Pelandale Avenue and along said curve through a central angle of 06°54'52" an arc distance of 611.55 feet;
- (7) leaving last said line South 01°11'53" West along the Easterly line of Lot "A" and its Northerly extension as shown on Book 33 of Maps, Page 17, Stanislaus County Records, a distance of 303.11 feet to the Northerly line of 40-ft Wells Avenue;
- (8) along the Northerly line of said Wells Avenue South 88°48'07" East 213.64 feet to the Northerly extension of the Easterly line of said Parcel 1 as per Document No. 2009-0122748;
- (9) South 01°13'57" East along the Northerly extension and the Easterly line of said Parcel 1, a distance of 1186.66 feet to **THE POINT OF BEGINNING**.

See next page ...

EXHIBIT A

ANNEXATION NO. 2019-__ TO THE CITY OF MODESTO

LEGAL DESCRIPTION

Containing a total of 30.14 acres, more or less.

Subject to existing covenants, conditions, restrictions, reservations, rights, rights-of-way, and easements of record.

See Exhibit B attached hereto and made a part hereof.

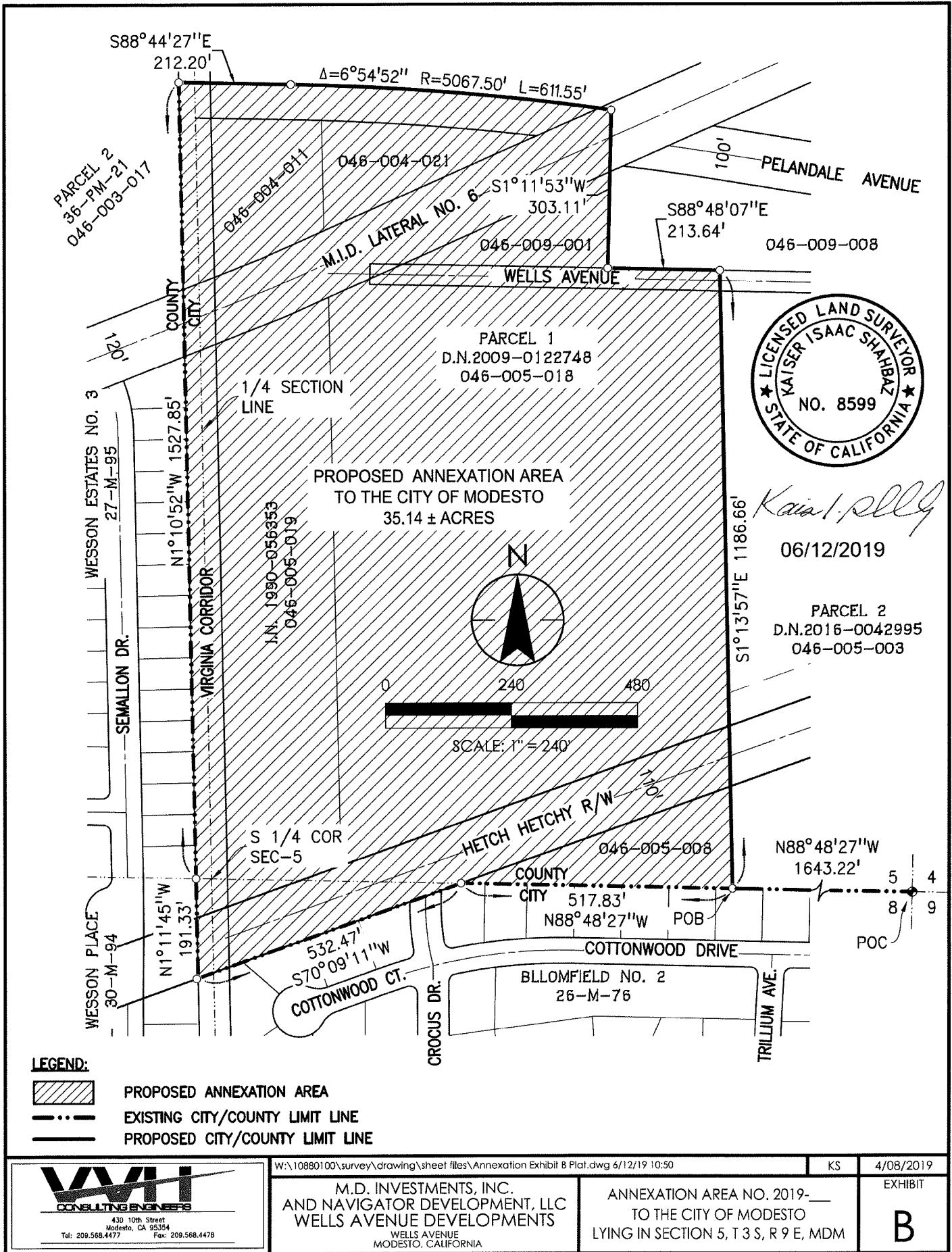


Kaiser Isaac Shahbaz, L. S. 8599

06/12/2019

Date





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EXHIBIT B

**City of Modesto Resolutions
2019-238 & 239**

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**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-239**

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 TO ELIMINATE THE REQUIREMENT TO PREPARE A SPECIFIC PLAN FOR THE PELANDALE / McHENRY COMPREHENSIVE PLANNING DISTRICT, TO PREZONE 35.19 ACRES TO PLANNED DEVELOPMENT (P-D) ZONE, AND TO ANNEX THE SAME AREA TO THE CITY OF MODESTO AND SIMULTANEOUS DETACHMENT FROM THE SALIDA FIRE PROTECTION DISTRICT

WHEREAS, on March 5, 2019, by Resolution 2019-109 ,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, Tesoro Homes and Calandev, LLC, have proposed the Wells Avenue Residential Annexation, consisting of annexation to the City of Modesto and the simultaneous detachment from the Salida Fire Protection District of 35.19 acres located west of McHenry Avenue and south of Pelandale Avenue, and

WHEREAS, pursuant to Section 21157.1 of the Public Resources Code, the City of Modesto’s Community & Economic Development Department prepared an Environmental Assessment Initial Study EA/C&ED 2019-08 (“Initial Study”) which analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report, and

WHEREAS, in accordance with CEQA guidelines beginning on April 24, 2019, the City caused to be published a 20-day notice of the City’s intent to make a finding that the subsequent project conforms with the Master EIR, and

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2019, by Councilmember Ridenour, 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: Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: All You

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-237**

**RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED
DEVELOPMENT ZONE, P-D(607)**

WHEREAS, a verified application for an amendment to Sections 5-3-9 and 8-3-9 of the Zoning Map was filed by Tesoro Homes and Calandev, LLC, on November 19, 2018, to prezone property in the unincorporated area west of McHenry Avenue and south of Pelandale Avenue to Planned Development zone, P-P-D(607), in order to allow for the annexation of said property, to provide for the subsequent development of single family residences in a gated subdivision on said properties, property located west of McHenry Avenue and south of Pelandale Avenue, described as follows:

Prezone to P-P-D(607)

All that portion of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 5, Township 3 South, Range 9 East, and a portion of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 5, Township 3 South, Range 9 East, Mount Diablo Meridian, being more particularly described as follows:

BEGINNING at the southwest corner of Lot "A" as shown on that map filed in Volume 52 of Parcel Maps at Page 18, Stanislaus County Records, thence commencing the following ten courses:

1. South $88^{\circ} 44' 29''$ East, a distance of 182.2 feet, thence;
2. A Tangent Curve with a radius of 5067.5 feet, arc length of 588.27 feet, and chord bearing South $85^{\circ} 24' 57''$ East, said curve being along the northerly Right-of-Way line of Pelandale Avenue and the southern lot line of the Remainder parcel as shown on that map filed in Volume 49 of Parcel Maps at Page 88, Stanislaus County Records, thence;
3. South $0^{\circ} 38' 19''$ West, a distance of 118.99 feet to a point at the north corner of Lot "A" as shown on that map filed in Volume 33 of Maps at Page 17, Stanislaus County Records, thence;
4. South $1^{\circ} 11' 49''$ East, a distance of 184.23 feet to a point at the southeast corner of aforementioned Lot "A" thence;
5. South $88^{\circ} 48' 11''$ East, a distance of 215.08 feet, thence;
6. South $1^{\circ} 31' 0''$ East a distance of 1186.82 feet, thence;
7. North $88^{\circ} 48' 26''$ West, a distance of 524.89 feet, thence;

8. South 70° 11' 8" West, a distance of 535.66 feet, thence;
9. North 1° 5' 32" West, a distance of 1725.34 feet, thence;
10. South 83° 31' 18" East, a distance of 60.54 feet to the Point of Beginning.

Containing 35.19 Acres, more or less.

WHEREAS, after a public hearing held on April 15, 2019, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2019-13, that rezoning of the property as requested will not be detrimental to the public health, safety or welfare because the prezone of unincorporated area to Planned Development (P-P-D(607)) would provide for development that is compatible with adjacent residential and storage uses, the requested zone change will result in an orderly planned use of land because it would facilitate the development of a gated single family residential development that is compatible with adjacent residential and storage uses, and the requested zone change is in accordance with the community objectives as set forth in the Modesto Urban Area General Plan and any applicable specific plans(s) because the allowed use of the Planned Development (P-P-D(607)) Zone is consistent with the site's General Plan Land Use Designation of Residential, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on May 14, 2019, 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, and

WHEREAS, after said public hearing the Council found and determined that the application of Tesoro Homes and Calandev, LLC, for a Planned Development Zone will not be detrimental to the public health, safety or welfare, will result in an orderly planned

use of land, and is in accordance with the community objectives as set forth in the Modesto Urban Area General Plan and any applicable specific plans(s) for the reasons set forth in Planning Commission Resolution No. 2019-13 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3695-C.S. on the 14th day of May, 2019, rezoning the above-described property, to Planned Development Zone, P-P-D(607).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. DEVELOPMENT PLAN. Following annexation, but prior to development, the Applicants shall apply for and receive Planning Commission approval for a Planned Development amendment, to satisfy the requirements of Title 10, Chapter 7, Sections 101 – 109 of the Modesto Municipal Code.

2. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 1 of Chapter 7 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

3. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(607), becomes effective.

BE IT FURTHER RESOLVED that the conditions of project approval set forth herein include certain fees, dedication requirements, reservations requirements, and other exactions, and that pursuant to Government Code Section 66020(d)(1), these conditions

constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions.

BE IT FURTHER RESOLVED that the applicant is hereby further notified that the ninety (90) days approval period in which a protest of these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a) can be filed, begins on May 14, 2019, and that if a protest is not filed within this ninety (90)-day period complying with all of the requirements of Section 66020, the applicant will be legally barred from later challenging such exactions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2019, by Councilmember Ridenour, 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: Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST:

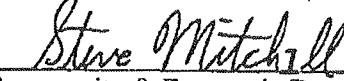

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

APPROVED AS TO LEGAL DESCRIPTION

By: 
Community & Economic Development Department
Planning Division

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-238**

RESOLUTION APPROVING THE FILING OF AN APPLICATION WITH THE STANISLAUS LOCAL AGENCY FORMATION COMMISSION FOR THE WELLS AVENUE RESIDENTIAL REORGANIZATION CONSISTING OF ANNEXATION TO THE CITY OF MODESTO AND SIMULTANEOUS DETACHMENT FROM THE SALIDA FIRE PROTECTION DISTRICT OF APPROXIMATELY 35.19 ACRES LOCATED WEST OF MCHENRY AVENUE AND SOUTH OF PELANDALE AVENUE (TESORO HOMES AND CALANDEV, LLC—UNINHABITED)

WHEREAS, Tesoro Homes and Calandev, LLC (“Applicants”), are the owners of approximately 24 acres of real property, located west of McHenry Avenue and south of Pelandale Avenue and the remaining approximately 11.2 acres of real property are owned by public agencies (“Property”), and

WHEREAS, the City has received a request from the Applicants to initiate reorganization of the Property and adjacent right-of-way on Pelandale Avenue, a total of approximately 35.19 acres, for annexation to the City of Modesto and simultaneous detachment from the Salida Fire Protection District under the Cortese-Knox-Hertzberg Local Reorganization Act of 2000, California Government Code Section 56000, et seq., and

WHEREAS, the Resolution of Application is proposed pursuant to the Cortese-Knox-Hertzberg Local Reorganization Act of 2000, California Government Code Section 56000, et seq, and

WHEREAS, the Property proposed for reorganization is uninhabited as defined by Government Code Section 56079.5 (fewer than twelve registered voters), and a description of the boundaries of the subject Property is set forth in **Exhibits “A” and “B”, attached** hereto and by this reference incorporated herein, and

WHEREAS, the Property proposed for reorganization is within Stanislaus County, is contiguous to the existing City limits, and is within the Sphere of Influence of the City of Modesto as adopted by LAFCO, and

WHEREAS, the property has been rezoned to Planned Development (P-P-D(607)) with a Residential land use designation, and

WHEREAS, the proposed Property is not subject to a Williamson Act contract, and

WHEREAS, the proposed Property is covered by the North McHenry Corridor Agreement that address tax sharing entered into between the County of Stanislaus and City of Modesto which was approved on December 8, 1998, and

WHEREAS, the reorganization area received a Measure M advisory vote approval in November 1999, and

WHEREAS, the reasons for this proposed reorganization are as follows:

1. The proposed reorganization is consistent with the Urban Area General Plan and can be serviced by City services;
2. The proposed reorganization will result in planned, orderly and efficient development of the area and provision for services; 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 April 15, 2019, 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. 2019-14, 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 simultaneously detach the Property from the Salida Fire Protection District, and

WHEREAS, said matter was set for public hearing of the City Council to be held on May 14, 2019, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed annexation.

NOW, THEREFORE, the Council of the City of Modesto hereby finds and determines as follows:

1. The Property has been rezoned to Planned Development (P-P-D(607)) with a Residential land use designation.
2. The requested reorganization will result in an orderly and logical addition of land because would facilitate the development of a gated single family residential development that is compatible with adjacent residential and storage uses.
3. The Property is located within Stanislaus County, within the City's adopted Sphere of Influence, is contiguous to the existing City limits and can be most efficiently served with City services.
4. The Property proposed to be annexed to the City of Modesto is uninhabited as defined by Government Code Section 56079.5 (fewer than twelve registered voters) and a description of the boundaries of the subject Property is set forth in **Exhibits "A" and "B", attached hereto and by this reference incorporated herein.**
5. The Property is covered by the North McHenry Corridor 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 December 8, 1998.

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 simultaneously detach of the Property from the Stanislaus Consolidated Fire Protection District.

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 14th day of May, 2019, by Councilmember Ridenour, 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: Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvoid

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

APPROVED AS TO LEGAL DESCRIPTION


By: 
Community & Economic Development Department
Planning Division

EXHIBIT "A"

LEGAL DESCRIPTION

WELLS AVENUE RESIDENTIAL REORGANIZATION TO THE CITY OF MODESTO

All that portion of the Southwest ¼ of the Southeast ¼ of Section 5, Township 3 South, Range 9 East, and a portion of the Northwest ¼ of the Southeast ¼ of Section 5, Township 3 South, Range 9 East, Mount Diablo Meridian, being more particularly described as follows:

BEGINNING at the southwest corner of Lot "A" as shown on that map filed in Volume 52 of Parcel Maps at Page 18, Stanislaus County Records, thence commencing the following ten courses:

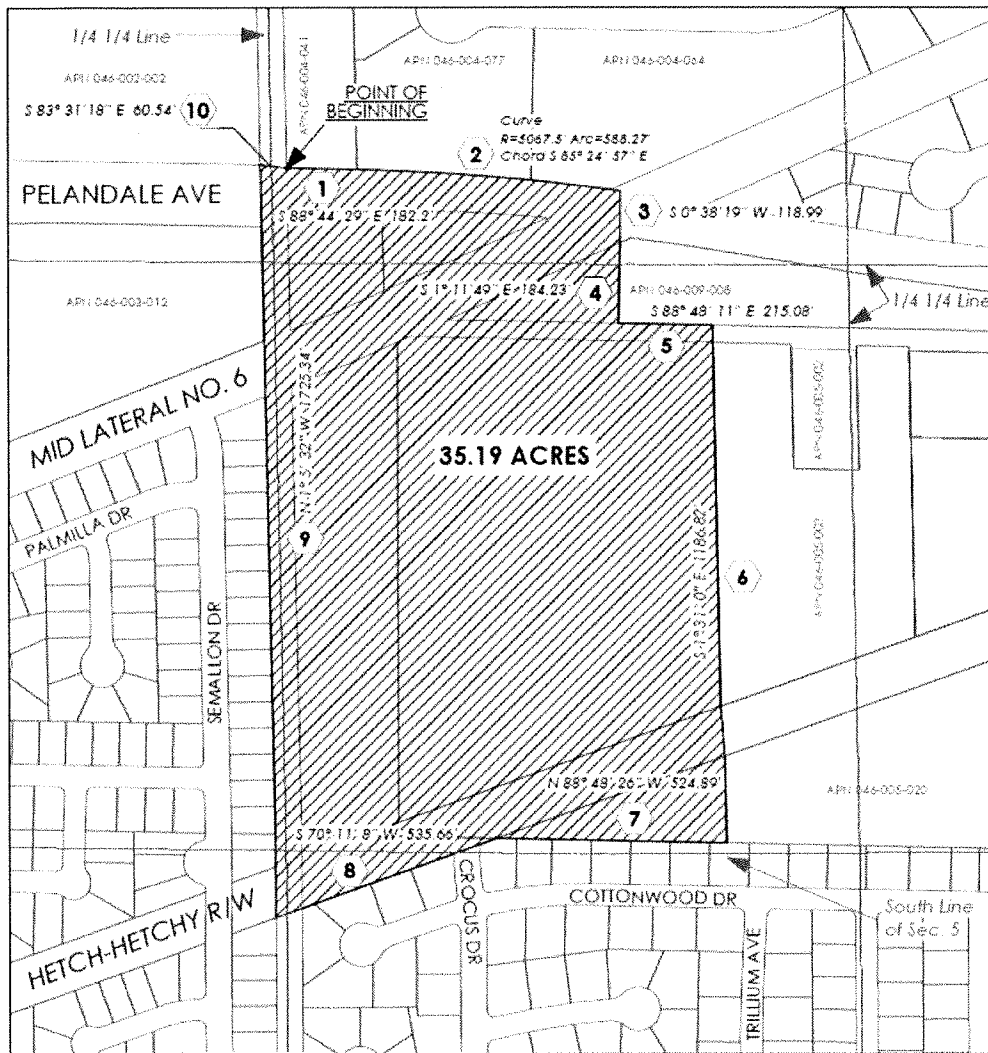
1. South 88° 44' 29" East, a distance of 182.2 feet, thence;
2. A Tangent Curve with a radius of 5067.5 feet, arc length of 588.27 feet, and chord bearing South 85° 24' 57" East, said curve being along the northerly Right-of-Way line of Pelandale Avenue and the southern lot line of the Remainder parcel as shown on that map filed in Volume 49 of Parcel Maps at Page 88, Stanislaus County Records, thence;
3. South 0° 38' 19" West, a distance of 118.99 feet to a point at the north corner of Lot "A" as shown on that map filed in Volume 33 of Maps at Page 17, Stanislaus County Records, thence;
4. South 1° 11' 49" East, a distance of 184.23 feet to a point at the southeast corner of aforementioned Lot "A" thence;
5. South 88° 48' 11" East, a distance of 215.08 feet, thence;
6. South 1° 31' 0" East a distance of 1186.82 feet, thence;
7. North 88° 48' 26" West, a distance of 524.89 feet, thence;
8. South 70° 11' 8" West, a distance of 535.66 feet, thence;
9. North 1° 5' 32" West, a distance of 1725.34 feet, thence;
10. South 83° 31' 18" East, a distance of 60.54 feet to the Point of Beginning.

Containing 35.19 Acres, more or less.

APNs 046-004-011, 046-004-021, 046-009-001, 046-005-008, 046-005-018,
046-005-019, 055-036-016

EXHIBIT “B”

**MAP FOR LEGAL DESCRIPTION
WELLS AVENUE RESIDENTIAL REORGANIZATION
TO THE CITY OF MODESTO**



ANX-18-001

PLAT TO ACCOMPANY LEGAL DESCRIPTION EXHIBIT "B"

Being a portion of the Southwest 1/4 of the Southeast 1/4
and a portion of the Northwest 1/4 of the Southeast 1/4
of Section 5, Township 3 South, Range 9 East,
Mount Diablo Meridian



Community and Economic Development
Planning Division
April 5, 2017

EXHIBIT "C"

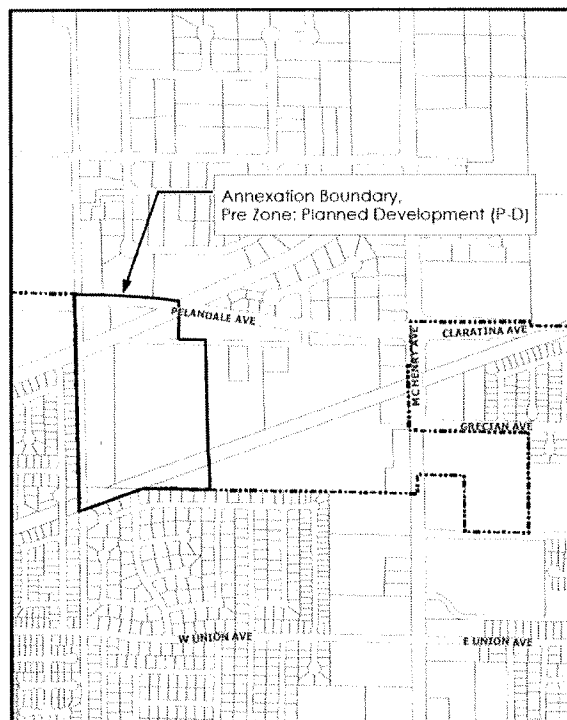
PLAN FOR SERVICES

WELLS AVENUE RESIDENTIAL REORGANIZATION TO THE CITY OF MODESTO

Background:

The Wells Avenue Residential Annexation area consists of seven parcels located west of McHenry Avenue and south of Pelandale Avenue. Four of the parcels are publicly owned, with the remaining three parcels to be developed, totaling approximately 24 acres. Including adjacent street right-of-way, the annexation area is 35.2 acres total. The proposed annexation area was prezoned as Planned Development (P-P-D).

The purpose of the annexation is to allow residential development on the privately owned parcels. Although the project proponent is not ready to develop the site at this time, the eventual proposal is expected to consist of a gated, single family detached subdivision with a drainage basin and open space.



Pursuant to Government Code Section 56653, the following Plan for Services to be extended to the affected territory has been prepared for the Wells Avenue Residential Annexation to the City of Modesto:

A. Project Area and Service Agreements

1. Traffic and Circulation: The annexation area is bounded by City of Modesto jurisdiction to the west and south. No roadway dedication or improvements are required as a part of the annexation. Transit services are provided by the Modesto Area Express (MAX), which has three routes in the vicinity of the property along McHenry Avenue, Tully Road, and Standiford Avenue.
2. Waste Water Collection: There is an existing 10-inch sewer main in Pelandale Avenue that terminates just north of MID Lateral #6 on the west side of Modesto's Pelandale Storm Basin. This main is not connected to the downstream waste water collection system, and is dry. Modesto has a project to extend the North Trunk in Bangs Avenue from Carver Road to Tully Road, including an extension of the 10-inch main in Tully Road and connection to the North Trunk extension, which is anticipated to be completed by the end of 2019. These pipelines would serve the annexation area and have adequate capacity to do so. The project proponent will be required to extend the 10-inch main under MID Lateral #6 and connect to the existing 6-inch main in Detroit Lane, to serve both future residential development and adjacent commercial and industrial areas.
3. Water Delivery: Modesto has existing 10-inch water mains in Detroit Lane and Crocus Drive. The project proponent will be required to extend a 10-inch main from Crocus Drive to Detroit Lane, including a crossing of the Hetch Hetchy right of way. The City of Modesto has adequate water supply to serve the annexation area.
4. Storm Water Drainage: Future residential development will be required to address its storm water drainage on site. Drainage from public roadways is being captured in existing storm drainage basins.
5. Solid Waste Disposal: The annexation area is not developed and has no need for 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 will detach from Salida Fire Protection District and be served by the Modesto Fire Department following annexation. Two fire stations are located near the site. Station No. 7, located at 1800 Mable Avenue, is approximately 2.2 miles east of the site. Station No. 11, located at 4225 Carver Road, is approximately 1.25 miles west 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 waste water collection and water delivery 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. Additional funding for services will be financed through utility and service fees, property tax revenues, and the general fund.

EXHIBIT C

City of Modesto Environmental Documentation & Notice of Determination

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City of Modesto

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

Initial Study Environmental Checklist C&ED No. 2019-08

For the proposed:

**Wells Avenue Residential Annexation and
General Plan Amendment**

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

April 5, 2019

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City of Modesto

Master EIR Initial Study Environmental Checklist

I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City's Master Environmental Impact Report ("Master EIR"). This Initial Study Environmental Checklist ("Initial Study") is used in determining whether the Wells Avenue Residential Annexation and general plan amendment is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2014042081) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a Finding of Conformance.

A subsequent project is "within the scope" of the Master EIR when:

1. it will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and,
2. no new or additional mitigation measures or alternatives are required.

"Additional significant effects" means a project-specific effect that was not addressed as a significant effect in the Master EIR. [Public Resources Code Section 21158(d)]

The determination must be based on substantial evidence in the record. "Substantial evidence" means facts, reasonable assumptions predicated upon facts, or expert opinion based on facts. It does not include speculation or unsubstantiated opinion. (CEQA Guidelines Section 15384)

II. PROJECT DESCRIPTION

- A. Title: Wells Avenue Residential Annexation and General Plan Amendment
- B. Address or Location: west of McHenry Avenue and south of Pelandale Avenue
- C. Applicant: Tesoro Homes and Calandev LLC
- D. Project Manager: Cindy van Empel, AICP, CNU-A
Department: Community & Economic Development
Phone Number: 209-577-5267
E-mail address: cvanempel@modestogov.com
- E. Current General Plan Designation(s): R, Residential (Modesto)
UT, Urban Transition; PI, Planned Industrial; PD, Planned Development (Stanislaus County)
- F. Current Zoning Classification(s): A-2-10, PI (24), PD (143) (Stanislaus County)

- G. Surrounding Land Uses:
North: self storage and industrial properties
South: residential development
East: vacant land proposed for mini-storage / RV parking
West: residential development
- 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 is a general plan amendment, prezone, and annexation. The general plan amendment affects the entire Pelandale / McHenry Comprehensive Planning District (CPD), and the prezone and annexation affect approximately 35.19 acres at the western end of that CPD. **Figure 1** illustrates the location of the proposed project.

A general plan amendment is proposed that would eliminate the requirement for preparation of a specific plan for the Pelandale / McHenry CPD and to remove the CPD from the Planned Urbanizing Area and add it to the Baseline Developed Area. **Figure 2** shows the general plan designations in the CPD, reflecting the designations on the adjoining property as they are today and as proposed under a separate application by a different applicant. (City Council will hear this request on April 23.) Other supporting amendments to the General Plan would be made, including changes to Figure III-1 of the General Plan, as shown on **Figure 3**.

The applicant proposes the annexation of seven parcels totaling 35.19 acres within the Sphere of Influence and including roadways and the former Tidewater Southern Railroad right of way to attach to the City of Modesto and Modesto Municipal Sewer District #1 and the simultaneous detachment from the Salida Fire Protection District, as shown on **Figure 5**. Three of these parcels (APNs 046-004-011, 046-004-021, and 046-009-001) are publicly-owned storm drainage basins. Another parcel (APN 155-036-016) is owned by the City and County of San Francisco and is underlain by a portion of the Hetch Hetchy pipelines. The remaining three parcels would be developed as a gated single-family residential subdivision with a storm drain basin and open space.

Figure 5 also shows the area to be prezoned to P-D, Planned Development. A development plan, P-D amendment, and tentative subdivision map will eventually be processed together and heard before Planning Commission and an environmental evaluation specific to the development proposal will be required at that time.

- I. Other Public Agencies Whose Approval is Required: Stanislaus Local Agency Formation Commission, San Francisco Public Utilities Commission.

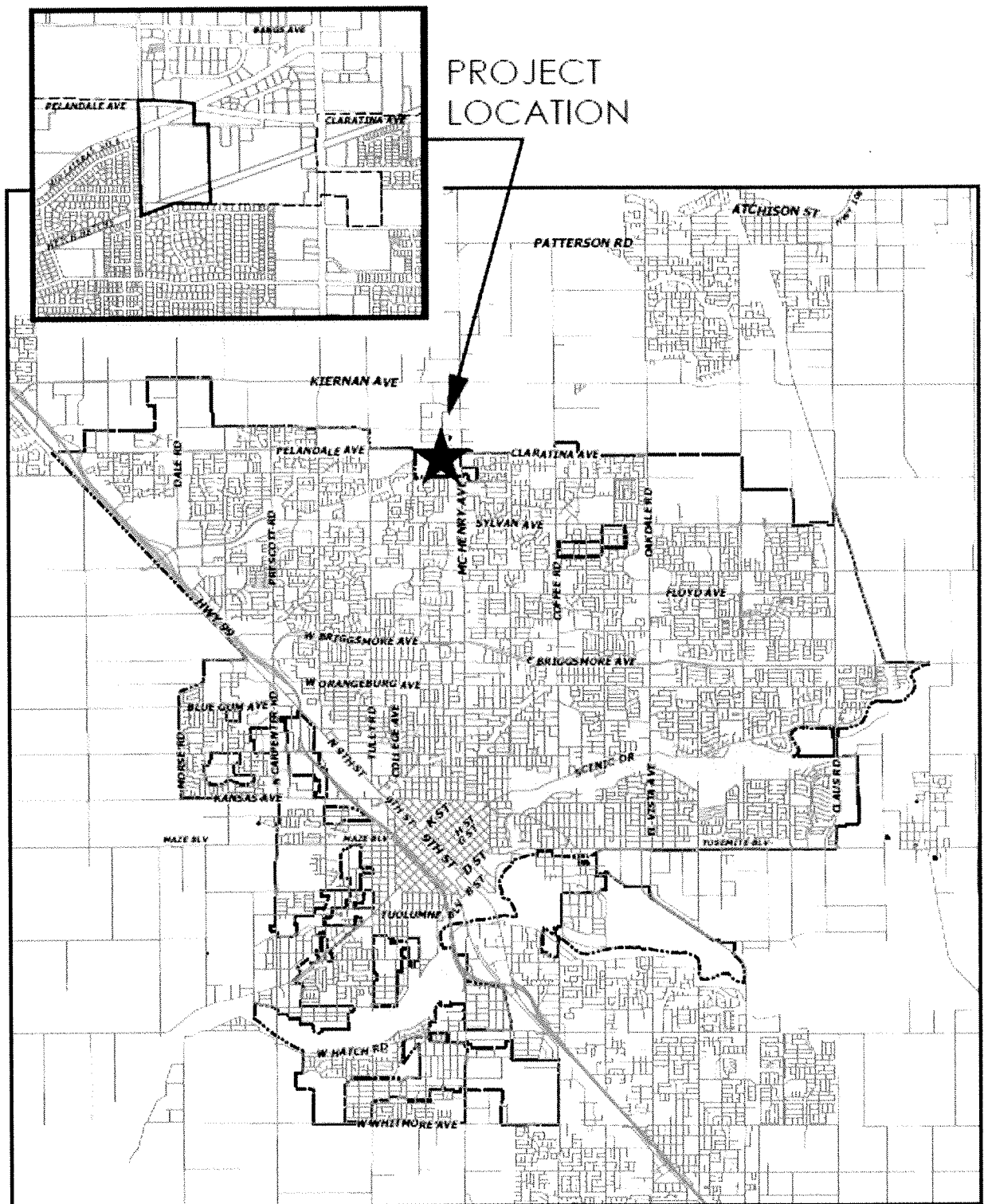
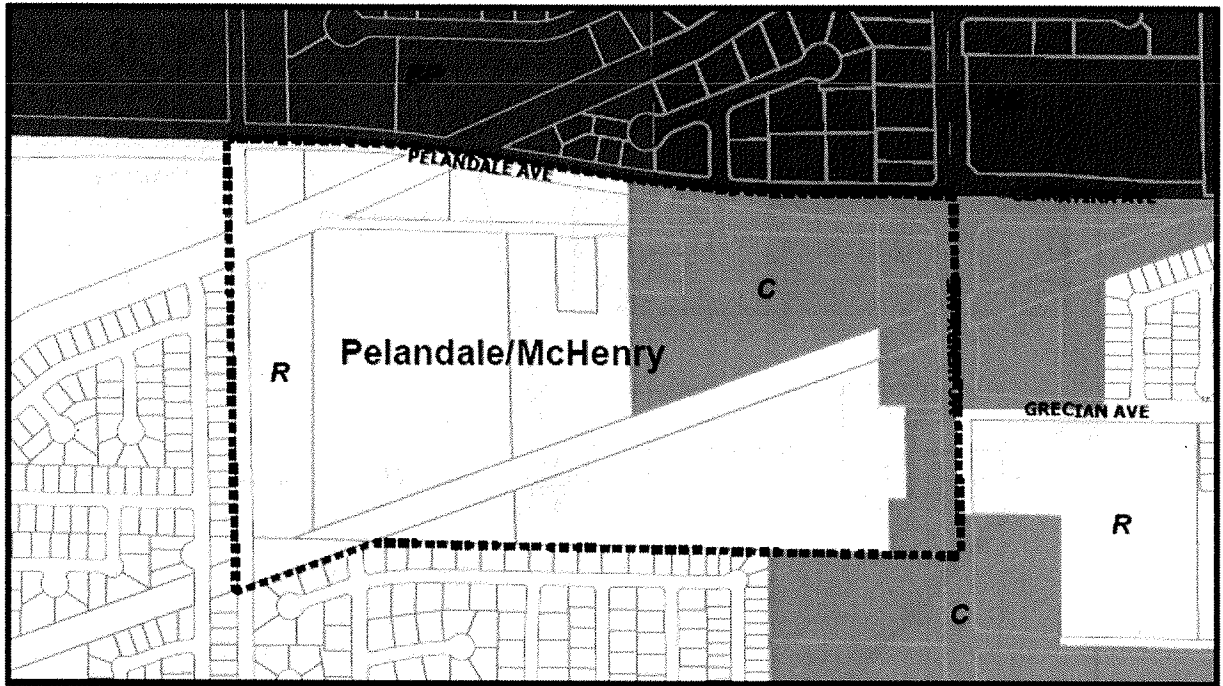


Figure 1:
Vicinity Map



Current Land Use



Land Use After GPA-17-002

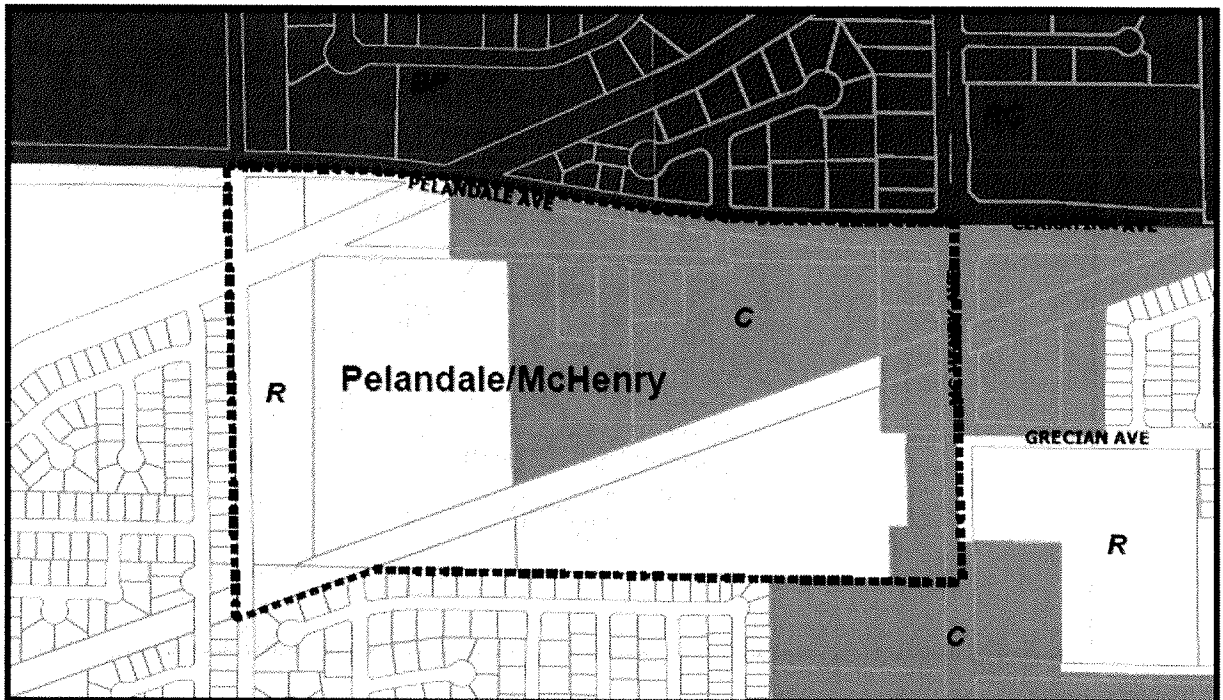
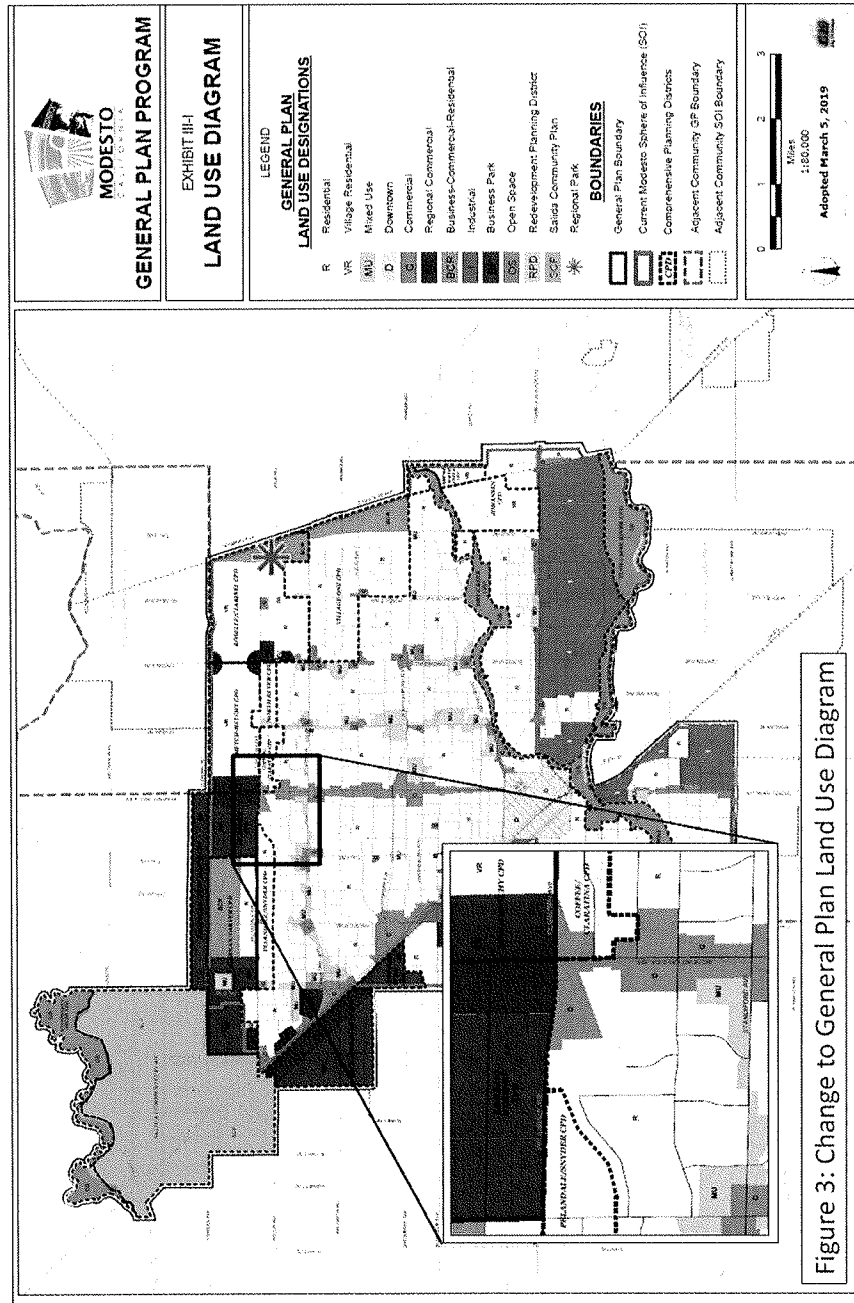


Figure 2:
Existing Pelandale/McHenry
Comprehensive Planning District

0 250 500 1,000 Feet





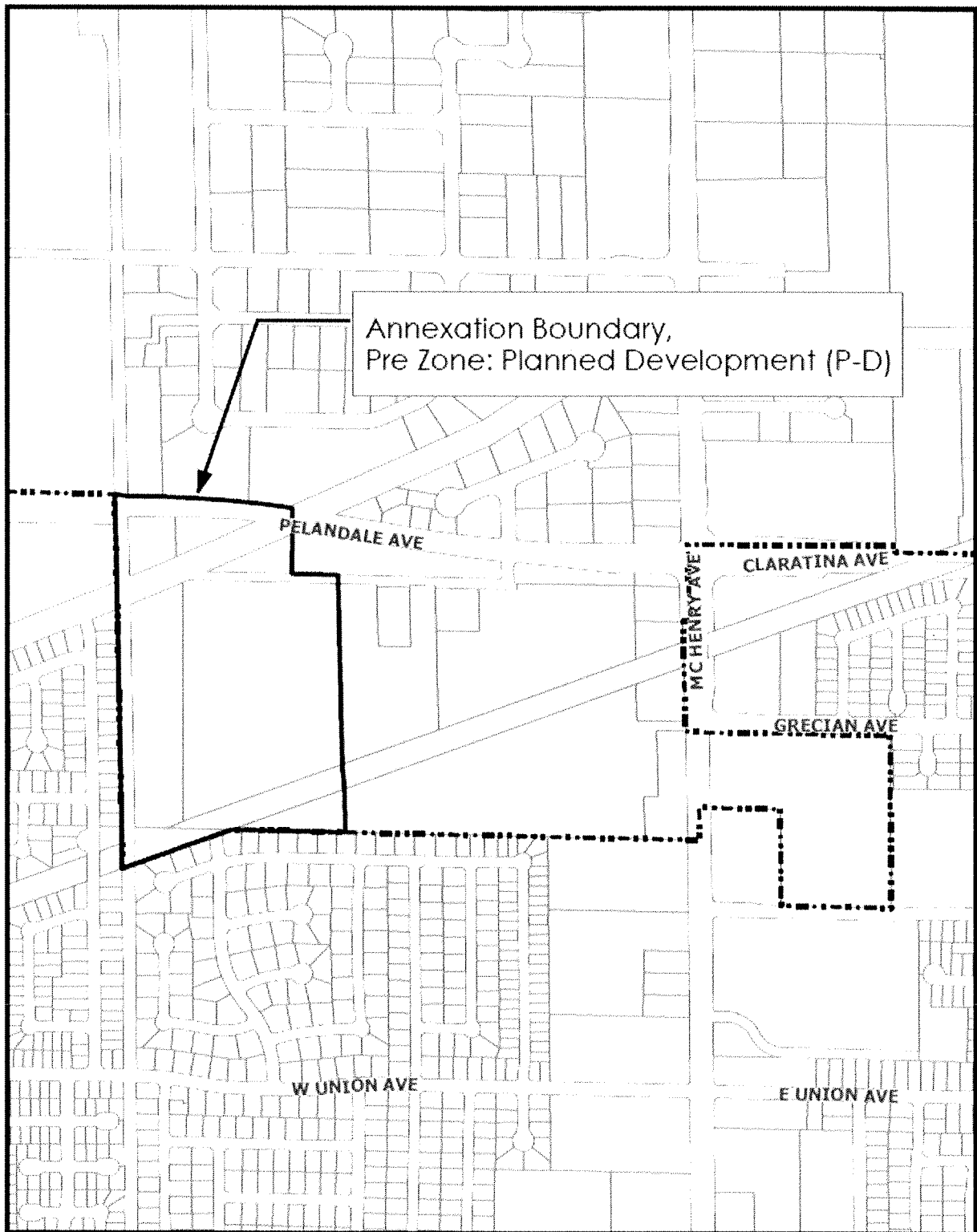


Figure 4:
Annexation Boundary
and Pre Zone Map

0 250 500 1,000 Feet



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

1. X **Within the Scope** – The project is within the scope of the Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. All of the following statements are found to be true:
- A. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR;
 - B. No new or additional mitigation measures or alternatives are required;
 - C. The subsequent project is within the scope of the project covered by the Master EIR;
 - 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; and,
 - E. 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.
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;
 - 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; and,
 - D. 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.
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;
- 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; and,
- D. 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.

Project Manager

Title

Date

4. Within the Scope Analysis of this Document:

The Master EIR allows projects to be found within the scope of the MASTER EIR if certain criteria are met. If the following statements are found to be true for all 20 impact categories included in this Initial Study, then the proposed project is addressed by the Master EIR analysis and is within the scope of the Master EIR. Any "No" response must be discussed.

	YES	NO
(1) The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.	X	<input type="checkbox"/>
(2) City policies that reduce, avoid, or mitigate environmental effects will continue to be in effect and, therefore, would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place as "mitigating policies" attached to the Initial Study template. Project impacts would be mitigated to a less-than-significant level using the Master EIR's mitigating policies only.	X	<input type="checkbox"/>
(3) Federal, State, regional, and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).	X	<input type="checkbox"/>
(4) No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources.	X	<input type="checkbox"/>
(5) The project will occur within the boundaries of the City's planning area as established in the Urban Area General Plan.	X	<input type="checkbox"/>
(6) Implementation of the project will comply with all appropriate mitigating policies contained and enumerated in the 2019 Urban Area General Plan Master EIR.	X	<input type="checkbox"/>

Discussion:

- (1) The City of Modesto is the lead agency for processing general plan amendments and rezones / rezones within the corporate limits and sphere of influence. The Stanislaus County Local Agency Formation Commission is the lead agency for determining whether the City has services adequate for future development and whether the annexation to the City of Modesto can occur.
- (2) General plan policies will be applied to the proposed development. Should LAFCo approve the annexation application, Planning Commission will have authority over subsequent future entitlements.
- (3) This project does not propose and City staff is unaware of any changes to local, State, or federal policies that would have the effect of being less restrictive than existing policies. The proposed general plan amendment requests the requirement that areas developing at the edges of the City prepare specific plans and environmental documents prior to processing an annexation. General plan policy requiring the preparation of a specific plan is intended to ensure that development over a large area—approximately 480 acres, or an area large enough to support an elementary school. The developable area of this CPD is so small that the preparation of a specific plan has become an impediment to development, in addition to physical impediments affecting the CPD. City staff is ensuring that the development that occurs in the area is orderly and consistent with policies affecting development.
- (4) There are no known resources in the area, as disclosed in the General Plan Master EIR.

- (5) The proposed project lies within the City of Modesto's Sphere of Influence.
- (6) The proposed annexation and subsequent development will be required to comply with all relevant policies in the general plan.

5. Currency of the Master EIR Document

The Master EIR should be reviewed on a regular basis to determine its currency, and whether additional analysis / mitigation should be incorporated into the Master EIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed Sections 1 through 20 of this document in light of the criteria listed below to determine whether the Master EIR is current. The analyses contained within the Master EIR are current as long as the following circumstances have not changed. Any "no" response must be explained.

		YES	NO
(1)	Certification of the Urban Area General Plan Master EIR occurred less than five (5) years prior to the filing of the application for this subsequent project.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2)	The proposed project is described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(a)	No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified;	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b)	No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available; and,	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c)	Policies that require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development, remain in full force and effect.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- (1) The General Plan Master EIR was last certified on March 5, 2019. The analysis contained in the Master EIR is adequate for subsequent projects, as documented in the discussion below.
- (2) The project is consistent with the analysis contained in the Master EIR. This is documented in the discussion of the 20 individual evaluation topics within this initial study.
- (2)(a) There have been no substantive changes to the Urban Area General Plan since the Master EIR was certified that would create additional significant environmental effects that were not analyzed by the Master EIR.
- (2)(b) There has been no new information that would affect the adequacy of the analysis contained in the Master EIR.
- (2)(c) All policies contained in the Master EIR that require site-specific mitigation or avoidance of impacts remain in effect and will be applied to the project as appropriate.

IV. ENVIRONMENTAL ANALYSIS

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, discloses whether the proposed project may cause any project-specific significant effect(s) to the environment that was not examined in the Final Master EIR for the Urban Area General Plan, and whether new or additional mitigation measures or alternatives may be required as a result. The Initial Study thereby documents whether or not the project is "within the scope" of the Master EIR.

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the Master EIR. Adoption of the findings specified in Section III.1, above, after completion of the Initial Study fulfills the City's obligation in that situation. All environmental effects cited reflect 2040 conditions resulting from the Urban Area General Plan, as identified in the Master EIR.

The environmental impact analysis in the Master EIR for the Urban Area General Plan is organized in twenty subject / topical areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of reference, the sections are numbered in the same order as the analyses in Chapter V.

1. TRAFFIC AND CIRCULATION

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable traffic and circulation impacts expected after application of mitigating policies.

Direct Impacts

Effect: Increased automobile traffic will result in roadway segments (see Master EIR Table V-1-6, pages V-1-36 to V-1-39) operating at LOS D, Modesto's significance threshold for automobile traffic, or lower (LOS E or F).

Effect: The substantial increase in traffic relative to the existing load and capacity of the street system will cause, either individually or cumulatively, the violation of automobile service standards established by StanCOG's Congestion Management Plan for designated roads and highways.

Effect: A substantial increase in automobile vehicle miles traveled (see Master EIR Tables V-1-7 through V-1-10, pages V-1-44 through V-1-45).

Cumulative Impacts

Effect: Potential for growth inducement or acceleration of development resulting from highway and local road projects.

Effect: Substantial increase in traffic in relation to the existing traffic load and capacity of the street system, including a violation, either individually or cumulatively, of an automobile LOS standard established by the Congestion Management Plan for designated roads and highways.

Effect: Increased demand for capacity-enhancing alterations to existing roads or automobile traffic reduction.

Other impact categories affected by Traffic and Circulation are addressed throughout this Initial Study (see also: Section 2, Air Quality and Greenhouse Gas Emissions; Section 3, Generation of Noise; Section 18, Energy; Section 19, Visual Resources; and, Section 20, Land Use and Planning).

b. Urban Area General Plan Mitigating Policies Applied to the Project

Traffic and Circulation-related mitigating policies pertinent to this project are found on Master EIR pages V-1-7 through V-1-30. All mitigating policies appropriate to the project, including any new measures, will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

No mitigating policies in the Master EIR will be applied to this project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-1.B of the Master EIR provides analysis of Traffic and Circulation impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in any new, significant, project-specific effect(s) that were not disclosed in the Master EIR.

Significance Criteria: A subsequent development project will have a new significant effect on the environment if it would exceed the following thresholds / criteria:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
1. TRAFFIC AND CIRCULATION				
1) The proposed project would conflict with an applicable plan, ordinance or policy (including those within the Urban Area General Plan) establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system including, but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency, for designated facilities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The proposed project would substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment), or result in inadequate emergency access.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
5) The proposed project would conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
6) The proposed project would result in projected Level of Service "D" or worse for non-exempt City of Modesto roadways, Caltrans facilities, and/or County of Stanislaus roadways.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-6) Nothing in the proposed project would increase the amount of traffic expected to occur from development of the Pelandale / McHenry Comprehensive Planning District, nor change any element of the transportation system, nor add any hazards to the system. The proposal is also consistent with relevant regional plans, including the Congestion Management Plan. The project site is not near any airport and would affect no air traffic.

2. AIR QUALITY AND GREENHOUSE GAS EMISSIONS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable air quality impacts expected after application of mitigating policies.

Direct Impacts

Effect: Expected automobile traffic will result in increased operational emissions of reactive organic gases (ROG) and oxides of nitrogen (NO_x), 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 (PM₁₀) and 2.5 microns or less in diameter (PM_{2.5}) (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_x, PM₁₀, and PM_{2.5}.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Air quality-related mitigating policies that are relevant to the proposed project are found on pages V-2-8 through V-2-29 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

No mitigating policies in the Master EIR will be applied to this project, although some policies will be applied to future development. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-2.B of the Master EIR is the analysis of air quality impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
2. AIR QUALITY AND GREENHOUSE GAS EMISSIONS				
1) The proposed project would be inconsistent with the air quality and greenhouse gas emissions policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would conflict with or obstruct implementation of the applicable air quality plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would violate any air quality standard or contribute substantially to existing or projected violation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The proposed project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
5) The proposed project would expose sensitive receptors to substantial pollutant concentrations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
6) The proposed project would create objectionable odors affecting a substantial number of people.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
7) The proposed project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
8) The proposed project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emission of greenhouse gases.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-8) The proposed project is consistent with development that is anticipated in the General Plan Master EIR. The general plan amendment, prezone, and annexation are fundamentally administrative activities that will result in no physical impacts. The proposed project does not conflict with an air quality plan nor impair the attainment of air quality goals. Odors anticipated to occur as a result of future development would be consistent with residential development throughout the area. Prior to development, further environmental review of a future proposed subdivision map and planned development amendment will be required.

3. GENERATION OF NOISE AND VIBRATION

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable noise and vibration impacts expected after application of mitigating policies.

Direct Impacts

Effect: Future automobile traffic noise levels and roadway construction and maintenance activities resulting from development consistent with the Urban Area General Plan will exceed the City's noise thresholds at various locations, but particularly in areas adjacent to heavily traveled roadways (see Master EIR Table V-3-9, pages V-3-28 through V-3-31).

Effect: New noise-generating land uses could produce noise levels that would exceed the City's noise thresholds of acceptability at sensitive receptors in the vicinity.

Effect: Construction noise would cause a temporary or periodic increase in noise exposure above ambient noise levels.

Effect: Demolition and construction activities may expose people to excessive vibration levels.

Cumulative Impacts

Effect: Traffic from development in the City of Modesto would, when combined with traffic from new development in the County and other cities, contribute to a cumulative increase in roadside noise levels on major roads and highways throughout Stanislaus County.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Noise policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-3-18 through V-3-24 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

No mitigating policies in the Master EIR will be applied to this project, although some policies will be applied to future development. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-3.B of the Master EIR discloses noise impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of the proposed project's effects are based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
3. NOISE AND VIBRATION				
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 _{max} inside bedrooms or 55 dBA L _{max} inside other occupied areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-7) The proposed project consists of a general plan amendment, prezone, and annexation. These are administrative activities that will have no physical impacts and generate no noise. Prior to development, further environmental review of a the specific future proposed subdivision map and planned development amendment will be required.

4. EFFECTS ON AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on agricultural lands expected after application of mitigating policies.

Direct Impacts

Effect: Development consistent with the Urban Area General Plan may convert up to approximately 10,500 acres of farmland in various categories in the Planned Urbanizing Area to urban uses.

Effect: Approximately 1,100 acres of urban development along a 350-foot wide 26-mile boundary between urban and agricultural uses could be affected by continued agricultural operations, including noise, dust, and chemical overspray or drift.

Cumulative Impacts

Effect: Growth within Modesto's planning area would contribute considerably to the loss of agricultural land within Stanislaus County, accounting for the conversion of as much as approximately 10,500 acres of farmland in various categories in the Planned Urbanizing Area to 2040.

b. Urban Area General Plan Mitigating Policies Pertinent to the Project

Agricultural land-related mitigating policies pertinent to the proposed project are found on pages V-4-4 to and V-4-8 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

None of the mitigating policies in the General Plan Master EIR will be applied to this project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-4.B of the Master EIR discloses the impacts resulting from the implementation of the Urban Area General Plan on agricultural lands. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect(s) not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
4. EFFECTS ON AGRICULTURAL RESOURCES				
1) The proposed project would be inconsistent with the Urban Area General Plan policies relating to agricultural resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would convert areas of Prime Farmland, Unique Farmland or Farmland of Statewide Importance to non-agricultural uses, impair the agricultural productivity of prime agricultural land, or result in substantial pesticide overspray, dust, or noise at urban uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would conflict with existing zoning for agricultural use, or with a Williamson Act contract.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The proposed project would conflict with existing zoning for, or cause rezoning of, forest land or timberland.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
5) The proposed project would result in the loss of forest land or conversion of forest land to non-forest use.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
6) The proposed project would involve other changes to the environment that could result in conversion of farmland or forest land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-4) The property in question is vacant land and has not been farmed in many years. The property is classified by the State of California as Grazing Land, although stock is not grazed in this location and the property is substantially surrounded by urban development.

The proposed project is consistent with the Residential land use designation in the General Plan and is, therefore, future development of the site is consistent with Policy AL-16. The potential for agricultural use of the property is compromised by being virtually surrounded by urban development, as described in Policy AL-19. The project includes a general plan amendment that would reclassify the site as within the Baseline Developed Area. Policy AL-12 indicates that development in the Baseline Developed Area is considered to have a minimal impact on the conversion of agricultural land.

No impacts on farmland are expected to occur.

5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on long-term water supplies expected after application of mitigating policies.

Direct Impacts

Effect: Implementation of the Urban Area General Plan could substantially deplete groundwater supply or interfere with recharge.

Effect: Implementation of the Urban Area General Plan could necessitate construction of new water treatment facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects.

Effect: Implementation of the Urban Area General Plan could necessitate expansion of existing water supply entitlements.

Cumulative Impacts

Effect: Groundwater withdrawals from both subbasins by the City, when combined with other users' withdrawals, may result in overdrafting.

Effect: Cumulative impacts resulting from construction of new water treatment facilities, or expansion of existing facilities, could cause significant environmental effects.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Water supply-related mitigating policies pertinent to the proposed project are found on pages V-5-11 through V-5-16 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

None of the mitigating policies in the General Plan Master EIR will be applied to this project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-5.B of the Master EIR discloses impacts on long-term water supplies resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
5. EFFECTS RELATIVE TO INCREASED DEMAND FOR LONG TERM WATER SUPPLIES				
1) The proposed project is inconsistent with the Urban Area General Plan policies relating to water supply.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would substantially deplete groundwater supply, interfere with groundwater recharge, result in water demand exceeds the capacity for recharge or that would contribute to overdraft of the groundwater basins.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The proposed project would exceed existing water supply entitlements or require expansion of entitlements.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-3) The City of Modesto has adequate water supply to serve future residential development on the site. However, the infrastructure needed to deliver water to the site has not yet been built. Water lines are expected to be extended to the west side of the MID canal by winter of 2019-2020.

In order to receive water service, the developer will be expected to extend water lines across the MID right of way and from Crocus Drive to the site across the Hetch Hetchy right of way as a condition of development. A third connection point may also be required. No major facilities will be required to be expanded or constructed for this project, and no impacts are expected to occur that are greater than those anticipated in the General Plan Master EIR.

6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sanitary sewer services after application of mitigating policies.

Direct Impacts

Effect: Development resulting from implementation of the Urban Area General Plan may result in exceedance of wastewater treatment requirements of the Central Valley RWQCB.

Effect: Development resulting from implementation of the Urban Area General Plan may require or result in construction of new wastewater facilities, or the expansion of existing facilities, that could cause significant effects.

Effect: Development resulting from implementation of the Urban Area General Plan may result in a finding that the wastewater treatment facilities do not have adequate capacity to serve the projected demand in addition to the provider's existing commitments.

Cumulative Impacts

Effect: Development resulting from implementation of the Urban Area General Plan may result in cumulative effects similar to those described under "direct Impacts," above.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Sewer service-related mitigating policies that are relevant to the proposed project are found on pages V-6-3 through V-6-7 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

None of the mitigating policies in the General Plan Master EIR will be applied to this project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-6.B of the Master EIR discloses impacts on the Increased Demand for Sanitary Sewer Service resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
6. INCREASED DEMAND FOR SANITARY SEWER SERVICES				
1) The proposed project is inconsistent with wastewater policies in the Urban Area General Plan, or would exceed wastewater treatment requirements of the Central Valley RWQCB.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would require or result in the construction of new wastewater facilities or the expansion of existing facilities, beyond those identified improvements needed to serve the proposed project, which would cause significant effects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would result in a finding that the wastewater treatment facilities do not have adequate capacity to serve the proposed project's projected demand in addition to the provider's existing commitments.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-3) The proposed project is consistent with the wastewater policies contained in the General Plan and the City of Modesto has adequate capacity to provide service to the project site without need to expand major facilities.

In order to receive sewer service, the developer will be expected to extend the sewer line across the Hetch Hetchy right of way as a condition of development. No major facilities will be required to be expanded or constructed for this project, and no impacts are expected to occur that are greater than those anticipated in the General Plan Master EIR.

7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sensitive wildlife and plant habitat expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant impacts on sensitive wildlife and plant habitat are expected to occur with the application of the policies contained in the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will contribute to the cumulative impact of habitat loss in the San Joaquin Valley. Requiring increased density / intensity for new development than has occurred in the past, or that is expected in the future, would minimize the City's contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Wildlife and plant habitat-related mitigating policies that are pertinent to the proposed project are found on pages V-7-18 through V-7-25 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

None of the mitigating policies in the General Plan Master EIR will be applied to this project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-7.B of the Master EIR discloses impacts on the Loss of Sensitive Wildlife and Plant Habitat resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
7. LOSS OF PLANT AND WILDLIFE HABITAT				
1) The proposed project is inconsistent with the Urban Area General Plan policies related to loss of sensitive plant and wildlife habitat.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special-status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife service.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife service.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The proposed project would have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption or other means.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
5) The proposed project would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
6) The proposed project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
7) The proposed project would conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-7) The project, which is a general plan amendment, prezone, and annexation, will not affect any wildlife, wildlife habitat, or wetlands is consistent with General Plan policies relating to wildlife and habitat. The site is not a wildlife corridor, nor does the City of Modesto have any ordinance protecting native trees, and there is no habitat conservation plan or other conservation plan that affects the project site. Further environmental review will be conducted at the time a specific development proposal is received, in order to ensure that policies applied are current and relevant.

8. DISTURBANCE OF ARCHAEOLOGICAL / HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on archaeological / historical sites expected after application of mitigating policies.

Direct Impacts

Effect: Modification resulting in a substantial adverse change in the significance of a historically relevant resource, or the demolition of a listed or eligible historically relevant resource.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR. The Direct impact described above could also result in a significant cumulative impact.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Archaeological or historic resource-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on page V-8-16 through V-8-25 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

None of the mitigating policies in the General Plan will be applied to this project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-8.B of the Master EIR discloses impacts on archaeological / historical resources resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in any new, significant, project-specific effect(s) not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
8. ARCHAEOLOGICAL / HISTORICAL SITES				
1) The proposed project is inconsistent with the Urban Area General Plan archaeological / historical resource policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would result in a modification that would result in a substantial adverse change in the significance of the resource or demolition of a listed or eligible historic resource.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would have an adverse effect on any structure more than 50 years old that has been determined to have historical significance per policy AH-8 as shown in the Master EIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The proposed project would involve the removal of known significant resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
5) The proposed project would result in an adverse impact to undiscovered archaeological and/or paleontological resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
6) The proposed project would cause a substantial adverse change to a tribal cultural resource, as defined by State law, that is listed (or is eligible for listing) in the California Register of Historical Resources (or a local register of historical resources), or that otherwise has potential significance to a California Native American Tribe, including human remains.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-6) There are no known historic or archaeological resources on or anywhere near the project site. No discoveries are expected and no impacts are expected occur. The project, which is a general plan amendment, prezone, and annexation, would have no physical impact. However, additional environmental review will be required when a specific development proposal has been received.

9. INCREASED DEMAND FOR STORM DRAINAGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on storm drainage expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: Existing drainage inadequacies, combined with the associated increase in impervious surface areas created by pavement and structures, have the potential to increase the rate or amount of runoff in a manner that could result in flooding in the urban area. Cumulative hydrologic impacts of storm water flows from Modesto's urban areas and other areas of the County could occur due to the fixed capacity of MID and TID irrigation canals to convey drainage west to the San Joaquin River. If drainage channels in some areas prove insufficient to handle the increased drainage discharges, existing storm water runoff from urban and agricultural areas during large storm events would have to be interrupted until water levels receded to a point allowing the resumption of discharges to the channel. Ceasing discharges to drainage channels could cause inundation in and around the drainage conveyance pipeline systems, surface drainage channels, detention basins, and other urban areas. This cumulative impact is considered significant and unavoidable.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Storm Drainage-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-8. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

No mitigating policies in the General Plan will be applied to the proposed project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-9.B of the MASTER EIR discloses impacts on the demand for storm drainage resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
9. INCREASED DEMAND FOR STORM DRAINAGE				
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) Although the annexation area includes storm drain basins, the capacity of these basins is committed to existing development. A future development proposal will be evaluated to determine consistency with General Plan policies that require on-site retention of storm water.

10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on flooding and water quality expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Flooding and Water Quality-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-10-7 through V-10-10 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

No mitigating policies in the General Plan will be applied to the proposed project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-10.B of the Master EIR provides analysis of Flooding and Water Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
10. FLOODING AND WATER QUALITY				
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) The project site does not lie within or near a 100-year flood zone or near any dam. Flooding risk associated with dam failure is similar on the project site to all areas within the City of Modesto. Development will be required to be consistent with the terms of the City's Stormwater Pollution Prevention Program. Runoff will be required to be controlled on site and treated if it is to be moved off site. No impacts are anticipated to occur, although specific environmental review will be required for a future development proposal.

11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on parks and open space expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Parks and open space-related mitigating policies that are pertinent to the proposed project are found on pages V-11-2 through V-11-8 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

No mitigating policies in the General Plan will be applied to the proposed project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-11.B of the MASTER EIR discloses impacts of the Urban Area General Plan on parks and open space. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
11. INCREASED DEMAND FOR PARKS AND OPEN SPACE				
1) The proposed project is inconsistent with the Urban Area General Plan parks and open space policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would eliminate parks or open space.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would not provide at least three (3) total acres of parkland and open space per 1,000 people (one acre for neighborhood park facilities; two acres for community park facilities).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-3) The proposed project consists of an administrative general plan amendment, a prezone to Planned Development, and annexation. None of these activities is anticipated to result in physical impacts. Additional environmental review will be required to evaluate a future, specific development proposal.

12. INCREASED DEMAND FOR SCHOOLS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on school facilities expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR. By statute, the impact of new students is considered to be mitigated below a level of significance by payment of school impact fees and the exercise of any or all of the financing options set out in Government Code Section 65997.

Cumulative Impacts

Effect: Similar to direct impacts resulting from implementation of the Urban Area General Plan, no residual significant direct impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. As long these policies are applied to all subsequent projects, no new mitigation is necessary. Further, payment of school impact fees and compliance with SB 50 is statutorily deemed to be full mitigation of school impacts (Government Code Section 65995).

Schools-related mitigating policies that are relevant to the proposed project can be found on pages V-12-3 through V-12-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

No mitigating policies in the General Plan will be applied to the proposed project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-12.B of the Master EIR discloses impacts resulting from implementation of the Urban Area General Plan associated with increased demand for schools. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
12. INCREASED DEMAND FOR SCHOOLS				
1) The proposed project is inconsistent with Urban Area General Plan school policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would result in new student population that exceeds the school system capacity, or if the project conflicts with established educational uses of the area, except to the limits established under SB50 / Proposition 1A as subsequently amended.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-2) Future development of the project site, which would be facilitated by the requested entitlements, is consistent with the expected use of the site, as described in the General Plan. Modesto City Schools and Sylvan Union School District had no comments on the project, which is administrative in nature. They will have another opportunity to comment on the project when a subdivision map and planned development amendment applications are received. School impact fees will be assessed at the time building permits are applied for and no impacts greater than those anticipated in the General Plan Master EIR are expected.

13. INCREASED DEMAND FOR POLICE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on police services expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Police services-related mitigating policies that are pertinent to the proposed project are found on pages V-13-2 through V-13-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

No mitigating policies in the General Plan will be applied to the proposed project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-13.B of the Master EIR discloses impacts on police services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
13. INCREASED DEMAND FOR POLICE SERVICES				
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) Modesto Police Department had no comments on the proposed project, and no impacts greater than those anticipated in the General Plan Master EIR are expected to occur. The Police Department will have additional opportunities to comment when the subdivision map and planned development amendment applications are received.

14. INCREASED DEMAND FOR FIRE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on fire services expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Fire Services-related mitigating policies pertinent to the project being analyzed in this Initial Study are found on pages V-14-3 through V-14-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

No mitigating policies in the General Plan will be applied to the proposed project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-14.B of the Master EIR discloses impacts on fire services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
14. INCREASED DEMAND FOR FIRE SERVICES				
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) Modesto Fire Department had no comments on the proposed project, and no impacts greater than those anticipated in the General Plan Master EIR are expected to occur. The development concept includes gating the future residential development, which will require the provision of emergency access, as specified by the Fire Marshal's office. The Fire Department will have additional opportunities to comment when the subdivision map and planned development amendment applications are received.

15. GENERATION OF SOLID WASTE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on solid waste expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Solid waste-related mitigating policies that are pertinent to the proposed project are found on pages V-15-4 through V-15-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

No mitigating policies in the General Plan will be applied to the proposed project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-15.B of the Master EIR discloses solid waste impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
15. GENERATION OF SOLID WASTE				
1) The project is inconsistent with the solid waste policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The project would result in solid waste generation that exceeds the projected capacity of existing landfills and waste-reduction facilities, or if it would result in non-compliance with any federal, state or local statutes or regulations related to solid waste.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-2) Impacts on solid waste collection and disposal resulting from the proposed project are expected to be similar in scope and scale to impacts resulting from other residential areas throughout the City of Modesto. There is currently adequate landfill capacity to handle household waste.

16. GENERATION OF HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts regarding hazardous materials expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Hazardous materials-related mitigating policies that are pertinent to the proposed project are found on pages V-16-5 through V-16-10 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

No mitigating policies in the General Plan will be applied to the proposed project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-16.B of the Master EIR discloses impacts on hazardous materials resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
16. HAZARDS AND HAZARDOUS MATERIALS				
1) The proposed project is inconsistent with the Urban Area General Plan hazards and hazardous materials policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials, or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would result in hazardous materials emissions or handle hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The proposed project would be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or environment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two (2) miles of a public airport or public use airport, would result in a safety hazard for people residing or working in the project area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
6) For a project within the vicinity of a private airstrip, a safety hazard would result for people residing or working in the project area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
7) The proposed project would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
8) The proposed project would expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-4) The project site is not on the State's list of known hazardous sites and there is no feature of the proposed project or future development of the site that would involve hazardous materials other than those typically being used as part of development or in a typical household. No impacts are expected to result.
- (5) The project site is farther than two miles from the nearest public or private airport. The risks associated with airport proximity would not be expected to occur at this site.
- (7-8) There are no known hazards on the site that are different from or greater than hazards that occur elsewhere throughout Modesto on similar sites. No impact on the City's emergency response or evacuation plans would result from the proposed project or from eventual development on the site.

17. GEOLOGY, SOILS, AND MINERAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts related to geology, soils, and mineral resources expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Geology, soils, and mineral resource-related mitigating policies that are pertinent to the proposed project are found on pages V-17-7 through V-17-10 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

No mitigating policies in the General Plan will be applied to the proposed project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-17.B of the Master EIR discloses geology, soils, and mineral resource impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
17. GEOLOGY, SOILS, AND MINERAL RESOURCES				
1) The project is inconsistent with policies relating to geology, soils, and mineral resources contained in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would expose people or structures to potential substantial adverse effects including: the risk of loss, injury, or death involving fault rupture, strong seismic activity; location on an expansive soil; loss of topsoil; or, result in the loss of availability of known mineral resources that would be of value to the region and the state.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-2) The proposed project consists of administrative activities, including a general plan amendment, prezone, and annexation. None of these actions will have a physical impact on the environment. Additionally, future development is not expected to have an impact on geology, soils, and mineral resources, as there are no known hazards or resources in the project area.

18. ENERGY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to energy expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

The following energy-related mitigating policies that are pertinent to the proposed project are found on pages V-18-2 and V-18-3 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

No mitigating policies in the General Plan will be applied to the proposed project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
18. ENERGY				
1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would result in energy consumption during construction, operation, maintenance, or removal that is more wasteful, inefficient, and unnecessary than assumed in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-2) The proposed general plan amendment, prezone, and annexation are administrative in nature and would result in no impacts on the type of development expected to occur on the site in the General Plan Master EIR analysis. When a specific development proposal is received by the City, it will be evaluated to determine whether it is consistent with General Plan policies in effect at that time.

19. EFFECTS ON VISUAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on visual resources expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

The following visual resources-related mitigating policies pertinent to the proposed project are found on pages V-19-2 and V-19-3 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

No mitigating policies in the General Plan will be applied to the proposed project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on visual resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
19. VISUAL RESOURCES				
1) The proposed project is inconsistent with the Urban Area General Plan visual resource policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would have a substantial adverse effect on a scenic vista.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would substantially damage scenic resources, including trees, rock outcrops, and/or historic buildings along a state scenic highway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The proposed project would substantially degrade the existing visual character or quality of the site and its surroundings.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
5) The proposed project would create a new source of substantial light or glare that would adversely affect daytime or nighttime views.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
6) The proposed project would substantially degrade views from riverside areas and parks.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
7) The proposed project would substantially degrade views of riverside areas from public roadways and/or nearby properties.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-7) The proposed project consists of a series of administrative activities that will facilitate urban development on the project site, but is not expected to result in physical impacts. The future specific development application will be further evaluated to determine whether it will be consistent with General Plan policies. However, the project site is not a scenic area, nor is it near a scenic area and there are no views on or off site that are considered to be of scenic value.

20. LAND USE AND PLANNING

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to land use and planning expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following land use and planning-related mitigating policies pertinent to the proposed project are found on pages V-20-5 through V-20-12 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

No mitigating policies in the General Plan will be applied to the proposed project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-20.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on land use and planning. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
20. LAND USE AND PLANNING				
1) The proposed project is inconsistent the Urban Area General Plan land use and planning policies.	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
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 proposed general plan amendment would eliminate the requirement for preparation of a specific plan for the Pelandale / McHenry Comprehensive Planning District (CPD) and to remove the CPD from the Planned Urbanizing Area and add it to the Baseline Developed Area, as shown on **Figures 2, 3, and 4**. The purpose of a CPD is to ensure that planning and development are coordinated over a relatively large area. This CPD, however, is both fairly small (80 acres) and largely developed or committed to development, and much of the infrastructure needed to serve the area has been designed. An area of approximately 27 acres remains to be committed to development or developed. In light of the small area and the planned and designed infrastructure, it is unnecessary for the applicant to go to the significant effort and expense of preparing a specific plan. General Plan policies relating the provision of infrastructure will be adhered to and no impact is expected to occur.
- (2-4) The project site is at the edge of an established neighborhood, at the end of a stubbed residential street, Crocus Drive. The conceptual development proposals include gating the future residential development, which would reduce traffic impacts. Additional environmental review of a future specific development proposal will be required prior to development.

V. APPLICABLE URBAN AREA GENERAL PLAN MITIGATING POLICIES

If the Initial Study results in the determination that a Finding of Conformance can be adopted for the proposed project, then Section A, below, applies. If the Initial Study results in the determination that a Finding of Conformance cannot be adopted and a Mitigated Negative Declaration or Focused EIR must be prepared for the project, then Section B, below, applies.

A. Urban Area General Plan Mitigating Policies Applied to the Project

Pursuant to Public Resources Code Section 21157.1(c), in order for a Finding of Conformance to be made, all appropriate mitigating policies from the Master EIR shall be incorporated into the proposed project. Urban Area General Plan Policies that mitigate impacts shall be made part of the proposed project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan. All applicable and appropriate mitigating policies have been applied to the project (listed below).

B. New or Additional Mitigation Measures or Alternatives Required

Where the project's effects would exceed the significance criteria for each environmental impact category, a mitigated negative declaration or Focused EIR must be prepared. Staff has reviewed the project against the significance criteria thresholds established in the Master EIR for all impact categories in this Initial Study.

A Mitigated Negative Declaration or Focused EIR shall be prepared for the project. The following additional project-specific mitigation measures listed below are necessary to reduce the identified new significant effect:

Traffic and Circulation:

None.

Air Quality and Greenhouse Gases:

None.

Generation of Noise and Vibration:

None.

Effects on Agricultural Lands:

None.

Increased Demand for Long-Term Water Supplies:

None.

Increased Demand for Sanitary Sewer Services:

None.

Loss of Sensitive Wildlife and Plant Habitat:

None.

Disturbance of Archaeological/Historic Sites:

None.

Increased Demand for Storm Drainage:

None.

Flooding and Water Quality:

None.

Increased Demand for Parks and Open Space:

None.

Increased Demand for Schools:

None.

Increased Demand for Police Services:

None.

Increased Demand for Fire Services:

None.

Generation of Solid Waste:

None.

Generation of Hazardous Materials:

None.

Geology, Soils, and Mineral Resources:

None.

Energy:

None.

Effects on Visual Resources:

None.

Land Use and Planning:

None.

**City of Modesto
NOTICE OF DETERMINATION**

FILED

2019 MAY 17 AM 10:31

**ATTENTION COUNTY CLERK:
PLEASE DO NOT REMOVE BEFORE JUNE 17, 2019**

STANISLAUS CO. CLERK-RECORDER

Phayann Prum

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: Wells Avenue Residential Annexation

State Clearinghouse Number: Modesto Urban Area General Plan Master EIR (SCH No. 2014042081)

Contact Person: Cindy van Empel, (209) 577-5267

Applicants: Rich DePonte, Tesoro Homes, Inc (209) 649-4141
Jennifer Chen, Calandev, LLC (209) 977-1888

Owners: Douglas K. Highiet Trust
Calandev, LLC
City and County of San Francisco
County of Stanislaus
City of Modesto

Project Location: South of Pelandale Avenue and west of McHenry Avenue

Project Description: An amendment to the text of the General Plan, prezone to Planned Development, and filing of an application to the Stanislaus Local Agency Formation Commission to annex 35.19 acres of land to the City of Modesto and to detach from the Salida Fire Protection District

This is to advise that the City of Modesto, the lead agency, has approved the above-described project on May 15, 2019, 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.

The Initial Study, Environmental Assessment No. EA/C&ED 2019-08, on file at the City of Modesto, Community and Economic Development Department, provides substantial evidence to support findings 1 through 5, 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: May 16, 2019 Title: Senior Planner



State of California - Department of Fish and Wildlife
2019 ENVIRONMENTAL FILING FEE CASH RECEIPT
DFW 753.5a (REV. 12/01/18) Previously DFG 753 5a

Print

Start Over

Finalize & Email

RECEIPT NUMBER

50 — 2019 — 035

STATE CLEARINGHOUSE NUMBER (If applicable)

SCH No. 2014042081

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY

CITY OF MODESTO

LEAD AGENCY EMAIL

DATE

03/06/2019

COUNTY/STATE AGENCY OF FILING

Stanislaus

DOCUMENT NUMBER

50-2019-035

PROJECT TITLE

CITY OF MODESTO GENERAL PLAN AMENDMENT 2040

PROJECT APPLICANT NAME

BRAD WALL, MPA, AICP, PRINCIPAL PLANNER

PROJECT APPLICANT EMAIL

PHONE NUMBER

(209) 577-5273

PROJECT APPLICANT ADDRESS

P.O. BOX 642

CITY

MODESTO

STATE

CA

ZIP CODE

95353

PROJECT APPLICANT (Check appropriate box)

☒ Local Public Agency

☐ School District

☐ Other Special District

☐ State Agency

☐ Private Entity

CHECK APPLICABLE FEES:

☒ Environmental Impact Report (EIR)

\$3,271.00 \$ 3,271.00

☐ Mitigated/Negative Declaration (MND)/(ND)

\$2,354.75 \$ 0.00

☐ Certified Regulatory Program (CRP) document - payment due directly to CDFW

\$1,112.00 \$ 0.00

☐ Exempt from fee

☐ Notice of Exemption (attach)

☐ CDFW No Effect Determination (attach)

☐ Fee previously paid (attach previously issued cash receipt copy)

☐ Water Right Application or Petition Fee (State Water Resources Control Board only)

\$850.00 \$ 0.00

☒ County documentary handling fee

\$ 57.00

☐ Other

\$

PAYMENT METHOD:

☐ Cash

☐ Credit

☒ Check

☐ Other

TOTAL RECEIVED \$ 3,328.00

SIGNATURE

X

AGENCY OF FILING PRINTED NAME AND TITLE

CLERK RECORDER-ADAM LOERA-LEGAL CLERK



State of California - Department of Fish and Wildlife
2019 ENVIRONMENTAL FILING FEE CASH RECEIPT
DFW 753.5a (REV. 12/01/18) Previously DFG 753.5a

Print

Start Over

Finalize & Email

RECEIPT NUMBER:

50 — 2019 — 091

STATE CLEARINGHOUSE NUMBER (if applicable)

SCH NO. 2014042081

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY

CITY OF MODESTO COMMUNITY & ECONOMIC DEVELOPMENT DEPT.

LEAD AGENCY EMAIL

DATE

05/17/2019

COUNTY/STATE AGENCY OF FILING

Stanislaus

DOCUMENT NUMBER

50-2019-091

PROJECT TITLE

WELLS AVENUE RESIDENTIAL ANNEXATION

PROJECT APPLICANT NAME

RICH DEPONTE, TESORO HOMES, INC JENNIFER CHEN, CALANDEV, LLC

PROJECT APPLICANT EMAIL

PHONE NUMBER

(209) 577-5267

PROJECT APPLICANT ADDRESS

P.O. BOX 642

CITY

MODESTO

STATE

CA

ZIP CODE

95353

PROJECT APPLICANT (Check appropriate box)

☒ Local Public Agency

☐ School District

☐ Other Special District

☐ State Agency

☐ Private Entity

CHECK APPLICABLE FEES:

☐ Environmental Impact Report (EIR)

\$3,271.00

\$

0.00

☐ Mitigated/Negative Declaration (MND)(ND)

\$2,354.75

\$

0.00

☐ Certified Regulatory Program (CRP) document - payment due directly to CDFW

\$1,112.00

\$

0.00

☐ Exempt from fee

☐ Notice of Exemption (attach)

☐ CDFW No Effect Determination (attach)

☐ Fee previously paid (attach previously issued cash receipt copy)

☐ Water Right Application or Petition Fee (State Water Resources Control Board only)

\$850.00

\$

0.00

☒ County documentary handling fee

\$

57.00

☐ Other

\$

PAYMENT METHOD:

☐ Cash

☐ Credit

☒ Check

☐ Other

TOTAL RECEIVED

\$

57.00

SIGNATURE

X *Phaivann Prum*

AGENCY OF FILING PRINTED NAME AND TITLE

CLERK RECORDER, PHAIVANN PRUM, LEGAL CLERK

REC'D # 0004270741
May 17, 2019 ----- 10:33:43

Stanislaus, County Recorder
Donna Linder Co Recorder Office

Environ # 19-CO-091 -

Check Number 2724

REQD BY

County Admin Fee \$57.00

Total fee \$57.00

Amount Tendered... \$57.00

Change \$0.00

PKF,C1/1/0

EXHIBIT D

Plan for Services

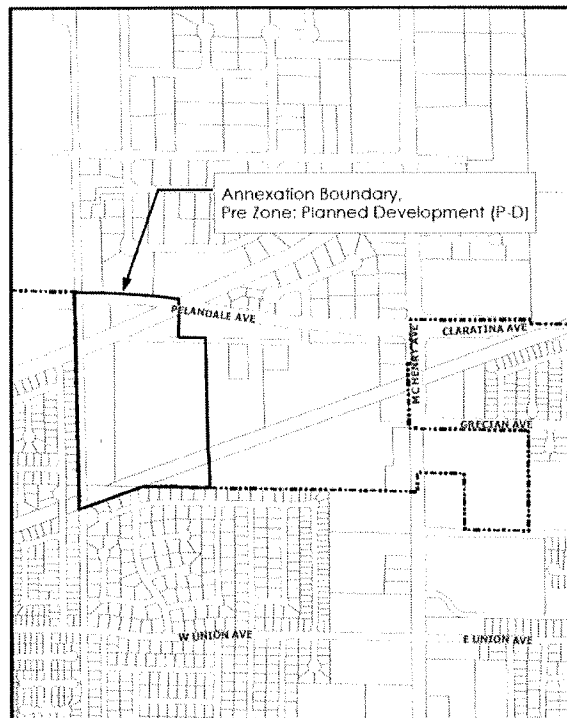
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PLAN FOR SERVICES
WELLS AVENUE RESIDENTIAL REORGANIZATION
TO THE CITY OF MODESTO

Background:

The Wells Avenue Residential Annexation area consists of seven parcels located west of McHenry Avenue and south of Pelandale Avenue. Four of the parcels are publicly owned, with the remaining three parcels to be developed, totaling approximately 24 acres. Including adjacent street right-of-way, the annexation area is 35.2 acres total. The proposed annexation area was prezoned as Planned Development (P-P-D).

The purpose of the annexation is to allow residential development on the privately owned parcels. Although the project proponent is not ready to develop the site at this time, the eventual proposal is expected to consist of a gated, single family detached subdivision with a drainage basin and open space.



Pursuant to Government Code Section 56653, the following Plan for Services to be extended to the affected territory has been prepared for the Wells Avenue Residential Annexation to the City of Modesto:

A. Project Area and Service Agreements

1. Traffic and Circulation: The annexation area is bounded by City of Modesto jurisdiction to the west and south. No roadway dedication or improvements are required as a part of the annexation. Transit services are provided by the Modesto Area Express (MAX), which has three routes in the vicinity of the property along McHenry Avenue, Tully Road, and Standiford Avenue.
2. Waste Water Collection: There is an existing 10-inch sewer main in Pelandale Avenue that terminates just north of MID Lateral #6 on the west side of Modesto's Pelandale Storm Basin. This main is not connected to the downstream waste water collection system, and is dry. Modesto has a project to extend the North Trunk in Bangs Avenue from Carver Road to Tully Road, including an extension of the 10-inch main in Tully Road and connection to the North Trunk extension, which is anticipated to be completed by the end of 2019. These pipelines would serve the annexation area and have adequate capacity to do so. The project proponent will be required to extend the 10-inch main under MID Lateral #6 and connect to the existing 6-inch main in Detroit Lane, to serve both future residential development and adjacent commercial and industrial areas.
3. Water Delivery: Modesto has existing 10-inch water mains in Detroit Lane and Crocus Drive. The project proponent will be required to extend a 10-inch main from Crocus Drive to Detroit Lane, including a crossing of the Hetch Hetchy right of way. The City of Modesto has adequate water supply to serve the annexation area.
4. Storm Water Drainage: Future residential development will be required to address its storm water drainage on site. Drainage from public roadways is being captured in existing storm drainage basins.
5. Solid Waste Disposal: The annexation area is not developed and has no need for 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 will detach from Salida Fire Protection District and be served by the Modesto Fire Department following annexation. Two fire stations are located near the site. Station No. 7, located at 1800 Mable Avenue, is approximately 2.2 miles east of the site. Station No. 11, located at 4225 Carver Road, is approximately 1.25 miles west 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 waste water collection and water delivery 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. Additional funding for services will be financed through utility and service fees, property tax revenues, and the general fund.

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EXHIBIT E

Comment Letters

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William D. Ross
Karin A. Briggs
David Schwarz

Kypros G. Hostetter
Of Counsel

Law Offices of
William D. Ross
400 Lambert Avenue
Palo Alto, California 94306
Telephone: (650) 843-8080
Facsimile: (650) 843-8093

Los Angeles Office:

11420 Santa Monica Blvd
#25532
Los Angeles, CA 90025

File No: 178/5

August 9, 2019

VIA ELECTRONIC TRANSMISSION

lafoo@stancounty.com

Javier Camarena, Assistant Executive Officer
Stanislaus County LAFCO
1010 10th Street, 3rd Floor
Modesto, CA 95354

Re: City of Modesto Proposed Annexation; Application No. 2019-08 – Wells
Avenue Reorganization to the City of Modesto; Proposed Meeting Date
August 28, 2019

Dear Mr. Camarena:

This office represents the Salida Fire Protection District (“District”) which received the Agency Referral and Request for Comments dated July 24, 2019 from your office regarding the above-referenced Annexation by the City of Modesto (“City”) and submits the following preliminary comments in conjunction with a request that the matter not be initially heard until the Commission’s September meeting.

The 35 acres proposed to be annexed are currently within the District’s boundaries. Detachment from the District will have a financial impact on the District. The District has a current Tax Sharing Agreement in place with the City for the past annexation of Kiernan’s Business Park into the City. The District has initiated contact with the City Fire Department to achieve a similar Property Tax Allocation Agreement as is in effect for the Kiernan Business Park.

The additional time would also facilitate changes that should be accomplished for *both* the Municipal Service Review (“MSR”) and the Sphere of Influence (“SOI”) of the City in support of the Wells Avenue Annexation.

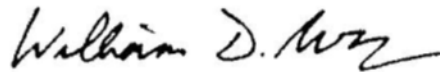
Given that any change of organization of the City, here - annexation with a

Javier Camarena, Assistant Executive Officer
Stanislaus County LAFCO
July 24, 2019
Page 2

detachment from the District, must be consistent with a current MSR and SOI, additional time for analysis would benefit the Commission record.

Accordingly, the District requests a continuance of the matter to the Commission's September Meeting to accomplish the actions described in this communication.

Very Truly yours,

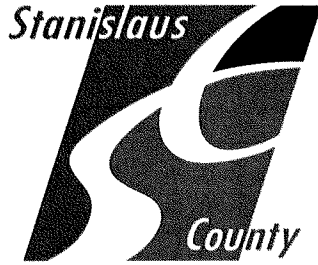
A handwritten signature in black ink, appearing to read "William D. Ross".

William D. Ross

WDR:KAB

cc: Rick Weigele, District Chief
Danielle Denczek, District Clerk
Salida Fire Protection District

Cindy van Empel, Senior Planner
Alan Ernst, Fire Chief
City of Modesto



RECEIVED AUG 12 2019

CHIEF EXECUTIVE OFFICE

Jody L. Hayes
Chief Executive Officer

Patricia Hill Thomas
Chief Operations Officer/
Assistant Executive Officer

Keith D. Boggs
Assistant Executive Officer

Patrice M. Dietrich
Assistant Executive Officer

STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE

August 12, 2019

Javier Camarena, Assistant Executive Officer
Stanislaus Local Agency Formation Commission (LAFCO)
1010 10th Street, Third Floor
Modesto, CA 95354

SUBJECT: ENVIRONMENTAL REFERRAL – LAFCO APPLICATION NO. 2019-08 – WELLS AVENUE REORGANIZATION TO THE CITY OF MODESTO

Mr. Camarena:

Thank you for the opportunity to review the above-referenced project. We appreciate the additional time to develop our response.

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and does not have environmental comments at this time. However, the County's Department of Public Works will issue a comment regarding logical and orderly annexation in respect to the County's maintenance of roads – see attached ERC response letter to the City of Modesto dated December 18, 2018, referencing the impending letter. On January 4, 2019, Stanislaus County Public Works issued the attached comment/response to the City of Modesto regarding the referenced proposed annexation and orderly development of North McHenry.

The ERC appreciates the opportunity to comment on this project.

Sincerely,

Patrick Cavanah, Sr. Management Consultant
Environmental Review Committee

PC:ss

cc: ERC Members

Attachments: Stanislaus County Environmental Review Committee letter dated December 18, 2018
Stanislaus County Public Works letter dated January 4, 2019 (with attachments)



CHIEF EXECUTIVE OFFICE

Jody L. Hayes
Chief Executive Officer

Patricia Hill Thomas
Chief Operations Officer/
Assistant Executive Officer

Keith D. Boggs
Assistant Executive Officer

Patrice M. Dietrich
Assistant Executive Officer

STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE

December 18, 2018

Cindy van Empel, Senior Planner
City of Modesto – C&ED/Planning Division
Tenth Street Place/Third Floor
PO Box 642
Modesto, CA 95353

**SUBJECT: ENVIRONMENTAL REFERRAL – CITY OF MODESTO – WELLS AVENUE
RESIDENTIAL ANNEXATION – ANX-18-001 (PLN2018-00059, 60, 61)**

Ms. van Empel:

Thank you for the opportunity to review the above-referenced project.

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and does not have environmental comments at this time. However, the County's Department of Public Works will issue a comment regarding logical and orderly annexation in respect to the County's maintenance of roads.

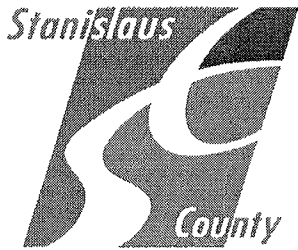
The ERC appreciates the opportunity to comment on this project.

Sincerely,

Patrick Cavanah
Sr. Management Consultant
Environmental Review Committee

PC:ss

cc: ERC Members



DEPARTMENT OF PUBLIC WORKS

David A. Leamon, PE, MPA
Public Works Director

Chris Brady, PE
Deputy Director - Design/Survey/Fleet Maintenance

Frederic Clark, PE, LS
Deputy Director - Development/Traffic

Letti Ortiz
Senior Business and Finance Manager

www.stancounty.com/publicworks

January 4, 2019

Cindy van Empel
City of Modesto - C&ED/Planning Division
Tenth Street Place/Third Floor
PO Box 642
Modesto, CA 95358

Dear Ms. van Empel,

Thank you for allowing Stanislaus County to review the proposed 22-acre annexation on Wells Avenue, project number *ANX-18-001 Wells Ave. Residential Annexation*.

To facilitate the orderly development of North McHenry Stanislaus County requests that the proposed annexation also include the remaining 51.8 acres of unincorporated land adjacent to the proposed annexation bounded by the existing city limits to the east, west, & south and Pelandale Avenue to the north (see Attachment A).

The City currently maintains Pelandale Avenue, including those portions outside of the City Limits by the Pelandale Avenue Joint Powers Agreement, approved on February 2, 1999 and reauthorized on December 13, 2005. Section 1.1 - Project Planning, Implementation, and Maintenance of the agreement states: "After completion and acceptance of the Project, the City shall be responsible for the maintenance and repair of the project." The City should also consider annexing the full width of Pelandale Avenue from the proposed Wells Annexation, to Carver Road (Attachment B), which is consistent with the current City-maintained roadway.

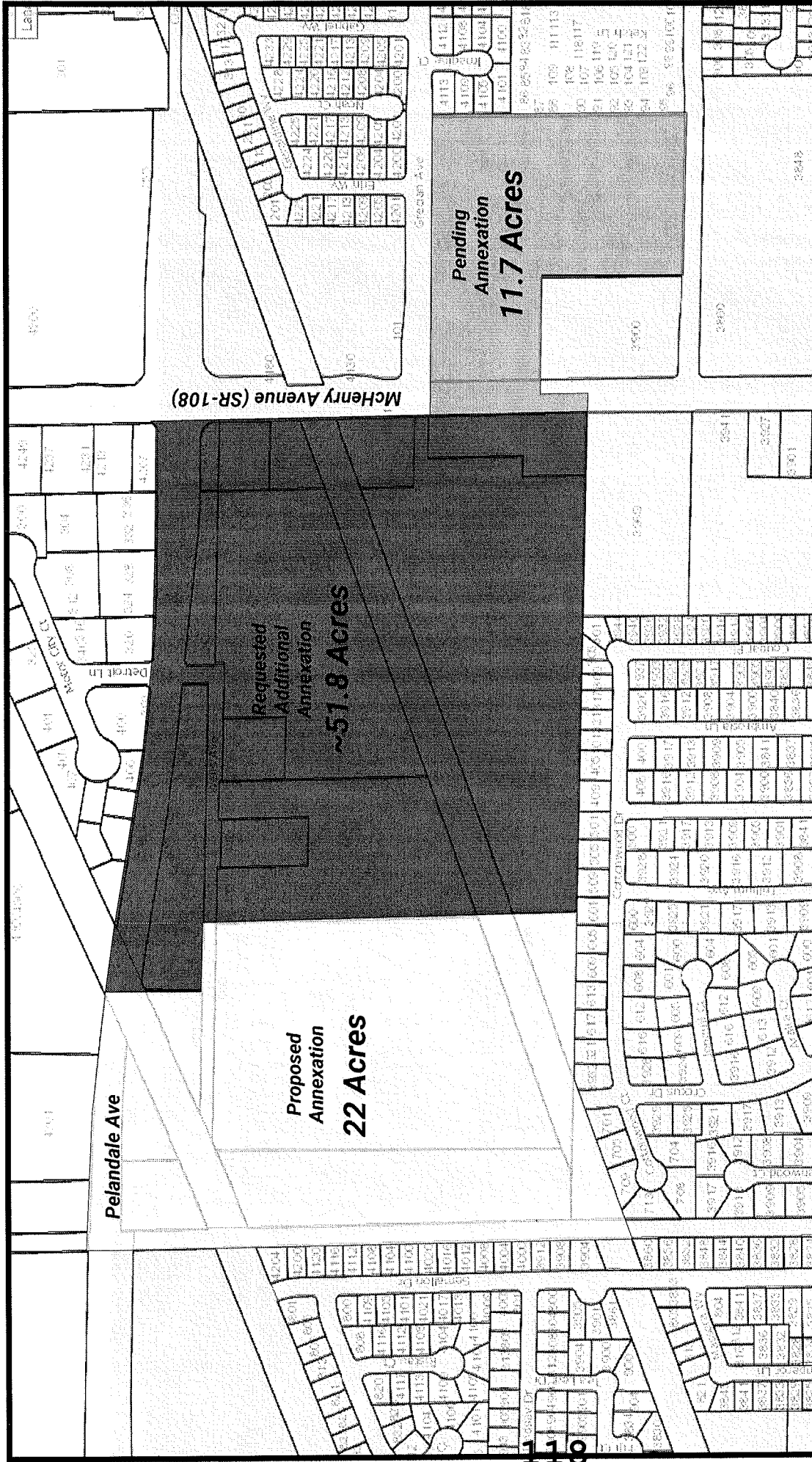
To the east of the proposed annexation, the City of Modesto is currently in the process of annexing the 11.7 Acre parcel within the same unincorporated area east of McHenry in order to provide sewer service to the Modesto Mobile Home Park.

Without the addition of the additional area, an approximate 780 foot section of Wells Avenue will be considered County-Maintained roadway, but will be carrying primarily City of Modesto traffic. Annexation of the requested additional area will result in the orderly development of North McHenry.

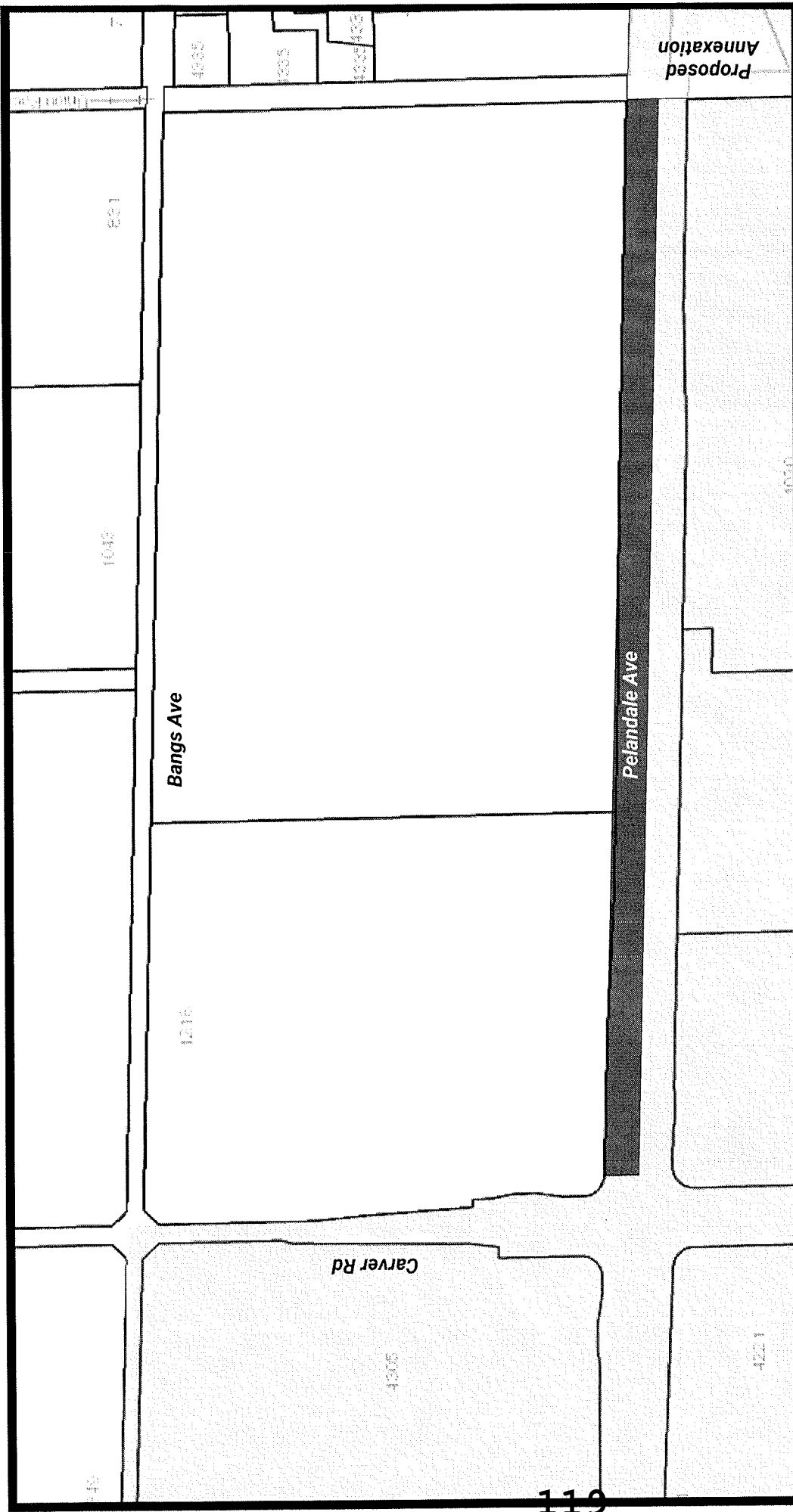
Sincerely,

David A. Leamon, PE, MPA
Director of Public Works

Attachments: A: Proposed Annexation Exhibit; B: Pelandale Avenue Exhibit



- Proposed Wells Avenue Residential Annexation
- Requested Additional Area to Wells Avenue Residential Annexation
- Pending Annexation - Modesto Mobile Home Park



Proposed Wells Avenue Residential Annexation

Potential Additional Area to Wells Avenue Residential Annexation

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1231 Eleventh St.
P.O. Box 4060
Modesto, CA 95352
(209) 526-7373

August 7, 2019

Javier Camarena
Assistant Executive Officer
Stanislaus Local Agency Formation Commission
1010 Tenth Street
Modesto, CA 95354

Re: Comments to LAFCO Application No. 2019-08 – Wells Avenue Reorganization to the City of Modesto

Dear Mr. Camarena:

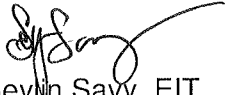
Modesto Irrigation District (MID) appreciates the opportunity to comment on the City of Modesto's (City) request to annex approximately thirty-five (35) acres located south of Pelandale Avenue and west of McHenry Avenue.

MID owns and operates an expansive system of canals, ditches, and pipelines which provide irrigation and wholesale domestic water service to customers within its irrigation service area. Since MID's Lateral No. 6 (Lateral) lies within the proposed annexation area, we offer the following comments specifically related to future construction within the proposed annexation area:

1. There is an existing Storm Drainage License Agreement between MID and the City to allow stormwater discharge from the City's drainage basin located immediately adjacent to MID's Lateral. The proposed annexation area lies within the storm drainage tributary area. Please see the attached exhibit and Storm Drainage License Agreement for clarification purposes.
 - o Any future modification of the City's drainage facilities, particularly proposed changes to discharge capacity into MID's Lateral, shall be subject to MID's examination and approval prior to any new development.
2. There are existing privately-owned irrigation infrastructures that lie within the proposed annexation area. Should the proposed projects impact or otherwise alter the existing private infrastructure, MID recommends the Developer consult with those served by the existing private infrastructure.
3. Draft improvement plans within the proposed annexation area that may impact MID's Lateral must be submitted to MID's Civil Engineering Department for review and approval prior to the start of any construction. The plans should include the location and description of existing irrigation facilities that lie within the project area.
4. MID's Civil Engineering Department recommends a pre-consultation meeting to discuss MID irrigation requirements. MID irrigation standard details will be provided upon request.
5. All work that may impact existing irrigation infrastructure must be completed during the non-irrigation season (typically March 1 to November 1). Irrigation service must not be interrupted.

Should you have any questions or concerns regarding the information provided herein, please feel free to contact me at (209) 557-1351.

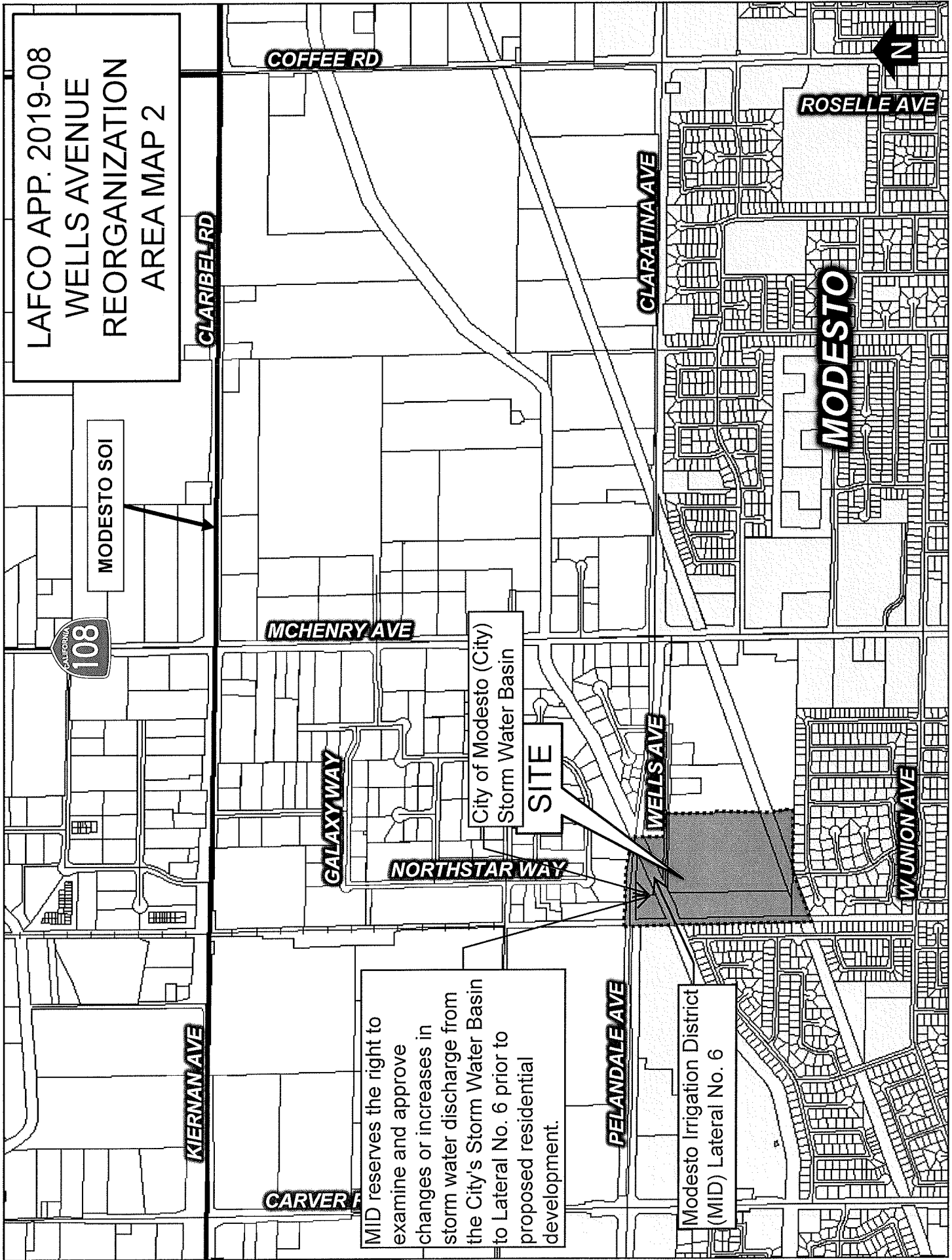
Sincerely,

A handwritten signature in black ink, appearing to read 'Seynn Savy', with a long horizontal flourish extending to the right.

Seynn Savy, EIT
Assistant Civil Engineer

Enclosure: Storm Drainage License Agreement

cc: Administration Files



STORM DRAINAGE
LICENSE - AGREEMENT NO. _____

ORIGINAL
MID

This Agreement is made on May 6, 2008, by and between the MODESTO IRRIGATION DISTRICT, an irrigation district organized and existing under the laws of the State of California, hereinafter referred to as "District", and the CITY OF MODESTO, a municipal corporation, hereinafter referred to as "Licensee."

This Agreement is made with reference to the following facts:

(a) District owns, maintains and operates a distribution system, consisting in very general terms, of canals, pipelines, ditches, weirs and appurtenant facilities for the transportation, control and distribution of irrigation water to lands within the District. Said water system is hereinafter referred to as District's "system";

(b) Storm waters accumulate from time to time within the general area as shown on Exhibit "A" (consisting of One hundred one Acres in the area lying along Pelandale/Claratina Avenues and between Tully Road and Lifescape Drive, attached hereto, hereinafter referred to as the "Drainage Area" which Drainage Area is subject to Licensee's jurisdiction and/or control;

(c) Licensee seeks District's permission to discharge said accumulated storm waters from the Drainage Area into District's system at the District's facility known as MID's Lateral No. 6, located at Pelandale Avenue and west of McHenry Avenue, from several storm water drainage facilities, as shown on Exhibit "A", all of which are to be constructed by Licensee, or which Licensee will cause to be constructed, hereinafter referred to as "drainage facilities"; and

(d) District, as an accommodation in furtherance of the public interest and welfare, is willing to grant such permission on certain terms and conditions.

NOW THEREFORE, the parties hereby agree as follows:

1. On the terms and conditions hereinafter set forth, District hereby grants to Licensee District's permission for Licensee to discharge said accumulated storm waters into District's system and to install, maintain and operate necessary and appropriate drainage facilities for said discharge.

2. The drainage facilities shall be strictly limited as to the type and capacity shown and described in Exhibit "B," attached hereto and by this reference made a part hereof, and all discharges of water by Licensee, pursuant to the permission granted by this Agreement, shall be made by and through those drainage facilities.

3. The drainage facilities shall meet all of the following design parameters:

(a) Drainage runoff from a 100 year storm can be held 48 hours in the City's drainage basin and/or piping prior to pumping into the District's Main Canal.

(b) Basic pump station shall be designed to District standards and shall be reviewed and approved by the District prior to construction.

(c) Licensee shall provide the District with real time storm water flow readings, in a format acceptable to the District, from waters being discharged into the MID canal system. All storm water monitoring costs, including ongoing system maintenance, shall be at the expense of Licensee.

(d) The pump station flow rate shall be no greater than 2 cubic feet per second (cfs).

(e) The drainage facilities shall be equipped with a positive shut-off control by which any and all discharges of water may be shut off immediately at any time by District or Licensee.

4. Any and all discharges of water by Licensee, pursuant to the permission granted by this Agreement, shall be in strict accordance with the following provisions:

(a) Licensee shall, at all times, so regulate Licensee's discharges as not to exceed the capacity of the District's Lateral 6, taking into consideration the amount of water already in, or about to be in, said canal.

(b) Licensee shall not discharge water into District's system at a time, or in an amount, that will create a risk of harm to any District facilities, or that will cause water to overburden any District facilities.

(c) Licensee shall not discharge water into District's system at a time, or in an amount, that will create a risk of harm to property of any kind or character from flooding or otherwise.

(d) Licensee shall not discharge water into District's system at a time, or in an amount, that will interfere with the operation, maintenance or repair of that system, or any part of it.

(e) Licensee shall not discharge water, in any quantity or amount, into District's system which is not of a quality entirely suitable for agricultural or irrigation uses and purposes, or which is deleterious, or potentially deleterious, in any degree, to plant or animal life. In the event that District has reason to believe that water discharged into District's system by Licensee contributes to, causes, or threatens to cause the degradation of the quality of the water in District's system, Licensee shall immediately cease making any such discharge, and such discharge shall be resumed only after such condition has been resolved to the satisfaction of the District.

(f) Licensee shall be responsible for the water quality discharged into District's system and shall ensure that all water so discharged complies with all applicable federal, state and local laws, rules and regulations, including without limitation water quality standards. Any damage to the environment, surface water or groundwater as a result of any discharge by Licensee, shall be solely the responsibility of Licensee.

(g) Licensee shall conduct at least two water analyses each season at the point of discharge of this drainage facility with the District's canal system. At a minimum, the analysis must include all of the constituents required by the California Regional Water Quality Control Board (RWQCB) "Ag Waiver" program, as shown in Exhibit "C". One of the water samples shall be taken during the first major storm runoff event of the winter season. As a rule of thumb, this first flush winter sampling should occur when at least a quarter of an inch (0.25") of rain has fallen within a 24 hour period. This sampling is intended to measure the constituent makeup of the first winter storm runoff. A second sample shall be taken during the summer months if discharge occurs during this time period. This sampling is intended to measure the constituent makeup of nuisance water discharged to the canal from the City's basin.

(h) If any order to cease is made at any time by the California State Water Resources Control Board, a Regional Water Quality Control Board, or any other governmental authority of any kind, concerning the quality of water being discharged by Licensee into District's system pursuant to the permission granted by this Agreement, Licensee shall immediately cease making any such discharges and such discharges shall be resumed only after the complaint has been withdrawn or otherwise resolved, to the satisfaction of the District.

(i) District may at any time and for any reason, or for no reason, direct Licensee to immediately discontinue making discharges into District's system pursuant to this Agreement. Upon receiving notice from the District that discharges are to be discontinued, Licensee shall immediately discontinue making such discharges, and discharges shall not be resumed until specifically and expressly permitted by District.

5. Licensee shall pay District such annual fee in lawful money of the United States of America as District may require, now or in the future, to compensate District for receiving into its system water discharged pursuant to the permission granted by this Agreement. The fee shall be based upon the capacity of, or the total volume discharged from, Licensee's drainage facilities. The amount of the fee shall be fixed and determined from time to time in the exercise of District's discretion by its Board of Directors. The fee shall be due and payable when billed and it will be prorated in the event that the period of time involved is less than a year. In addition to the foregoing, Licensee shall compensate the District for all expenses reasonably incurred by the District which result from Licensee's discharge of storm waters into the District's system. Such expenses shall include, but not be limited to, costs of removing District maintenance equipment, additional labor costs incurred by District, alterations or repairs to District's system made necessary as a result of the discharges, clean up costs incurred by District and any fines, penalties or other charges imposed on District as a result of or in connection with the discharges.

6. Except as specifically provided for in this Agreement, no alteration, improvement, installation or construction or use shall be made or permitted by Licensee in, under, along, across, upon, or in respect to, District's system or facilities, without the prior written consent of District.

7. Licensee shall not use or cause District's land to be used in any manner that will interfere with, be inconsistent with, or jeopardize the safety of any use or purpose of District. In

the event District shall at any time so require for District's use or protection of its properties or facilities, Licensee, at Licensee's expense, shall promptly alter or relocate the drainage facilities.

8. (a) Licensee shall not use, generate, manufacture, store or dispose of on, under or about District's system, facilities or property, or transport to, from or across District's system, facilities or property, any flammable, explosive or radioactive material, toxic substance, hazardous waste, hazardous material, hazardous substance, or the equivalent, as those terms may now or in the future be defined by common practice or by any federal, state or local statute, ordinance or regulation or any governmental body or agency (hereinafter "Hazardous Substance").

(b) Without limiting any remedies District may have, in the event any disposal, release, discharge or spill of a Hazardous Substance or other contamination (collectively an "Occurrence") occurs within District's system, facilities or property as a result of Licensee exercise of rights hereunder, Licensee shall immediately notify District and take all action to mitigate the effects of such Occurrence, to the extent such Occurrence is attributable to or caused by Licensee or its agents, employees, representatives or contractors. Furthermore, to the extent such Occurrence is attributable to or caused by Licensee or its agents, employees, representative or contractors, Licensee shall (at Licensee's own expense), unless otherwise directed by District, remediate such Occurrence to District's reasonable satisfaction and in compliance with all applicable laws, rules and regulations. District shall have the option to perform the remediation itself or through any contractor and Licensee shall cooperate with District to complete the remediation and shall reimburse District for all reasonable costs and expenses incurred in connection with the remediation of an Occurrence to the extent such Occurrence is attributable to or caused by Licensee or its agents, employees, representatives or contractors.

(c) In the event Licensee observes any material Licensee believes or has reason to believe may be a Hazardous Substance or encounters any unknown physical condition of any unusual nature on District's system, facilities or property, other than disposal, releases, discharges, spills or contamination covered in (b), Licensee shall, without disturbing the condition, immediately cease all discharges hereunder and notify District. District shall investigate the condition and take any clean-up or other remedial action District deems necessary in its sole discretion.

(d) In the event District or its contractor elects to perform remediation work, Licensee shall upon written notice from District, cease all discharges into District's system as directed in the notice. District will notify Licensee when the condition has been resolved, at which time, but not before, Licensee may resume discharges in accordance with this Agreement.

(e) Licensee agrees to assume liability for and to defend and hold harmless District from and against any and all injuries or death to any person and damage to any property, and all related expense, including without limitation reasonable attorneys' fees, investigators' fees, litigation expenses and any judgements, fines, penalties or other charges assessed against District, resulting from Licensee's failure to comply with this Paragraph 8 and any laws, rules or regulations concerning the subject matter hereof. The provisions of this Paragraph 7 shall survive the expiration and termination of this license.

9. District shall make every reasonable effort to avoid loss of or damage to any of the drainage facilities referred to in Exhibit "B" to this Agreement. Licensee shall make no claim against District for, or on account of, any such loss or damage caused by or suffered in connection with District's operations or activities.

10. This Agreement is made on the express condition that District shall be free from all liability and claims for damages by reason of any injury to or death of any person, or persons, or damage to property of any kind whatsoever and to whomsoever belonging, arising out of or in any manner connected with the acts, omissions or negligence of Licensee or Licensee's employees agents or contractors. In this regard, Licensee hereby agrees to and shall defend, indemnify and hold harmless District, its directors, officers, agents, representatives and employees, from and against any and all claims, damages, loss, liability and expenses, including court costs and attorney's fees, arising out of or on account of injury to or death of any person or loss of or damage to any property as hereinabove mentioned.

11. If Licensee's exercise of rights under this Agreement, including the construction, use or maintenance of the drainage facilities, or any portion thereof, causes damage, injury, impairment or degradation to District's system, including Lateral 6, or any other property or facilities of District, Licensee shall, at its sole cost and expense, repair said damage, injury or degradation upon notice by the District. Any such repair shall be performed in a timely manner and shall be in strict accordance with plans acceptable to the District.

12. The permission granted by this Agreement is personal, revocable and unassignable, and such permission constitutes a bare license only. This Agreement does not grant or create an easement, or does it convey or transfer to Licensee any right, title or interest in or to any property or facility of District. All rights granted hereunder are subject and subordinate to all uses and purposes District may now or in the future make of its system or any part of it, or of any other facilities or property of District.

13. In the event that this Agreement is terminated or cancelled, or Licensee abandons or ceases to use the drainage facilities for the agreed purpose, all rights granted hereunder to Licensee shall terminate and Licensee, at its expense, shall remove Licensee's improvements or take other closure action reasonably acceptable to District, and restore District's system, facilities and property to their original condition or to a condition reasonably acceptable to District. Such removal and restoration shall be accomplished in a good and worker like manner, and Districts property shall be restored, as nearly as possible, to the condition it was in immediately prior to the installation of Licensee's drainage facilities. Licensee shall at Licensees expense, promptly repair any damage to District's system, facilities or property caused by such removal or restoration. Licensee shall be deemed to have abandoned the irrigation and drainage facilities if District's land is not used by Licensee for the purposes set forth in this Agreement for any consecutive sixty (60) month period.

14. Licensee shall at the request of District and at Licensee's expense remove from District's system, any silt, leaves or other debris caused to be deposited in said system by discharges of water made pursuant to the permission granted by this Agreement.

15. This Agreement supersedes all prior negotiations of the parties hereto and contains the entire Agreement of such parties on the matters covered hereby. This Agreement may not be modified orally, or in any manner, other than by an agreement in writing signed by both of the parties hereto.

16. Licensee shall not assign this Agreement or attempt to assign the License created hereby and any such assignment or attempted assignment shall be void. Whenever this Agreement requires an act to be performed by Licensee, such activity may be performed by Licensee, its employees, agents, or persons or entities operating under a contract with Licensee; provided that no contract or subcontract shall relieve Licensee of any of its liabilities or obligations under this Agreement, and Licensee agrees that it is fully responsible to the District for the acts and omissions of Licensee's employees, agents, contractors, and subcontractors, and of persons either directly or indirectly employed by them in the performance of the activities.

17. All drainage facilities shall be installed at Licensee's expense and in strict accordance with plans and specifications which shall be subject to District's examination and approval in advance of the installation and any future modifications of said facilities. Such examination and approval shall not impose any duties or obligations on District, nor shall they relieve Licensee of the sole responsibility for the plans, specifications or work, or relieve Licensee of its contractual responsibilities hereunder. Following their installation, the drainage facilities shall be maintained in good and safe operating condition by, and at the expense of Licensee. The District shall have no duty or obligation to maintain the drainage facilities.

18. No right granted hereunder to the District to review, examine or approve any plans, designs or work of Licensee, or to order the discontinuance of discharges, shall impose any duty or obligation on District, nor shall any such right relieve Licensee of the sole responsibility for the plans, designs, work, and discharges, or relieve Licensee of its contractual responsibilities hereunder.

19. Licensee shall not perform any work within District's system during any Irrigation Season which would interfere with the delivery of irrigation water. That time period during a particular year in which District determines to use its system for the delivery of irrigation water shall be referred to as the "Irrigation Season." The parties hereto are mindful of the fact that District's Irrigation Season ordinarily, but not necessarily, ends at the end of October and begins the first of March the following year.

20. If any of Licensee's privileges or duties under this Agreement are to be performed by any independent contractor or contractors, Licensee shall, effectively and appropriately, bind such contractor, or contractors, contractually to the duties and obligations of Licensee hereunder. In that connection Licensee shall, among other requirements, require such contractor, or contractors to indemnify and hold District harmless from and against any and all claims, damages, loss, liability and expenses, including court costs and attorney's fees, arising out of or on account of injury to or death of any person or persons, or damage to property of any kind whatsoever and to whomsoever belonging, arising out of or in any manner connected with said contractor, or contractors, acts or omissions exercising Licensee's privileges or performing Licensees duties created by this Agreement.

21. The District makes no representations as to, and does not warrant the condition of District's system, facilities or property, or any part thereof, either at the inception of this Agreement or as to any future point in time. In entering into this Agreement, the District neither warrants nor represents that it will continue to operate its system, in any particular manner or condition, or at all. In the event that said Lateral 6 is in District's opinion, no longer required for the transmission of water, or is no longer in a condition suitable for the transmission of water, the District shall so notify Licensee, and this Agreement and the License granted hereby shall be deemed terminated. Upon such termination, Licensee, at its sole cost and expense, shall immediately make alternate arrangements for the drainage of storm waters from its property by means of facilities other than those owned or operated by the District.

22. Licensee shall observe, comply with and execute all present and future orders, regulations, directions, rules, laws, ordinances and requirements of all governmental authorities (including but not limited to state, municipal, county and federal governments and their departments, boards, bureaus and official) in connection with and shall obtain all permits (including, without limitation, NPDES permit) required for its performance under this Agreement.

23. This Agreement is made solely for the benefit of Licensee, and it is not made for the benefit of any person, firm, association, corporation or public entity not a party hereto, and no person, firm, association, corporation or public entity other than Licensee shall have any right to enforce this Agreement.

24. Except as set forth in Paragraph 16 above, the terms and provisions of this Agreement shall inure to the benefit of and bind the successors in interest and assigns of each party.

25. Each term and each provision of this Agreement performable by Licensee shall be construed to be both a covenant and a condition.

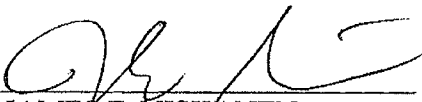
26. Either party may cause to be recorded a copy of this Agreement in the records of the County Recorder of Stanislaus County.

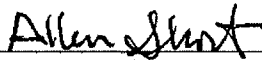
[Signatures on next page]

IN WITNESS WHEREOF, the City of Modesto, a municipal corporation, has authorized the execution of this Agreement in duplicate by its Interim City Manager and attestation by its City Clerk under authority of Resolution No. 2008-261, adopted by the Council of the City of Modesto on the 6th day of May, 2008, and MODESTO IRRIGATION DISTRICT, an irrigation district, has caused this agreement to be duly executed in duplicate as of the Effective Date.


CITY OF MODESTO,
a municipal corporation

MODESTO IRRIGATION DISTRICT
an irrigation district

By 
JAMES E. NISKANEN,
Interim City Manager

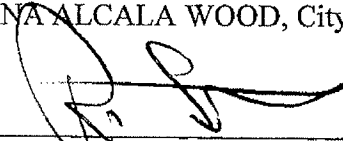
By 
ALLEN SHORT, General Manager
T.O.

ATTEST:

By 
STEPHANIE LOPEZ, City Clerk

By 
Secretary

APPROVED AS TO FORM:
SUSANA ALCALA WOOD, City Attorney

By 
ROLAND R. STEVENS, Assistant City Attorney

RESOLUTION NO. 2008-110
APPROVING A STORM DRAINAGE LICENSE
AGREEMENT BETWEEN MODESTO IRRIGATION
DISTRICT AND THE CITY OF MODESTO
(PELANDALE-MCHENRY BASIN)

BE IT RESOLVED, That the Board of Directors of the Modesto Irrigation District does authorize and direct the General Manager to execute on behalf of the District that certain Storm Drainage License Agreement dated May 6, 2008 between the Modesto Irrigation District and the City of Modesto.

WHEREBY, the District permits the City of Modesto to discharge accumulated storm waters into Lateral 6 from the area adjacent to Pelandale/Claratina Avenues between Tully Road and Lifescape Drive and from the Pelandale/McHenry Planned Development area (collectively consisting of one hundred and one acres). Reference is hereby made to said Agreement for the full facts and circumstances.

Moved by Director Hensley, seconded by Director Kidd, that the foregoing resolution be adopted.

The following vote was had:

Ayes: Directors Hensley, Kidd, Serpa, Van Groningen and Warda

Noes: Directors None

Absent: Directors None

The President declared the resolution adopted.

o0o

I, Pat Caldwell Mills, Secretary of the Board of Directors of the Modesto Irrigation District, do hereby CERTIFY that the foregoing is a full, true and correct copy of a resolution duly adopted at a special meeting of said Board of Directors held the 26th day of August 2008.



Secretary of the Board of Directors
of the Modesto Irrigation District

PELANDALE AVENUE WIDENING

DRAINAGE SHED AREA

CITY OF MODESTO

CALIFORNIA

MAY, 2007



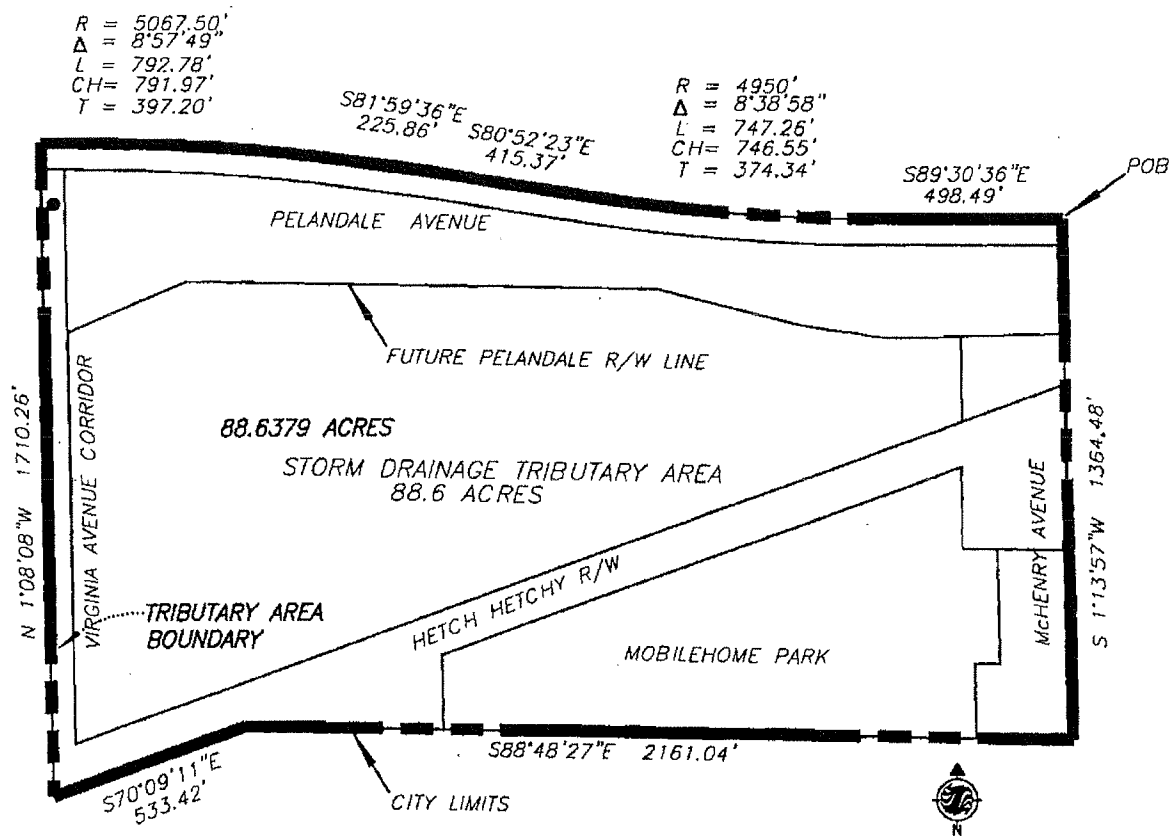
LEGEND



SHED AREA = 101.4 ACRES

W&A ENGINEERS
 1000 O ST. SUITE 200
 MODESTO, CA 95354
 TEL: 209/521-1100
 FAX: 209/521-1101
 WWW.WAENGINEERS.COM

EXHIBIT "A"



NOT TO SCALE



Stantec Consulting Inc.
 1016 12th Street
 Modesto, CA 95354
 (209) 521-8986

PELANDALE/McHENRY
 SPECIFIC PLAN
 MODESTO, CALIFORNIA

STORM DRAIN
 TRIBUTARY MAP

EXHIBIT A

C:\Documents and Settings\james\Desktop\STORM DRAIN TRIBUTARY MAP.dwg jones 4/10/08 13:12

IMPROVEMENT PLANS FOR
**PELANDALE AVENUE
 DRAINAGE LIFT STATION**
 CITY OF MODESTO, CALIFORNIA

VICINITY MAP

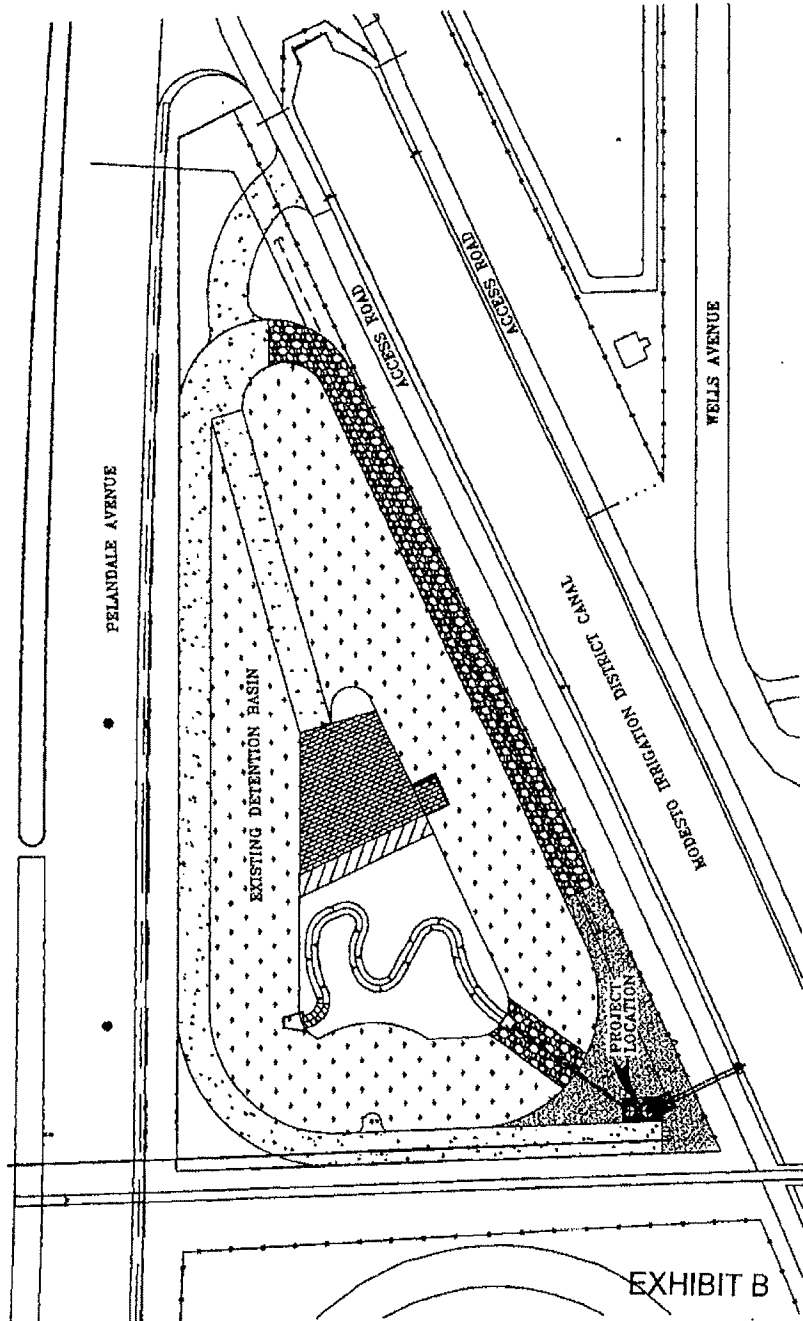
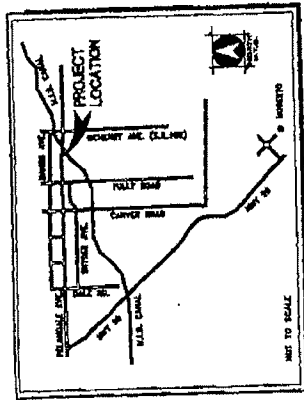


EXHIBIT B

ATTACHMENT "C"

"Ag Waiver" Minimum Constituents Analyses as Required by the California Regional Water Quality Control Board

General Water Quality Parameters:

- Flow
- PH
- Electrical conductivity
- Dissolved oxygen
- Temperature
- Turbidity
- Total dissolved solids
- Total organic carbon
- Total Kjeldahl nitrogen (TKN)
- Phosphorus
- Potassium

Herbicides:

- Endurance (Prodiamine)
- Surflan (Oryzalin)
- Direx 4L (Diuron)
- Gallery (Isoxaben)
- Predict (Norflurazon)
- Roundup (Glyphosate)

BOARD AGENDA REPORT

Meeting Date:

August 26, 2008

Tab No.:

6

Subject: Storm Drainage License Agreement Between Modesto Irrigation District and the City of Modesto (Pelandale-McHenry Basin).

Recommended Action:

Board resolution approving and authorizing the General Manager to execute, on behalf of the District, a Storm Drainage License Agreement with the City of Modesto (Pelandale-McHenry Basin).

Background and Discussion:

The City of Modesto is requesting permission to discharge accumulated storm waters from the City's Pelandale-McHenry Basin (shown in Exhibit A) into District's facilities known as Lateral No. 6, located south of Pelandale Avenue and west of McHenry Avenue. Reference is hereby made to said Agreement for full facts and circumstances.

Storm waters accumulate from time to time within the area lying adjacent to Pelandale/Claratina Avenues between Tully Road and Lifescape Drive and the Pelandale/McHenry Planned Development Area (consisting of one hundred and one acres).

The requested use is consistent with MID's current storm drainage usage and the basin is designed to minimize any adverse impact on District facilities or operations in terms of water quantity or water quality.

Agreement is available for your review in the Secretary's office.

Alternatives/Pros and Cons of Each Alternative

The City is constructing a retention basin to handle accumulated storm water which occurs directly adjacent to the Pelandale/Claratina Avenues and from the Pelandale/McHenry Planned Development Project area. As part of this basin, the City is seeking permission to discharge excess flow into the adjacent Lateral No. 6. Under the proposed system, water will be pumped into Lateral 6 during extreme storm events.

The proposed drainage system will include 48-hour storm water retention, remote discharge monitoring, water quality testing, and a canal high water control switch that will curtail storm water discharge unless Lateral 6 has adequate operating capacity.

Without this agreement and the ability to discharge to Lateral 6, localized flooding will occur from time to time.

Concurrence:

Staff considers this request to be consistent with the District's current Storm Drainage Rules and Regulations (Section 6.1, MID Irrigation Rules), and the Storm Drainage License Agreement between Modesto Irrigation District and the City of Modesto provides the best method for the City to handle

storm water from this area.

Fiscal Impact:


All costs of the storm water system expansion and future operations will be borne by the City of Modesto including, but not limited to, compliance with any existing or future discharge permits required by the State of California. The MID will have some added costs in monitoring this reach of Lateral 6 during winter storms.

Recommendation:

Resolution authorizing the General Manager to execute, on behalf of the District, a Storm Drainage License Agreement with the City of Modesto (Pelandale-McHenry Basin).

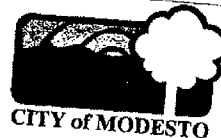
Attachments:


Presenter


Asst. General Manager


General Manager

ed

**DONNA GARDNER***Senior Administrative Office Assistant*

PUBLIC WORKS DEPARTMENT
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EXHIBIT F

**Draft LAFCO Resolution No. 2019-18
(Option 1 & Option 2)**

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**STANISLAUS COUNTY LOCAL AGENCY
FORMATION COMMISSION**

RESOLUTION

DATE: September 25, 2019

NO. 2019-18 (Option 1)

**SUBJECT: LAFCO APPLICATION NO. 2019-08 – WELLS AVENUE REORGANIZATION TO
THE CITY OF MODESTO**

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

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

THE FOLLOWING RESOLUTION WAS ADOPTED:

WHEREAS, the Commission received the subject proposal to annex approximately 35 acres to the City of Modesto and detach said acreage from the Salida Fire Protection District;

WHEREAS, the Commission conducted a duly noticed public hearing on September 25, 2019 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 more less 12 registered voters;

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

WHEREAS, the City has identified that the property is located within the City-County North McHenry Corridor Agreement area for the purposes of tax sharing;

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; and,

WHEREAS, at the time and in the form and manner provided by law, the Executive Officer provided notice of the September 25, 2019 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.

WHEREAS, the Commission has amended the reorganization to include the entire unincorporated road right-of-way along Pelandale Avenue from the project site west to Tully Road.

NOW, THEREFORE, BE IT RESOLVED that this Commission:

1. Certifies that, acting as a Responsible Agency pursuant to CEQA, it has considered the environmental documentation prepared by the City of Modesto as Lead Agency, including the Initial Study, Notice of Determination and findings of conformance with the existing MEIR.
2. Determines that: (a) the subject territory is within the Modesto Sphere of Influence and Primary Area; (b) the approval of the proposal is consistent with all applicable spheres of influence, overall Commission policies and local general plans; (c) the territory is considered uninhabited; (d) the City has provided sufficient evidence to show that the required services are available and will be provided upon development of the area; and (g) approval of the proposal will result in planned, orderly and efficient development of the area.
3. Approves the proposal subject to the following terms and conditions:
 - a. The applicant is responsible for payment of the required State Board of Equalization fees and any remaining fees owed to LAFCO.
 - b. The applicant agrees to defend, hold harmless and indemnify LAFCO and/or its agents, officers and employees from any claim, action or proceeding brought against any of them, the purpose of which is to attack, set aside, void or annul LAFCO's action on a proposal or any action relating to or arising out of such approval, and provide for the reimbursement or assumption of all legal costs in connection with that approval.
 - c. The effective date shall be the date of recordation of the Certificate of Completion.
 - d. The application shall be processed as a reorganization consisting of the annexation of the subject territory as well as additional unincorporated road right-of-way along Pelandale Avenue from the project site west to Tully Road as requested by Stanislaus County Department of Public Works to the City of Modesto and detachment from the

Salida Fire Protection District.

- e. Upon the effective date of the annexation, all rights, title, and interest of the County, including the underlying fee where owned by the County in any and all public improvements, including, but not limited to the following: sidewalks, trails, landscaped areas, open space, streetlights, signals, bridges, storm drains, and pipes shall vest in the City; except for those properties to be retained by the County.
 - f. The applicant shall submit a revised map and legal description in a form acceptable to the Executive Officer prior to recording.
- 4. Designates the proposal as the "Wells Avenue Reorganization to the City of Modesto".
 - 5. Waives the protest proceedings and orders the reorganization pursuant to Government Code Section 56663.
 - 6. Authorizes and directs the Executive Officer to prepare and execute a Certificate of Completion in accordance with Government Code Section 57203, subject to the specified terms and conditions of this resolution.

ATTEST: _____
Sara Lytle-Pinhey
Executive Officer

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**STANISLAUS COUNTY LOCAL AGENCY
FORMATION COMMISSION**

RESOLUTION

DATE: September 25, 2019

NO. 2019-18 (Option 2)

**SUBJECT: LAFCO APPLICATION NO. 2019-08 – WELLS AVENUE REORGANIZATION TO
THE CITY OF MODESTO**

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

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

THE FOLLOWING RESOLUTION WAS ADOPTED:

WHEREAS, the Commission has considered the proposed Wells Avenue Reorganization to the City of Modesto at a public hearing held on September 25, 2019;

WHEREAS, the Commission conducted a duly noticed public hearing on September 25, 2019 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 Commission has, in evaluating the proposal considered the report submitted by the Executive Officer, the factors set forth in Section 56668 of the California Government Code and testimony and evidence presented at the meeting.

NOW, THEREFORE, BE IT RESOLVED that the Commission denies the proposal without prejudice.

ATTEST: _____
Sara Lytle-Pinhey
Executive Officer