



**STANISLAUS LAFCO
LOCAL AGENCY FORMATION COMMISSION**

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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, October 23, 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 September 25, 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. 2019 Legislative Update.

- 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. **YEAR-END FINANCIAL REPORT FOR FISCAL YEAR 2018-2019**
(Staff Recommendation: Accept and file the report.)

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. 2018-02 – NORTHWEST NEWMAN PHASE I REORGANIZATION TO THE CITY OF NEWMAN.** Request to annex approximately 121.31 acres to the City of Newman and simultaneously detach the area from the West Stanislaus Fire Protection District and Central California Irrigation District. The project area is located northwest of the Newman City Limits, west of Highway 33 and south of Stuhr Road. The City, through its planning process, assumed the role of Lead Agency, pursuant to the California Environmental Quality Act (CEQA), for the project and prepared an Environmental Impact Report for the Northwest Newman Master Plan. LAFCO, as a Responsible Agency, will consider this environmental documentation and adoption of the same findings. (Staff Recommendation: Adopt Resolution No. 2019-19 approving the proposal.)

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 December 4, 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

September 25, 2019

1. CALL TO ORDER

Chair Van Winkle called the meeting to order at 6:00 p.m.

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

Commissioners Present: Michael Van Winkle, Chair, City Member
Jim DeMartini, Vice Chair County Member
Terry Withrow, County Member
Bill Berryhill, Public Member
Amy Bublak, City Member
Richard O'Brien, Alternate City Member

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

Commissioners Absent: Brad Hawn, Alternate Public Member
Vito Chiesa, Alternate County Member

2. PUBLIC COMMENT

None.

3. APPROVAL OF MINUTES

- A. Minutes of the August 28, 2019 Meeting.

Motion by Commissioner DeMartini, seconded by Commissioner Withrow and carried with a 5-0 vote to approve the Minutes of the August 28, 2019 meeting by the following vote:

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

4. CORRESPONDENCE

A. Specific Correspondence.

None.

B. Informational Correspondence.

1. CALAFCO Proposed dues structure for 2020.

C. "In the News"

5. DECLARATION OF CONFLICTS AND DISQUALIFICATIONS

None.

6. CONSENT ITEM

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

Motion by Commissioner Bublak, seconded by Commissioner Berryhill and carried with a 5-0 vote to accept the 2020 meeting calendar, by the following vote:

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

7. PUBLIC HEARING

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.)

Javier Camarena, Assistant Executive Officer, presented the item with a recommendation of denial without prejudice.

Chair Van Winkle opened the Public Hearing at 6:19 p.m.

Pat Burns of Salida Fire Protection District spoke in regards to an agreement between the City and Salida Fire Protection District; George Petrulakis, a landowner representative, gave a short presentation and was available to answer questions of the Commission.

Chair Van Winkle closed the Public Hearing at 6:38 p.m.

Motion by Commissioner Bublak, seconded by Commissioner Berryhill, and carried with a 5-0 vote to adopt Resolution No. 2019-18 approving the proposal with the added condition, by the following vote:

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

8. OTHER BUSINESS

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 October will include the Northwest Newman Master Plan Annexation.
- Upcoming for the December meeting: Staff is working on the Eastside Water District Annexation and anticipates a Fire Contract application from the City of Modesto.

12. ADJOURNMENT

A. Chair Van Winkle adjourned the meeting at 6:42 p.m.

NOT YET APPROVED

Sara Lytle-Pinhey, Executive Officer

MEMORANDUM

DATE: October 23, 2019
TO: LAFCO Commissioners
FROM: Sara Lytle-Pinhey, Executive Officer *SLP*
SUBJECT: **Legislative Update**

RECOMMENDATION

This Legislative Update is being provided for the Commission's information only. It is recommended that the Commission receive and file this report.

DISCUSSION

The following is a summary of bills of interest from the 2019 legislative session:

Consolidation and Extension of Service: Domestic Wells

AB-508 (Chu) – **Chaptered**

QUICK SUMMARY:

This bill expands upon the existing authority granted to the State Water Resources Control Board (SWRCB) to mandate extension of service or consolidation of public and/or private water systems in disadvantaged communities, adding that this may also include residences being served by domestic wells.

This bill builds on the authority granted to SWRCB to not only consolidate water systems recipient may be a community served by a single well, but also to a community of residences served by individual domestic wells. The bill also adds that for consolidations or extensions containing individual wells that SWRCB will “promptly take all reasonable steps to obtain written consent to the consolidation or extension of service from an owner of each residence served by a domestic well.” Owners that do not provide written consent will not be required to connect to the water system but will also not be eligible for any future water-related grant funding from the State.

IMPLICATIONS FOR STANISLAUS LAFCO:

Mandated extensions of service are used as a last resort by SWRCB when there is an unwilling participant in the process. LAFCO Staff regularly receives requests for extensions of water service, typically on small, residential parcels located in a City sphere of influence. This bill could lead to an increase in similar requests on an area-wide level.

Disadvantaged Unincorporated Communities

AB-600 (Chu) – **Chaptered**

QUICK SUMMARY:

This bill expands upon existing restrictions related to city annexations that are contiguous to disadvantaged unincorporated communities, making it more difficult to process small annexations that may chip-away at an unincorporated area.

Existing law prohibits a LAFCO from approving an annexation to a city of any territory greater than 10 acres where there exists a disadvantaged unincorporated community contiguous to the proposed annexation, unless an application to annex the entire community is also proposed or written evidence is provided that voters in the area oppose annexation. This bill expands upon this prohibition, adding that a Commission cannot approve two or more proposed annexations that take place within 5 years of each other and that are individually less than 10 acres but cumulatively more than 10 acres. The bill originally contained existing requirements that attempted to mandate large-scale annexations in these areas, but this language was removed from the final version of the bill.

IMPLICATIONS FOR STANISLAUS LAFCO:

Stanislaus LAFCO submitted a letter in opposition to AB-600 and provided an example of how this added annexation prohibition would unintentionally discouraged infill development and improvements of disadvantaged unincorporated communities. Staff will continue to engage with CALAFCO on this topic.

Review Factors: Environmental Justice

AB-1628 (Rivas) – **Chaptered**

QUICK SUMMARY:

AB-1628 revises the definition of environmental justice, as used in the factors to be considered by the Commission during review of a proposal.

This bill revises the definition of environmental justice to include fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the location of public facilities and the provision of public services, to ensure a healthy environment for all people such that the effects of pollution are not disproportionately borne by any particular populations or communities. The definition previously did not reference national origin or the effects of pollution.

IMPLICATIONS FOR STANISLAUS LAFCO:

Staff will include this updated definition in upcoming staff reports that include analysis of factors for the Commission's consideration.

Omnibus Bill

AB-1822 (Committee on Local Government) – **Chaptered**

QUICK SUMMARY:

Each year, CALAFCO sponsors an omnibus bill that is intended to make minor clarifications and corrections to language in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act).

This year's omnibus bill contained several non-controversial changes, including the following:

- Clarifications to the term “service” (previously described as being a function of a special district and now, as a function of a local agency).
- Addition of a definition for “service review” to mean an analysis conducted by the commission documenting and analyzing the services in a particular geographic region or jurisdictional area pursuant to the requirements of Government Code Section 56430.

IMPLICATIONS FOR STANISLAUS LAFCO:

Clarifications and improvements to the CKH Act are necessary to insure the law is as unambiguous as possible to the Commission and Staff.

Other Bills of Interest: Failed deadlines

Small System Water Authority Act of 2019

SB-414 (Caballero) – *May be acted upon Jan. 2020*

QUICK SUMMARY:

Would authorize creation of small system water authorities that will have powers to absorb, improve, and operate noncompliant public water systems. LAFCO would be required to process the formation of the entity and monitor their compliance with a corrective plan.

According to CALAFCO, the focus of the bill is on non-contiguous water systems. The bill is similar to AB-2050 (Caballero) from 2018. The State Water Resources Control Board already has the authority to mandate consolidation of certain water systems. This bill would add the authority to mandate dissolution of water systems and formation of new public agencies known as small system water authorities. LAFCO would have little, if any, discretion in the process. The bill would also require that the new authority file annual performance reports with the Commission.

IMPLICATIONS FOR STANISLAUS LAFCO:

Staff is concerned by the processes included in this proposed legislation and the lack of discretion by LAFCO. Staff is aware that CALAFCO has been working with the author on amendments and clarifications to the process.

Grant Program for LAFCOs

AB-1253 (Rivas) – *May be acted upon Jan. 2020*

QUICK SUMMARY:

Would establish a grant program for local agency formation commissions that could potentially help fund change of organizations, reorganizations, and special studies.

Sponsored by CALAFCO, this bill establishes a five-year pilot grant program to provide grants to LAFCOs to address known service and governance concerns in disadvantaged communities. This program provides grants to LAFCOs for conducting special in-depth studies and analyses of local government agencies and services for the purposes of creating improved efficiencies in the delivery of local government services and completing the dissolution of inactive special districts. The grant program would be administered by the Strategic Growth Council and sunset on December 31, 2025.

IMPLICATIONS FOR STANISLAUS LAFCO:

If this bill passes, it would provide a unique opportunity for Stanislaus LAFCO and other LAFCOs to apply for grant funding for more in-depth studies, particularly for special districts where no other funding source for such study currently exists. The Commission previously provided a letter of support for this bill.

CORRESPONDENCE – IN THE NEWS

Newspaper Articles

- Riverbank News, September 25, 2019, "Goulding, Stanfield join Consolidated Fire Board."
- West Side Index, September 26, 2019, "Ambulance service management in transition."
- The Modesto Bee, October 2, 2019, "Water year just ended was way above-average for Modesto area. Was it a record?"

GOULDING, STANFIELD JOIN CONSOLIDATED FIRE BOARD

With the controversy that has shaded Stanislaus Consolidated Fire Protection District (SCFPD) over the past few years with finances, staff turnover, the loss of the contract with the City of Oakdale and, most recently, the lawsuit that was filed against the city of Riverbank, there may be some light peering through those clouds. That light could come in the form of two new board members, sworn in during the summer and settling in to their seats on the panel. Jonathan Goulding and Steven Stanfield are now serving on the board, and were sworn in recently along with seeing the reappointment of Greg Bernardi.

The former fire board President Susan Zanker and Vice President Dave Woods are no longer on the SCFPD Board of Directors. Current Board of Directors, Michelle Guzman and Steve Green's terms run through the end of this year.

Goulding is a current Fire Captain for Ceres Fire. He is very familiar with the staff and the history of SCFPD. He talked about serving on the fire board for years and finally got the opportunity. As an active firefighter Goulding said he found it important to bring his perspective and experience to the table.

"Obviously there was a lot of stuff going on with Consolidated and there has been for years," stated Goulding. "It is not the last board's fault; this has been going on for years. One of my concerns is it didn't appear to me that there were public safety people on the board. So public safety is a little bit unique on the way we operate these things."

Goulding noted that, with his service in Ceres, he spent a lot of time "educating the city council members" there on the way fire departments operate.

He also has experienced turmoil within the Ceres Fire Department where a fire marshal became the fire chief, at one point the city manager was the fire chief, and finally Kevin Wise, formerly with SCFPD, is now the acting fire chief.

"It is the first time since I have been there that we had a fire guy be our fire chief," added Goulding. "So I know what it is like for these guys coming to work feeling like either the board doesn't have their back or the chief doesn't have their back or some combination of those things."

In the late 1990s, Goulding began his career in Sonoma County and in 2006 got hired on full time for Ceres where he has been ever since. He has assisted in creating a new public relations program and spends part of his time as the Public Information Officer.

When it comes to the lawsuit regarding fire protection costs, Goulding explained that SCFPD did not just raise rates by picking some random numbers. He shared that Consolidated hired an independent third party that did the assessment and that it had been a very long time since rates had been increased.

"I personally would rather avoid a lawsuit but at the same time Consolidated is not super flush with money so if Riverbank needs protection we need to be able to protect them," expressed Goulding. "So whatever that cost is, and I didn't assess it; I have seen the report but the report was done by people that make those kinds of assessments and if they say this is the cost of doing business, I don't know better than that."

One of his main goals is to "stabilize" the department in regards to finances and personnel.

"I have been in the firefighter's shoes I understand how hard it is when you are fighting to make a board or a council understands your basic needs," Goulding said. "I am excited about being on the board."

Stanfield was born and raised in Modesto and currently resides in the Crossroads area. He grew up in the rural area with a grandfather that was a fire chief and his father who was a volunteer firefighter. Growing

IN THE NEWS – Riverbank News, September 25, 2019 (Continued Page 2)

up in the fire department and his grandfather being one of his mentors, Stanfield originally had a vision of becoming a firefighter. They also grew almonds.

Around his senior year of high school, though, Stanfield said he got the bug to look into law enforcement.

"I was going to Modesto High School and I used to hang out front of the old jail in downtown Modesto with another board member on the board right now," explained Stanfield.

He started his law enforcement career working part time for the Modesto Police Department making \$5 an hour. After a couple years he got picked up for full time and has been in law enforcement ever since. Stanfield served two years with the Alameda Sheriff's Department and then spent the rest of his career in Modesto for a total of 22 years.

"I have always wanted to have that connection with fire," said Stanfield. "I have always been involved with the community. I have been an area commander for the Modesto Police Department. You are like the police's liaison for anything that goes on in that community."

Following the situation with the Oakdale contract and attending a few board meetings, Stanfield said he wanted to be part of the solution and help the SFCPD grow. He also realizes that there are things he needs to learn and people that he would like to get to know including the other board members, city officials, and fire staff. Although he has known board member Bernardi for many years he expressed that their foundation is one of friendship and not as board members.

As far as the lawsuit with the City of Riverbank, Stanfield shared that he needs to obtain more details, do more research, and have a few more conversations before he comments publicly about the issue. However, he is very hopeful and positive that with the new board there may be different opinions and different concerns than the previous board.

"My goal is to try to find a way to effectively communicate with the City of Riverbank, the builder, Consolidated as a whole to have a sit down and have a resolution that we all think works," Stanfield said. "This whole Crossroads development is designed for one purpose, to make Riverbank better."

Understanding that new housing will add more people to the community which means there must be services to support those people, he would hope that they can all get on the same page to make Riverbank a safe community.

The three goals that Stanfield has while being on the board are to deal with the staffing issues at Consolidated, to make the budget fiscally sound, and develop a leadership plan.

"I am extremely proud to serve Riverbank," expressed Stanfield. "I am committed to try to do everything I can as board member to make sure Riverbank has the best fire service they can have and the citizens are as safe as humanly possible."

Both new board members have a two-year term that can be extended another two years for a total of four years.

Ambulance service management in transition

Management of the community-based ambulance service which covers Gustine, Newman, Santa Nella and surrounding areas is back in local hands for the first time in more than five years.

And even though the management team currently in place is serving on a temporary basis, a number of changes have already taken place and more are in the works.

Outside firms have contracted to provide oversight of West Side Community Ambulance since 2014.

The board which oversees West Side, however, opted to return to local management after the most recent outside provider, American Medical Response (AMR), advised that it did not see the contractual arrangement as being sustainable. The company last fall proposed essentially absorbing the West Side operation and said it would terminate its management contract if the local provider declined.

West Side leaders opted to return to in-house management, and on Sept. 6 formally parted ways with AMR - even though a local operations manager was not yet on board.

A temporary management team of Joshua Brace, a firefighter/paramedic who has been working with West Side to help provide administrative assistance, and Mike Pitassi, a retired veteran of EMS management who oversaw the local service in the 1980s before embarking on a long career with Escalon Community Ambulance, have been leading the operation for the past three weeks.

Dennis Brazil, ambulance board president, told Mattos Newspapers that he anticipated a new operations manager would be named at the board's monthly meeting earlier this week (Tuesday night).

But since both finalists are from out of state, Brazil said, he does not anticipate the new manager being on board until mid-October at the earliest.

In the meantime, Pitassi and Brace will manage the service.

The co-managers, Brazil emphasized, are being asked to take a pro-active approach rather than simply serving as placeholders until the newly-hired operations manager is on board, and may work with that individual for a period of time as needed.

"We have new leadership coming in," said Pitassi, who said the goal was to have the new operations manager arrive to inherit largely a turnkey operation.

"We are trying to fix issues," said Brace, pointing to crew radios as one example of a shortcoming in the system.

"We found that we had seven different styles of radios, with seven different batteries and seven different chargers," he explained. "Now all the crews have the same radios, which are dedicated to their (dispatch) tones so that they don't have to scan all the time. Just that was a huge improvement. They were buying one radio at a time, but technology changes every six months. We are getting the crews the equipment that they need."

Pitassi and Brace said that their directive from the board was that all policies and procedures - either from an operational standpoint or as defined in the employee contract - were to be fully enforced.

"We have brought organization back. We put an organizational chart together, and we are enforcing that," Brace said. "Having management here, we are checking with the crews each day to see what they need to function. That is something they are not used to, and we get a lot of positive feedback. The day-to-day operations are going a lot smoother. Our units are staffed, they are good to go and being taken care of."

IN THE NEWS – West Side Index, September 26, 2019 (Continued Page 2)

Vehicles are on a regular service plan, he added, and are being washed and cleaned daily by crews.

"These are things that haven't been done for a long time," Brace commented. "We blew up an engine because things weren't getting checked."

The co-managers said crew members have been supportive and made the progress possible.

"I'm proud of those crew members. We have had several who have stepped up and helped, some immensely," Brace stated. "We wouldn't have a company if we didn't have them."

Ambulance crews have faced difficult conditions in recent years, he added.

"In the past 10 years the board hasn't been consistent, the management hasn't been consistent," he added. "I don't blame the employees for the way things were. You have to have leadership. They were doing the best they could with what they were dealt."

In addition to those front-line issues, Brace and Pitassi said, they have been tending to a complex variety of reporting, compliance and other management details.

West Side, a small service which keeps two ambulances on the road, faces the same regulatory requirements as industry giants such as AMR, Brace pointed out.

"When all this came into my lap, I received 12 emails from 12 different department heads at AMR, telling me what they were in charge of (and offering assistance if needed)," Brace noted.

"There is so much that we do day to day, and it is very time-consuming," he added.

Rural ambulance companies such as West Side face financial and operational challenges inherent in being an EMS operation with a low call volume serving a wide geographic area, Pitassi noted.

But they also enjoy a unique relationship with the communities they serve.

"One of the things I like about this area and in my career in Escalon is that it is real personal," he reflected. "You get to know your patients."

"We are public servants," Brace stated. "We deserve the best out here. I'm a firm believer in that."

IN THE NEWS – The Modesto Bee, October 2, 2019

Water year just ended was way above-average for Modesto area. Was it a record?

By John Holland

River runoff was strong, and reservoir storage was high, with Monday's end of the water year for Modesto-area suppliers.

The Tuolumne River watershed had 2.98 million acre-feet of runoff in the year ending Sept. 30, 2019, said Constance Anderson, communications division manager with the Turlock Irrigation District. It shares Don Pedro Reservoir on this river with the Modesto Irrigation District.

The Tuolumne runoff was 156 percent of the historical average, but it was far from the record 255 percent two years ago.

The Stanislaus River watershed got 1.75 million acre-feet of runoff in the year ending Monday, said General Manager Steve Knell of the Oakdale Irrigation District. It was 153 percent of average, well short of the record 274 percent two years ago.

Having two very wet years in the last three has helped the state recover from the five-year drought earlier in the decade.

"We're in good shape heading into the 2019-2020 water year," said Melissa Williams, public affairs manager at MID. "Together with our watershed partners, we remain cognizant of California's dynamic weather patterns and actively plan for a wide range of hydrologic conditions."

Many water agencies measure the supplies from October to the next September so it includes the stormy months followed by the irrigation season. Others measure from July 1 to June 30.

The abundant rain and snowmelt mean above-average reservoir storage, which will come in handy if the new water year is drier. The readings from the California Department of Water Resources as of Monday:

- Don Pedro was 84 percent full, and at 124 percent of its historical average for this time of year.
- New Melones Reservoir on the Stanislaus River was 85 percent full and at 151 percent of its historical average. It stores water for OID and the South San Joaquin Irrigation District, and for federal water customers in the western and southern San Joaquin Valley.
- McClure Reservoir on the Merced River was 68 percent full and at 151 percent of its historical average. It is owned by the Merced Irrigation District.

San Luis Reservoir in the hills west of Los Banos was 62 percent full and at 132 percent of the historical average. It holds water pumped from the Sacramento-San Joaquin Delta for numerous Valley districts.

Groundwater levels have risen, too, thanks in part to recharge from the storms since 2017. Some suppliers urge farmers to flood-irrigate if possible near season's end, to further build up the aquifers.

Knell said the Oakdale district has an especially large effort thanks to extensive land that is cattle pasture.

"With one of the largest flood-irrigated pasture lands areas in the region, nearly 30,000 acres, this late-season irrigation opportunity has proven its benefits to our local aquifer," he said.

The state agency noted that more than 30 atmospheric rivers – highly concentrated bands of moisture in the sky – hit California in the past water year. And it warned that the new year could be vastly different.

"What we could have today could be gone tomorrow," DWR Director Karla Nemeth said in a news release. "Conserve. Recycle. Recharge. People and the environment depend on it."

**EXECUTIVE OFFICER'S AGENDA REPORT
OCTOBER 23, 2019**

TO: LAFCO Commissioners

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

SUBJECT: Year-End Financial Report for Fiscal Year 2018-2019

RECOMMENDATION

Staff recommends that the Commission accept this informational report comparing budgeted and actual revenues and expenditures for Fiscal Year 2018-2019.

DISCUSSION

At the close of Fiscal Year 2018-2019, the Commission's revenues exceeded its expenditures by \$27,441. Overall, the Commission expended 95% of the amount budgeted for the year. Application revenue was higher than anticipated, with Staff receiving three times the amount budgeted. A summary of the expenditures and revenues is shown in Table 1, below.

Table 1: Fiscal Year 2018-2019 Summary

<i>Expenditures</i>	Adopted Budget FY 18-19	Actuals (Year-End)	Difference	% of Budget
Salaries & Benefits	406,165	402,806	3,359	99%
Services & Supplies	85,754	67,606	18,148	79%
Other Charges	2,000	784	1,216	39%
Total Expenditures	493,919	471,195	22,724	95%
<i>Revenues</i>				
Agency Contributions	451,919	451,919	0	100%
Applications	12,000	35,968	(23,968)	300%
Other (Interest & Reimb.)	-	10,749	(10,749)	-
Total Revenue	463,919	498,636	(34,717)	107%
Revenue Less Expenditures		27,441		

Expenditures

The Commission uses three expense categories: Salaries and Benefits, Services and Supplies, and Other Charges. Overall, expenses trended lower than budgeted in each of these categories. Details of the individual accounts are attached to this report. The following are highlights within each of these categories:

Salaries and Benefits

At the end of the fiscal year, the Salaries and Benefits category had expenditures of \$402,806, representing 99% of the amount budgeted in this category. Retirement expense were slightly higher than anticipated, but this was offset by savings in health insurance costs.

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Services and Supplies

Expenditures in the Services and Supplies category accounted for 79% of the amount budgeted. The Commission saw savings in the Legal Services account as this is billed based on the need for these services throughout the year and can fluctuate based on complexity of applications.

During the prior fiscal year, LAFCO Staff met with the County to review and seek clarification regarding charges for overhead services. This resulted in a credit and savings to the Professional and Special Services Account (#63000). Additional savings is also reflected in Fiscal Year 2018-2019.

The Commission Expenses account also trended lower than anticipated. This was due to Commissioners waiving stipends and paying for their own travel expenses to training.

Other Charges

The Other Charges category consists of one account: "Planning Department Services" for shared use of a copier. These costs have been trending lower as Staff strives to make less paper copies of items. Staff lowered the budgeted amount for this category in the current fiscal year.

REVENUES

Overall, the Commission received \$498,636 in revenues, or \$34,717 above what was anticipated. Application revenue in Fiscal Year 2018-2019 exceeded estimates by over \$23,000. In addition, the Commission received over \$10,000 in interest earnings during the Fiscal Year.

CONCLUSION

Because the overall revenues received exceeded expenses at year-end, the use of fund balance was not necessary to offset the budget as originally estimated. These increased revenues received at the close of Fiscal Year 2018-2019 will be factored into the review of reserve funds and available fund balance at preparation of the next year's Commission budget.

Attachments: Fiscal Year 2018-2019 Expenditures and Revenues Detail

Stanislaus LAFCO
Fiscal Year 2018-2019 Expenditures and Revenues

EXPENDITURES

Account		FY 18-19 ADOPTED BUDGET	ACTUALS (YEAR-END)	DIFFERENCE	% EXPENDED
Salaries and Benefits					
50000+	Salaries and wages	243,710	244,482	(772)	100%
52000	Retirement	70,695	71,953	(1,258)	102%
52010	FICA	19,210	18,557	653	97%
53000	Group health insurance	59,550	57,904	1,646	97%
53009	OPEB health insurance liability	2,820	-	2,820	0%
53020	Unemployment insurance	450	450	-	100%
53051	Benefits admin fee	190	149	41	78%
53081	Long term disability	380	360	20	95%
54000	Workers compensation insurance	1,165	1,162	3	100%
55000	Auto allowance	2,400	2,400	(0)	100%
55080	Professional development	2,200	1,898	302	86%
55130	Deferred comp mgmt/conf	3,395	3,491	(96)	103%
Total	Salaries and Benefits	406,165	402,806	3,359	99%
Services and Supplies					
60400	Communications (SBT - Telecom)	900	1,067	(167)	119%
61000	Insurance (SDRMA)	3,475	3,397	78	98%
61030	Fiduciary liability insurance	40	40	-	100%
62200	Memberships (CSDA, CALAFCO)	6,065	5,880	185	97%
62400	Miscellaneous expense	3,000	1,776	1,224	59%
62450	Indirect costs (A87 roll forward)	5,875	5,870	5	100%
62600	Office supplies	1,500	615	885	41%
62730	Postage	1,200	836	364	70%
62750	Other mail room expense	420	323	97	77%
63000	Professional & special serv	14,214	10,802	3,412	76%
	Building maint & supplies	3,600	2,788	812	77%
	Office lease	3,975	3,851	124	97%
	Utilities	1,460	1,349	111	92%
	Janitorial	605	713	(108)	118%
	Purchasing	275	149	126	54%
	CEO/Risk Mgt overhead	4,300	1,920	2,380	45%
63090	Auditing & accounting	2,800	2,636	164	94%
63400	Engineering services	2,000	1,510	490	75%
63640	Legal services	12,000	8,027	3,973	67%
63990+	Outside data proc services (IT & GIS Lic)	11,015	10,905	110	99%
	IT Services (SBT)	7,315	7,355	(40)	101%
	Video Streaming (SBT)	1,000	1,000	-	100%
	Mtg Recording (Final Cut Media)	1,500	1,350	150	90%
	GIS License (SBT)	1,200	1,200	-	100%
65000	Publications & legal notices	800	838	(38)	105%
65660	Special Dept Expense (Biennial Audit)	8,000	8,000	-	100%
65780	Education & training	5,500	2,791	2,709	51%
65810	Other supportive services (messenger)	230	313	(83)	136%
65890	Commission expense (stipends, training)	6,100	1,500	4,600	25%
67040	Other travel expenses (mileage)	500	349	151	70%
67201	Salvage disposal	120	131	(11)	109%
Total	Services and Supplies	85,754	67,606	18,148	79%

Other Charges

73024	Planning dept services	2,000	784	1,216	39%
Total Other Charges		2,000	784	1,216	39%

TOTAL EXPENDITURES		493,919	471,195	22,724	95%
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REVENUES

Account	FY 18-19 ADOPTED BUDGET	ACTUALS (YEAR-END)	DIFFERENCE	% REALIZED
40680+ Agency Contributions	451,919	451,919	0	100%
40445 Rebates & Refunds	-	30	(30)	-
36414 Application & Other Revenues	12,000	35,968	(23,968)	300%
17000 Interest Earnings	-	10,719	(10,719)	-
TOTAL REVENUE	463,919	498,636	(34,717)	107%

Revenues Less Expenditures **27,441**

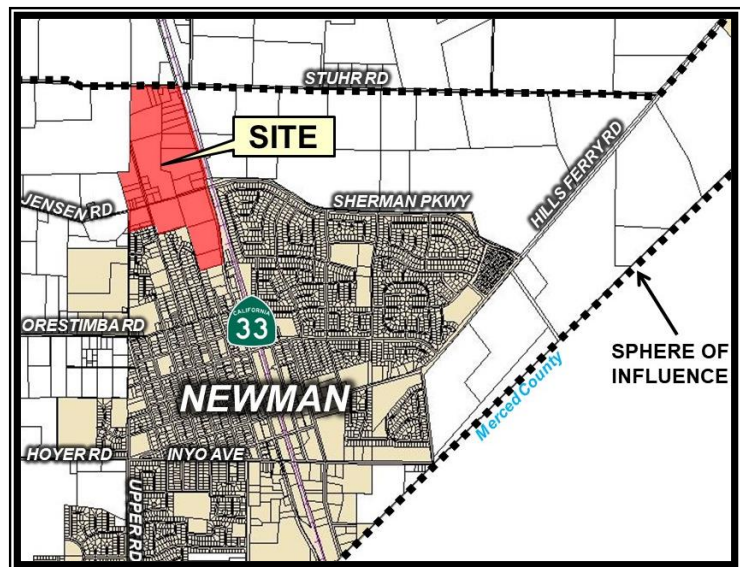
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**LAFCO APPLICATION 2018-02
NORTHWEST NEWMAN PHASE I
REORGANIZATION TO THE CITY OF NEWMAN**

PROPOSAL

The proposed project is a request to annex approximately 121 acres to the City of Newman and simultaneously detach the area from the West Stanislaus Fire Protection District and Central California Irrigation District. The reorganization is part of the Northwest Newman Master Plan which will provide a mix of residential, business park, community commercial, office, parks and school uses for the City of Newman.

1. Applicant: City of Newman is the applicant and has adopted a resolution authorizing application to LAFCO.
2. Location: West of Highway 33 and south of Stuhr Road in the northwest of the Newman city limits and within the Sphere of Influence. (See Exhibit A – Legal Description & Maps.)
3. Parcels Involved and Acreage: The project includes approximately 121 acres and 38 Assessor's Parcels Numbers (APNs).



4. Reason for Request: The proposed reorganization is being requested to accommodate Phase I of the Northwest Newman Specific Plan which was adopted by the City of Newman. The City of Newman has pre-zoned the territory to include office, commercial, light industrial, retail, wholesale commercial, and low, medium and high density residential uses.

The City of Newman has stated that development of the Master Plan area will provide the City with opportunities to capture future job growth occurring in the region. Furthermore, the City has a low inventory of infill sites and development of the Master Plan area is consistent with General Plan policies and goals.

ENVIRONMENTAL REVIEW

The City of Newman, as Lead Agency, certified and adopted an Environmental Impact Report (EIR) for the Northwest Newman Master Plan (NNMP) pursuant to the California Environmental Quality Act (CEQA) (See Exhibit B). As part of the environmental review, the EIR also addressed the proposed reorganization for the NNMP area. LAFCO, as a Responsible Agency, must certify that it has considered the environmental documentation prepared by the City of Newman. This documentation has been provided previously in electronic format for the Commission and public's review and is available on the LAFCO website.

Statement of Overriding Considerations

The Newman City Council identified significant impacts in the EIR, which could not be eliminated or mitigated to a level of insignificance. In certifying the EIR for the proposal, the City Council adopted certain Findings of Fact and a Statement of Overriding Considerations, concluding the significant effects of the project are outweighed by the benefits of the development plan. Significant and unavoidable impacts of the proposed specific plan include: (1) agricultural resource impacts; (2) noise impacts; (3) greenhouse gas emissions impacts; and (1) transportation and circulation impacts. The City's environmental determination, adopted by Newman City Council Resolution No. 2017-54, is attached in full as Exhibit B to this report.

LAFCO as a Responsible Agency

Pursuant to CEQA, the Commission, as a Responsible Agency, must consider the EIR prepared by the City, including the environmental effects of the project, prior to reaching a decision on the project. If the Commission decides to approve the proposal, the Commission's resolution should include one or more findings required by CEQA Guidelines Section 15091(a) for each significant effect of the project and make findings in Section 15093, as necessary, to adopt statements of overriding considerations, and file a Notice of Determination in compliance with CEQA Guidelines Section 15096(i).

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 inhabited territory as it contains 54 registered voters. The area currently consists of mixed agricultural uses, ranchettes, single-family residences, highway commercial and light industrial uses. It has been pre-zoned by the City for a mix of business park, community commercial, and professional office uses. The annexation is being proposed for future development. Surrounding land uses include agricultural and residential uses.

Stanislaus County and the City of Newman have agreed upon the Northwest Newman Annexation Property Tax Revenue Exchange Agreement that was executed in June of 2019 (Exhibit C). Upon annexation, the property taxes will be shared in accordance with agreement. The subject territory is located in Tax Rate Areas 083-027 and 083-003. The current total assessed land value of the territory is \$4,910,506.

- 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 Newman
Fire Protection	West Stanislaus Fire Protection District	City of Newman
Planning & Building Inspection	Stanislaus County	City of Newman
School District	Newman/Crows Landing	Same
Water (Potable)	Well	City of Newman
Sewer	Septic	City of Newman
Roads	Stanislaus County	City of Newman
Mosquito Abatement	Turlock Mosquito Abatement	Same

Plan for Services

The City submitted a Plan for Services with the proposal describing the City's ability to provide the necessary services to the subject territory (See Exhibit D.) When reviewing the City's Plan for Services, the Commission shall consider the ability of the City to deliver adequate, reliable and sustainable services. Commission policies state that a proposal will not be approved if it has the potential to significantly diminish the level of service(s) within the City's current boundaries. 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 previously, many of the services currently provided will transfer to the City of Newman and property taxes will be shared in accordance with the Northwest Newman Annexation Property Tax Revenue Exchange Agreement. There are no known negative impacts to existing County governmental structures, adjacent areas or social and economic interests as a result of the reorganization.

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

Section 56377 requires the Commission to consider LAFCO policies and priorities that would guide development away from existing prime agricultural lands and consider development of existing vacant or nonprime agricultural land for urban uses within the existing jurisdiction of a local agency or within the sphere of influence of a local agency before any expansion of boundaries.

The project site is located within the City of Newman Sphere of Influence and is adjacent to the City's northern boundary. Development of project site will result in the loss of Prime Farmland. However, as described in the next section, the City of Newman has implemented a measures to minimize impacts on agricultural land. Given the proximity of the proposal to the existing City limits, the annexation can be considered to be an orderly and efficient extension of urban development.

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

According to the City of Newman's application, approximately 58 acres of Prime Farmland, are located within Phase I of the Northwest Newman Master Plan (NNMP). As a result of the proposed reorganization, this acreage would be directly and permanently converted to nonagricultural uses. The conversion of Prime Farmland is considered a significant impact according to the NNMP Environmental Impact Report (EIR). The City of Newman's NNMP EIR and Plan for Agricultural Preservation state that the City has established a voter-approved Urban Growth Boundary (UGB) that is coterminous with the City's Sphere of Influence. The UGB policy states that until December 31, 2040, the City shall restrict urban services (except temporary mutual assistance with other jurisdictions) and urbanized uses of land to within the Newman UGB, except for completing roadways. The City has also included allowing Williamson Act properties within the territory to remain until a non-renewal or cancellation and notification to buyers and renters of Newman's right-to-farm ordinance.

The above has been implemented by the City in order to minimize the impacts to agricultural lands and is consistent with the Commission's menu of strategies in Policy 22. The mitigation measure is discussed further in the City's Plan for Agricultural Preservation (Exhibit E).

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

The proposed boundary would include 38 Assessor's Parcel Numbers as shown in Exhibit B. It would also include the adjacent road right-of-way of Stuhr Road and road right-of-way along Highway 33, consistent with the Commission's policies.

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

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

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

The proposed annexation area has been pre-zoned for Business Park, Professional Office, Planned Mixed Residential, and Community Commercial as part of the Northwest Newman Master Plan and is consistent with the City General Plan.

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

The territory is currently within the City's Sphere of Influence and "Primary Area." Stanislaus LAFCO considers a Primary Area as the near-term growth area for a City. The project area is also within the boundaries of the following agencies: West Stanislaus Fire Protection District (WSFPD), Turlock Mosquito Abatement District, and the Central California Irrigation District (CCID). Upon annexation, the area will detach from both the WSFPD and CCID. It will remain in the other districts identified.

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.

Staff received an email from the Central California Irrigation District (CCID) regarding the possible detachment of additional properties in the City of Newman. Staff informed CCID that the additional properties were not within the proposed project's territory and would require a separate application. Staff also received a letter from CCID in support of the detachment (Exhibit F). No additional comments were received from local or public agencies.

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

The City of Newman is a full-service provider of municipal services and will provide these services to the project site, such as: domestic water, sanitary sewer, storm drainage, street construction/maintenance, police protection and street lighting. According to the City's Northwest Newman Master Plan Financing Plan, project developers will be responsible for funding or constructing all backbone infrastructure (sewer, water, drainage and roads) for new development. The City will consider the establishment of public financing mechanisms

to assist in funding the construction and maintenance of major backbone infrastructure facilities and provision of community services and public services to the Master Plan area.

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

Following annexation to the City of Newman, water to the Master Plan area will be provided by the City of Newman. The City owns and operates a municipal water system to serve all uses within the community. The municipal system relies on pumped groundwater as the primary water supply, with four wells providing this supply.

According to the Master Plan, the build-out of planned water lines and related facilities within the Master Plan area. Planned facilities include a combination 12- and 14-inch diameter water line in Jensen Road, 10-inch diameter water lines within the rights-of-way of State Route 33, Stuhr Road, Harvey Road and the unnamed central north-south minor collector road. Local residential roads would each have an 8-inch diameter water line to serve future land uses. The City may drill shallow wells on one or more proposed parks to supplement the municipal water system.

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 Northwest Newman Master Plan proposes approximately 187 acres for a mix of housing densities and types, to serve the needs of different households, including single family homes, multi-family housing, and mixed-use housing totaling 1,353 dwelling units. The proposed annexation is Phase 1 of the Master Plan and will have approximately 11.5 acres of residential uses and could result in approximately 46 new dwelling units. These units would contribute towards meeting the City's 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 54 registered voters within the affected territory. Staff received a letter signed by three property owners in opposition to the reorganization (Exhibit F). The letter stated that the reorganization will impose a financial hardship on farming each owners' property due to detachment from the Central California Irrigation District. The property owners currently have Class 1 water rights. The letter also includes concerns related to costs associated with connecting to City services. Last, the letter states concerns related to historic structures within the proposed territory.

The City of Newman has revised the Northwest Newman Policy Implementation Program and has had subsequent meetings discussing concerns with property owners. The Implementation Program discusses policies regarding public services. Property owners may make agreements with the City of Newman related to the City's implementation process. However, such agreements would be outside of LAFCO's purview.

o. Any information relating to existing land use designations.

The property is currently zoned A-2-10 (General Agriculture) and PI 22 (Planned Industrial) in the Stanislaus County Zoning Ordinance and has a designation as Urban Transition, Agriculture and Planned Industrial in the County's General Plan. The City of Newman has pre-zoned the area for Business Park, Professional Office, Planned Mixed Residential, and Community Commercial as part of the Northwest Newman Master Plan and is consistent with the City 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 Environmental Impact Report, the project site has not been identified as being within a very high fire hazard severity zone.

DISCUSSION

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

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

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

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

According to the Northwest Newman Master Plan Environmental Impact Report, most of the land within the City's existing limits is developed with urban uses. Any development other than the limited opportunities for infill within the City's current boundaries would result in the loss of farmland. Therefore, the City found no feasible alternatives to the proposed project territory.

The proposed project is the first phase of the three-phase Northwest Newman Master Plan. Phasing has been implemented in order to promote planned, orderly and efficient development of the territory consistent with LAFCO Policy 22.

The Policy also states that a Plan for Agricultural Preservation shall specify the method or strategy proposed to minimize the loss of agricultural lands. The policy provides several strategies that shall be encouraged by the Commission. The following is listed as one of those strategies:

A voter-approved urban growth boundary designed to limit the extent to which urban development can occur during a specified time period.

As stated previously, the City of Newman has established an Urban Growth Boundary (UGB) that is coterminous with the City's Sphere of Influence. According to the City's Plan for Agricultural Preservation, until December 31, 2040, the City shall restrict urban services (except temporary mutual assistance with other jurisdictions) and urbanized uses of land to within the Newman UGB, except for the purpose of completing roadways.

Based on the information provided by the City, Staff believes that the Commission can make the findings contained in Policy 22.

Williamson Act

The territory currently includes one Williamson Act Contract on two of the parcels. When a reorganization is proposed and the territory includes land that is under a Williamson Act Contract, Government Code Section 56754 requires that the Commission shall determine whether or not the city shall succeed to the rights, duties and powers of the contract.

Section 56856.5 specifies that the commission shall not approve a change of organization or reorganization that includes any property under a Williamson Act Contract if the annexation is to a city or special district providing sewer, domestic water, or streets and roads, unless these facilities or services benefit land uses allowed under the Williamson Act Contract.

Sub-section "C" of the same section allows the commission to approve a change of organization or reorganization if it finds the following:

- The city or county that will administer the contract after annexation has adopted policies and feasible implementation measures applicable to the affected territory ensuring the continuation of agricultural use and other uses allowed under the Williamson Act Contract
- The change of organization or reorganization encourages and/or is necessary to provide planned, well-ordered, and efficient urban development patterns that include appropriate consideration of the preservation of open-space lands within those urban development patterns

According the Master Plan Environmental Impact Report (EIR), upon annexation, the City will become responsible for managing the Williamson Act Contract, consistent with state law. Property owners may petition the City of Newman to cancel the remaining years left on the contract after annexation has occurred. Development could not take place on these parcels until they are no longer subject to Williamson Act.

Inclusion of these parcels would complete annexation of all of Phase I of the Northwest Newman Master Plan and provide an orderly and logical boundary. Staff believes that the proposed reorganization can make the required findings for approval and include the Williamson Act properties, and recommends that the Commission determine that the City of Newman shall succeed in administering the contract(s).

Protest Hearing

Should the Commission approve the proposal; the annexation will be subject to a Protest Hearing which will allow registered voters and property owners to protest the Commission's decision. Pursuant to Government Code Section 57075, if a majority protest occurs (at least 50% of the registered voters residing in the territory), the proceedings will be terminated. If there is less than a majority protest, but one of the following thresholds is met, an election will be called:

1. Protests are filed from at least 25 percent, but less than 50 percent, of the registered voters residing in the affected territory.
2. Protests are filed from at least 25 percent of the property owners who also own at least 25 percent of the assessed value of land within the affected territory.

If there is less than a majority protest and an election is not triggered from the above thresholds, the Commission's approval will be ordered and the annexation recorded.

ALTERNATIVES FOR COMMISSION ACTION

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

Option 1 APPROVE the proposal, as submitted by the applicant.

Option 2 DENY the proposal.

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

STAFF RECOMMENDATION

State law declares that the purpose of LAFCO includes discouraging urban sprawl, preserving open-space and prime agricultural lands, efficiently providing government services, and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances (Government Code Section 56301). The Commission is also empowered to review and approve or disapprove proposals with or without amendment, wholly, partially, or conditionally, consistent with its own written policies and procedures (Section 56375a).

Based on the discussion in this staff report, including the factors set forth in Government Code Section 56668, and following any testimony or evidence presented at the meeting, Staff recommends that the Commission approve the proposal and adopt Resolution 2019-19 (attached as Exhibit G) which:

- a. Certifies, as a Responsible Agency under CEQA, that the Commission has considered the environmental documentation prepared by the City of Newman as Lead Agency;
- b. Finds the proposal to be consistent with State law and the Commission's adopted Policies and Procedures;
- c. Determines the effective date of the annexation shall be the date of recordation of the Certificate of Completion.
- d. Directs the Executive Officer to initiate Protest Proceedings.

Respectfully submitted,

Javier Camarena

Javier Camarena
Assistant Executive Officer

Attachments - Exhibit A: Legal Description and Maps
Exhibit B: City of Newman Council Resolutions 2017-54, 2017-55, & 2018-28 approving the Master Plan, Certifying the Environmental Impact Report & Statement of Overriding Considerations, & Annexation request.
Exhibit C: Northwest Newman Annexation Property Tax Revenue Exchange Agreement
Exhibit D: Plan for Services
Exhibit E: Plan for Agricultural Preservation
Exhibit F: Referral Responses from CCID & Landowners
Exhibit G: Draft LAFCO Resolution No. 2019-19

Additional support documentation is available on www.stanislauslafco.org, including:

- [Draft Environmental Impact Report](#)
- [Final Environmental Impact Report](#)
- [Northwest Newman Master Plan](#)

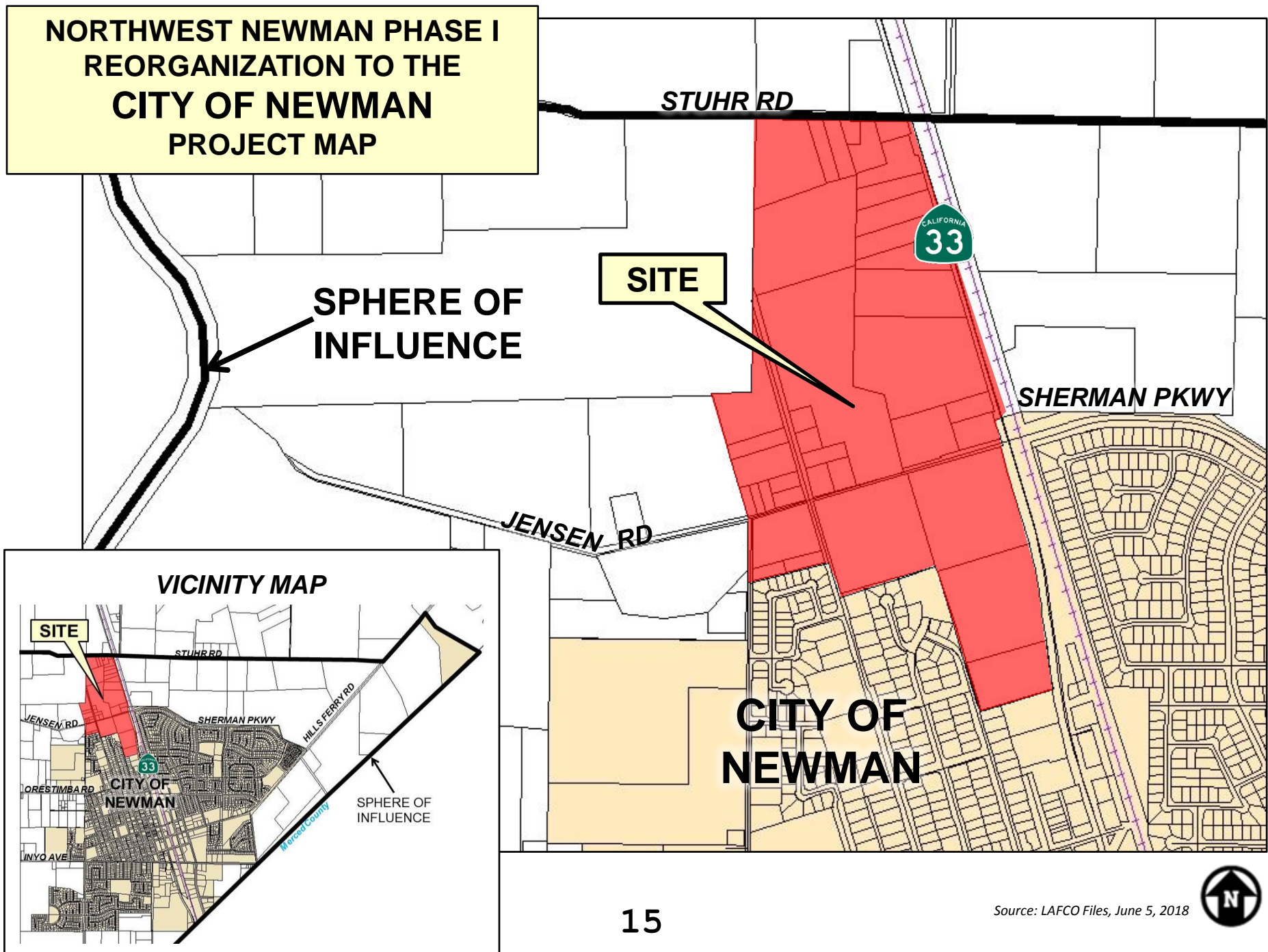
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EXHIBIT A

Legal Description & Maps

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**NORTHWEST NEWMAN PHASE I
REORGANIZATION TO THE
CITY OF NEWMAN
PROJECT MAP**



**NORTHWEST NEWMAN PHASE I
REORGANIZATION TO THE CITY OF NEWMAN**

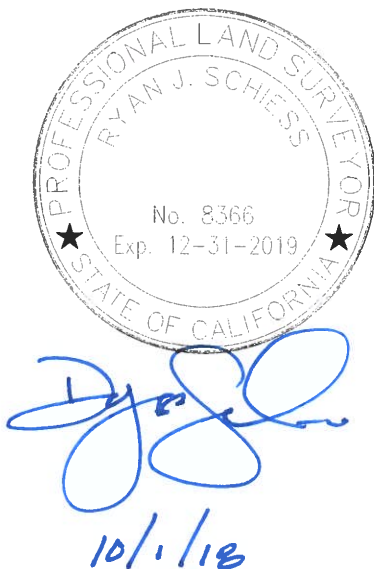
All that certain real property situate, lying, and being portions of Sections 7 and 18, Township 7 South, Range 9 East, Mount Diablo Meridian; lying in the unincorporated area of Stanislaus County, State of California, being more particularly described as follows:

BEGINNING at a point on the existing City Limits, being the northwesterly corner of Resolution No. 1674, Walker Annexation; thence, the following nineteen (19) courses:

- 1) North 16°54'30" West 987.86 feet, along the existing City Limits per Resolution 80-39, North Newman No. 2 Annexation; thence
- 2) South 73°03'30" West 679.74 feet, continuing along the existing City Limits per said North Newman No. 2 Annexation, to a point on the existing City Limits per Resolution No. 78-91, North Annexation No. 1; thence
- 3) North 16°54'30" West 237.32 feet, along the existing City Limits per said North Annexation No. 1; thence
- 4) South 75°37'30" West 530.85 feet, continuing along the existing City Limits per said North Annexation No. 1; thence
- 5) South 89°57'51" West 30.00 feet, continuing along the existing City Limits per said North Annexation No. 1, to a point on the west line of Section 18; thence
- 6) North 0°02'09" West 429.23 feet, along said west line, to a point on the northerly line of Jensen Road (Private); thence
- 7) South 76°43'22" West 7.85 feet, along said northerly line, to the southwest corner of Lot 8 as shown on the map of North Newman Subdivision, filed in Book 11 of Maps, at Page 17, Stanislaus County Records; thence
- 8) North 17°05'50" West 855.35 feet, along the westerly lines of Lots 1 through 8, inclusive, as shown on said North Newman Subdivision, to the northwest corner of said Lot 1; thence
- 9) North 87°51'50" East 258.73 feet, along the north line of said Lot 1, to the west line of Section 18; thence
- 10) North 0°02'19" West 1872.38 feet, along the west line of Sections 7 and 18, to a point on the north line of Stuhr Road; thence
- 11) South 89°06'31" East 1091.76 feet, along the north line of said Stuhr Road, to the intersection of said north line of Stuhr Road with the easterly line of Highway 33; thence
- 12) South 17°03'30" East 2100.24 feet, along the easterly line of said Highway 33, to a point on the existing City Limits per Resolution No. 2000-51, Hearthstone Ranch Reorganization; thence
- 13) South 72°56'30" West 80.00 feet, continuing along the existing City Limits per said Hearthstone Ranch

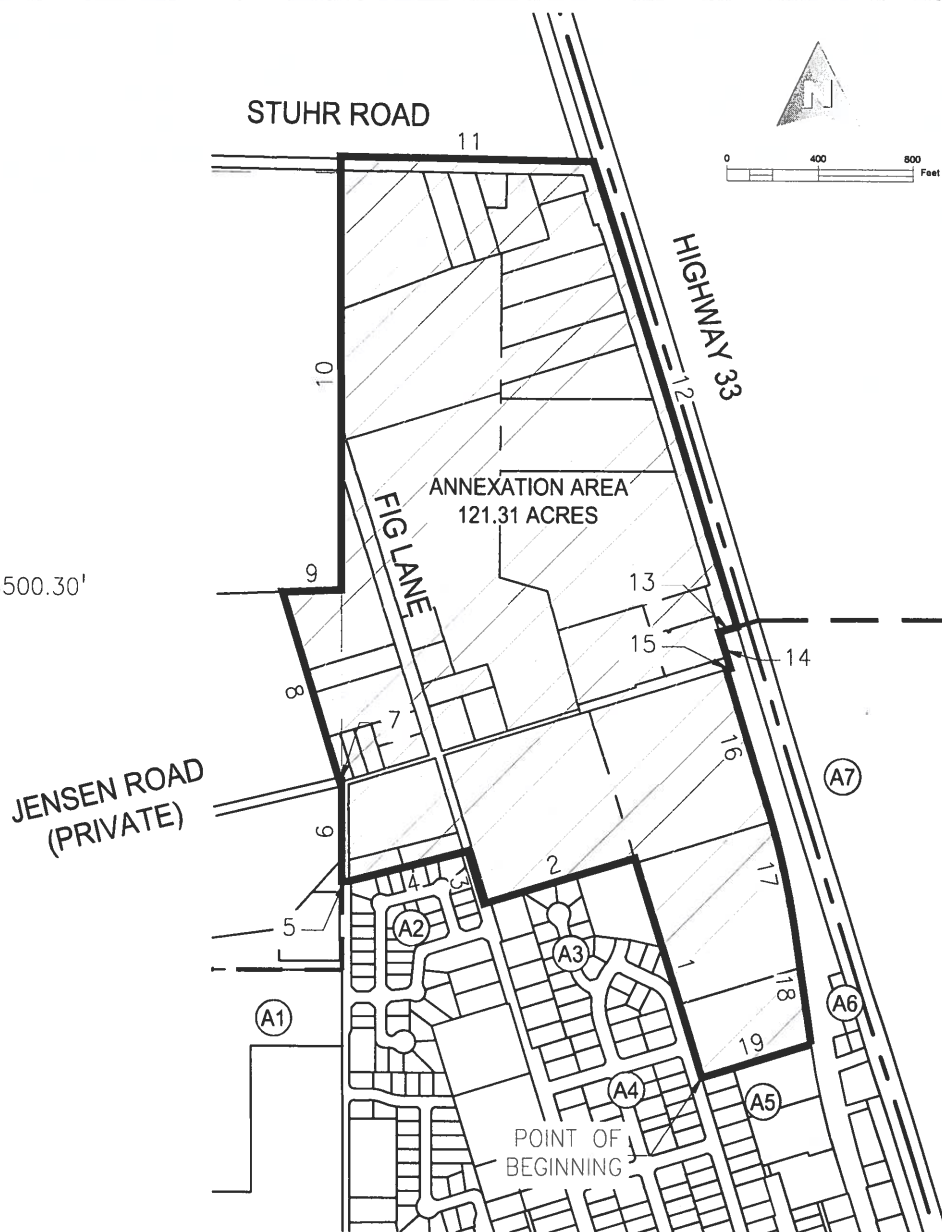
- Reorganization, to a point on the westerly line of said Highway 33; thence
- 14) South 17°03'30" East 162.73 feet, continuing along the existing City Limits per said Hearthstone Ranch Reorganization and westerly line of said Highway 33; thence
 - 15) South 72°56'30" West 20.00 feet, continuing along the existing City Limits per said Hearthstone Ranch Reorganization; thence
 - 16) South 17°03'30" East 652.96 feet, continuing along the existing City Limits per said Hearthstone Ranch Reorganization and westerly line of said Highway 33, to the beginning of a curve; thence
 - 17) Along the arc of a curve, concave to the west, having a radius of 3150.00 feet, a central angle of 9°06'00", and an arc length of 500.30 feet, continuing along the existing City Limits per said Hearthstone Ranch Reorganization and westerly line of said Highway 33; thence
 - 18) South 7°57'31" East 506.03 feet, along the existing City Limits per said Hearthstone Ranch Reorganization and per Resolution No. 92-60, Newman Center Reorganization, to the northeast corner of Resolution No. 1674, Walker Annexation; thence
 - 19) South 72°56'30" West 498.76 feet, along the existing City Limits per said Walker Annexation, to the point of beginning.

Containing a total of 121.31 Acres, more or less.



LINE AND CURVE COURSES:

1. N16°54'30"W 987.86'
2. S73°03'30"W 679.74'
3. N16°54'30"W 237.32'
4. S75°37'30"W 530.85'
5. S89°57'51"W 30.00'
6. N0°02'09"W 429.23'
7. S76°43'22"W 7.85'
8. N17°05'50"W 855.35'
9. N87°51'50"E 258.73'
10. N0°02'19"W 1872.38'
11. S89°06'31"E 1091.76'
12. S17°03'30"E 2100.24'
13. S72°56'30"W 80.00'
14. S17°03'30"E 162.73'
15. S72°56'30"W 20.00'
16. S17°03'30"E 652.96'
17. R=3150.00' Δ=9°06'00" L=500.30'
18. S7°57'31"E 506.03'
19. S72°56'30"W 498.76'



EXISTING ANNEXATIONS

- A1 ORESTIMBA UNION HIGH SCHOOL ADDITION, 1961
- A2 RESOLUTION NO. 78-91, NORTH ANNEXATION NO. 1
- A3 RESOLUTION NC. 80-39, NORTH NEWMAN NO. 2
- A4 ORDINANCE NO. 187
- A5 RESOLUTION NO. 1674, WALKER ANNEXATION
- A6 RESOLUTION NO. 92-60, NEWMAN CENTER REORGANIZATION
- A7 RESOLUTION NO. 2000-51, HEARTHSTONE RANCH REORGANIZATION

NOTES

1. TOTAL AREA OF THIS ANNEXATION IS 121.31 ACRES.




 EPIC LAND SURVEYING, INC.	P.O. Box 11930 Oakdale, CA 95361 (209) 845-2594 office (209) 845-2555 fax epicsurveying.com	NORTHWEST NEWMAN PHASE I REORGANIZATION TO THE CITY OF NEWMAN for: CITY OF NEWMAN CALIFORNIA	AUG 2018
			RJS SHEET 1 OF 1

EXHIBIT B

**City of Newman Resolutions
2017-54, 2017-55, & 2018-28**

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RESOLUTION NO. 2017-55

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWMAN ADOPTING THE NORTHWEST NEWMAN MASTER PLAN FOR NEWMAN 2030 GENERAL PLAN MASTER PLAN AREA 3 AND APPROVING RELATED GENERAL PLAN AMENDMENT 17-01, ANNEXATION NO. 17-02 AND PREZONE NO. 17-02 APPLICATIONS

PROJECT NAME: Northwest Newman Master Plan, including General Plan Amendment No. 17-01, Prezone No. 17-02, and Annexation No. 17-02.

PROPOSAL DESCRIPTION:

Northwest Newman Master Plan, General Plan Amendment, Annexation and Prezone of approximately 360 acres to business park, commercial, recreation/parkland, professional office, school and planned mixed residential land uses.

PROJECT APPLICANT: City of Newman

WHEREAS, the City Council having reviewed the proposals and having reviewed any written or verbal comments received prior to the public hearings, including the recommendations of City Staff and having heard oral comments received during the City Council public hearings on November 14th and December 12th, does hereby adopt the Northwest Newman Master Plan and approve related General Plan Amendment No. 17-01, Prezone No. 17-02, and Annexation No. 17-02 based on the following findings and conditions of approval:

FINDINGS FOR APPROVAL:

1. The project is substantially consistent with the General Plan and any applicable Specific Plans. The Master Plan was prepared in accordance with General Plan LU 3.B Master Plan Requirements and the goals and policies throughout the document. With General Plan Amendment approval, proposed master plan land use designations, densities and uses are all consistent with the General Plan. Therefore, the project is substantially consistent with the General Plan.
2. The project site is physically suitable for the proposed type and density of development. Additionally, all development shall occur in accordance with adopted development standards, goals, objectives and policies in the Northwest Newman Master Plan, City of Newman Standards and Specifications and the related Environmental Impact Report.
3. The proposed project design and improvements are not likely to cause substantial and considerable damage to the natural environment, including fish, wildlife or their habitat. Biological resource surveys conducted as a part of the Newman 2030 General Plan EIR, concluded that the Sphere of Influence, which contains the Master Plan area, no longer maintains a wildland habitat for migratory fish or wildlife species nor is it a corridor or a nursery site. With implementation of the identified mitigation measures, biological impacts are less than significant.
4. Given that all development within the Master Plan shall conform to Federal, State and City health and safety standards, the proposed Master Plan design features and improvements are not likely to cause serious public health and safety problems.
5. The proposed Master Plan design will not conflict with public easements within or through the site. Public easements will be created upon future development to provide for infrastructure and utilities. Existing public easements will be located within the public right-of-way will be preserved unless deemed to be abandoned by the appropriate agencies.
6. The design of the Master Plan provides, to the extent feasible, future passive and natural heating or cooling opportunities. Passive and natural heating or cooling opportunities will exist due to the project's location, design standards, the region's typical Northwest prevailing winds and placement of landscaping upon development.

7. The proposal is consistent with the General Plan and Zoning of the City. The Master Plan meets all applicable General Plan goals and policies (as detailed in the Planning Commission report on pages 6 through 10). The territory proposed for annexation was designed in accordance with General Plan LU 3.B Master Plan Requirements (page LU-21). The Master Plan area has GP land use designations of PMR (Planned Mixed Residential), MDR (Medium Density Residential), VLDR (Very Low Density Residential), BP (Business Park) and CC (Community Commercial). Upon approval, said territory will be zoned as follows: P-D (Residential Planned Development), R-3 (Multi-Residential), PQP (Public/Quasi-Public), M (Light Industrial/Business Park), P-O (Professional Office) and C-8 (Highway Commercial). Therefore, the project is consistent with the General Plan.
8. The unincorporated territory to be annexed is within the City's Primary Sphere of Influence. The project site is within the primary SOI identified in the 2030 General Plan and approved by Stanislaus LAFCO on January 28, 2009.
9. The boundaries of the area proposed to be annexed are definite and certain. The project boundaries are clearly identified in the Master Plan Document, accompanying EIR and legal description.
10. The proposal does not split lines of assessment or ownership. All parcels in their entirety are included in the proposal.
11. The proposal does not create islands or areas in which it would be difficult to provide municipal services.
12. The proposed annexation is contiguous to the existing City limits and an orderly and efficient pattern of urban development. The project site is contiguous to the City limits on its southeastern corner. Given its adjacent location to the City Limits and consistency with General Plan Master Plan Area No. 3 location, the Master Plan area is a logical development site and expansion of City Limits. Furthermore, its location within the City's Primary SOI and Urban Growth Boundary identifies the subject properties as sufficient to accommodate development.
13. Public utility services are available and present to serve the project. Per the Master Plan's design and planned infrastructure, water, sewer, and storm drainage services will be available and have sufficient capacity to serve the proposed development. Future developers shall be responsible for extending said infrastructure as a part of their development(s).
14. Physical improvements are present upon the parcels within the area. Properties within the Master Plan area currently contain a mix of agricultural, ranchettes, single-family residences, highway-oriented commercial, and light industrial land uses. Agricultural uses predominate in the central, northern, and western portions of the Plan area while residential ranchettes and single-family dwellings are generally located in the southern and central portions of the area with a mix of residential, highway-serving commercial and light industrial uses fronting along Highway 33. Additional improvements such as road widening, creation of new roads, extension of infrastructure and non-motorized amenities shall be developed as part of the project.
15. The Master Plan area contains territory identified as prime agricultural land as defined by GC §56064. The majority of the Master Plan area is identified as Prime Farmland. The City, via its adoption of the 2030 General Plan, adopted a Statement of Overriding Considerations which acknowledged this issue as a part of the GP's EIR certification. Furthermore, the City has instituted an Urban Growth Boundary to create strict limits for urban growth surrounding the developed portions of the City and also has a right-to-farm ordinance. Development of the Master Plan complies with LAFCO's Agricultural Preservation Policy and 2030 General Plan.

16. The proposal assists the City in meeting its respective 2014-2023 Regional Housing Needs Allocation (RHNA) as determined by StanCOG. The proposed project will add up to approximately 1,300 various residential unit types to the City, exceeding the City's total 2014-2023 RHNA allocation of 778 units.
17. The Project will not physically divide an established community. The Master Plan area is a logical development site and expansion of City Limits. Existing residential neighborhoods would become a part of the City of Newman city limits. No division will occur.
18. The Project will not conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the Project adopted for the purpose of avoiding or mitigating an environmental effect. The Master Plan was designed in accordance with the 2030 General Plan, current design standards and local/regional policies. All environmental mitigations have been identified in the 2030 General Plan and Master Plan EIR. Said mitigations shall be implemented as development occurs.
19. The Project will not conflict with any applicable habitat conservation plan or natural community conservation plan. There are no habitat conservation plans or natural community conservation plans currently in force within the City of Newman or Stanislaus County.

In an effort to ensure consistency with the with the 2030 General Plan and implement the Northwest Newman Master Plan in an efficient and logical manner, the City Council hereby adopts the following conditions of approval as part of the project;

CONDITIONS OF APPROVAL:

CEQA

1. The project shall implement all mitigation measures identified in the Environmental Impact Report.

Community Development

2. Development of business park uses and residential uses shall run concurrently (GP Policy LU-2.5).
3. Development within the Master Plan shall contribute towards the establishment of gateway entrances and landmarks shown in General Plan Figure CD- 2 (GP Policy CD-7.10).
4. Developer(s) and City shall enter into development agreement(s) prior to development within the Master Plan area.
5. The Project shall comply with FEMA and the City of Newman Floodplain requirements.
6. Rezoning and annexation to the City of Newman shall be completed in a timely manner.
7. A Finance Plan, as required through General Plan and Master Plan, shall be completed and approved by the City Council prior to the initiation of construction improvements.
8. Developers shall be responsible for fully reimbursing the City for all costs incurred during the development of the Master Plan, Environmental Impact Report and the processing the related applications; including costs associated with the application to Stanislaus LAFCO.
9. The municipal water well, water storage tank and ancillary water facilities in the Master Plan area shall be completed prior to any development within the Master Plan.
10. A Master Park development plan with timing and financing shall be completed.
11. All development phases of the Master Plan shall include:
 - a. Installation of necessary roadway improvements, water, sewer and drainage improvements to serve the amount of proposed development, as approved by the City of Newman.
 - b. Installation of temporary stormwater retention basins may be required until the area-wide basin on Site P4 is built and is operational. If the initial development phase includes or is adjacent to Park P4, the full basin improvement shall be constructed by the developer of that phase. The developer will then be eligible for reimbursement from other Master Plan developers as other planning areas are built out.

12. Phasing of future uses shall be subject to the following policies:

Neighborhood Parks

- a. Development of residential planning areas that lie adjacent to planned neighborhood parks or recreational trails shall grade the park area lying adjacent to the planning area and "stub in" utilities to the park boundary. The developer(s) may enter into reimbursement agreement(s) with the City to receive park and recreation park fee credits from other developers to reimburse for grading and utility extension expenses.

Utilities

- b. Each development phase shall install necessary roadway, water, sewer, drainage and other utility improvements.
- c. Future developers may request modifications to the backbone utility systems set forth in this Master Plan depending on the availability of new technologies or changing conditions not foreseen in this Master Plan document. Such changes may be approved by the City of Newman.

Standard Conditions

13. There shall be no new above-ground utility lines and/or maintenance boxes placed or exposed conduits installed as a result of the project.
14. The applicant and/or property owner/developer shall comply with, and be responsible for obtaining encroachment permits from the City of Newman and/or Caltrans for work performed within the right-of-way.
15. All contractors performing work relative to this project shall obtain City of Newman Business Licenses, prior to start of work on the project. All work performed on the project shall comply with the requirements of the State and Professions Code.

The foregoing resolution was introduced at a regular meeting of the CITY COUNCIL of the City of Newman held on the 12th day of December, 2017, by Council Member Graham, who moved its adoption, which motion was duly seconded by Council Member Day, and the Resolution adopted by the following vote:

AYES: McDonald, Graham, Day and Mayor Martina.

NOES: None.


ABSTENTIONS: None.

ABSENT: Candea.

APPROVED:


Bob Martina, Mayor

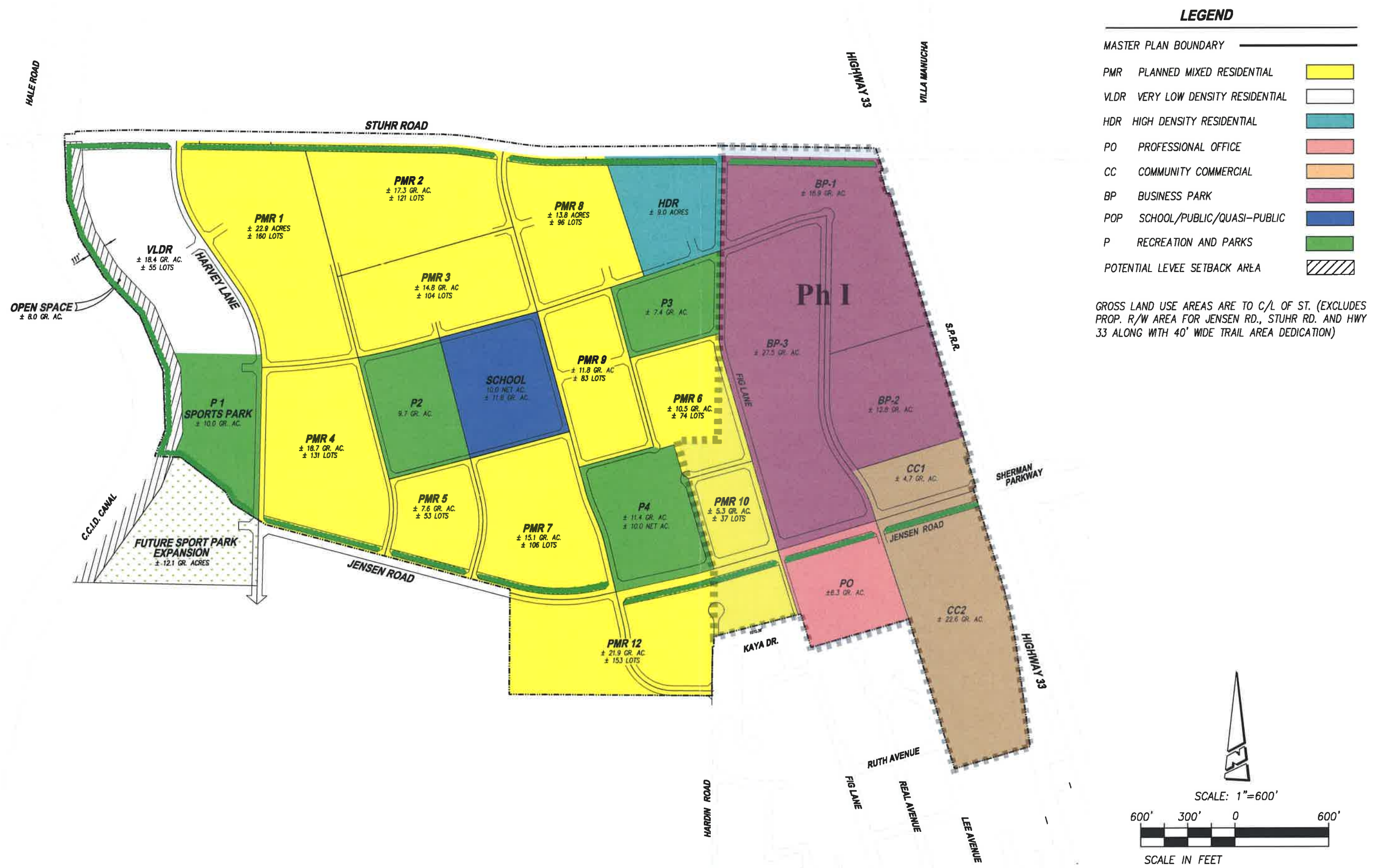
ATTEST


Mike Maier, City Clerk

I HEREBY CERTIFY THAT THE FOREGOING IS A FULL, CORRECT, AND TRUE COPY OF RESOLUTION NO. 2017-55 AS ADOPTED BY THE CITY COUNCIL OF THE CITY OF NEWMAN, A MUNICIPAL CORPORATION OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA, AT A REGULAR MEETING HELD ON DECEMBER 12, 2017, AND TO FURTHER CERTIFY THAT SAID RESOLUTION HAS NEVER BEEN RESCINDED OR MODIFIED.


CITY CLERK

12-15-2017
Dated



NORTHWEST NEWMAN MASTER PLAN
MASTER PLAN LAND USES

Figure:
3.3

RESOLUTION NO. 2017-54

A RESOLUTION OF THE NEWMAN CITY COUNCIL TO CERTIFY AN ENVIRONMENTAL IMPACT REPORT, ADOPT FINDINGS RELATING TO SIGNIFICANT IMPACTS, ALTERNATIVES AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE NORTHWEST NEWMAN MASTER PLAN

WHEREAS, in April 2007, the City Council adopted Resolution 2007-12 *A Resolution of the Newman City Council to Certify its Final Environmental Impact Report, Adopt Findings relating to the Significant Impacts, Alternatives and Statement of Overriding Considerations and Adopt Newman 2030 General Plan*; and

WHEREAS, General Plan Policy LU 2.2 requires that “*The City shall, through the use of Master Plans ensure that growth and development occur in an orderly and contiguous manner,*” and

WHEREAS, in September 2012, the City Council authorized the City Manager to enter into a contract to prepare the Northwest Newman Master Plan and Environmental Impact Report, and

WHEREAS, a Notice of Preparation (NOP) was published on and filed with the Office of Planning and Research (OPR) on March 4, 2013. The NOP was circulated for public comment, along with an Initial Study, from March 5, 2013 to April 4, 2013 and a Scoping Meeting was held during this period on March 19, 2013; and

WHEREAS, the City completed a Draft Environmental Impact Report (DEIR), State Clearinghouse Number (SCH# 2013032010). On April 14, 2017, a Notice of Completion was published commencing the State-required forty-five (45) day public review period of the DEIR from April 14, 2017 to May 29, 2017.

WHEREAS, following closure of the public review period on the DEIR, the document was supplemented to incorporate comments submitted to the City and the City’s responses to said comments. The comments resulted in changes to the DEIR text, however, the changes do not constitute significant new information as defined in CEQA Guidelines, Section 15088.5; and

WHEREAS, on October 6, 2017, the Final Environmental Impact Report (FEIR) was published and made available. The FEIR includes edits to the DEIR text, updated data, and response to all comments on the DEIR; and

WHEREAS, the Environmental Impact Report (EIR) is comprised of both the Draft Environmental Impact Report and the Final Environmental Impact Report and together with the technical appendices, form the complete volume of data and information required by the California Environmental Quality Act; and

WHEREAS, per CEQA Guidelines section 15152, the Master Plan EIR tiers off of the 2030 General Plan EIR (GP EIR) and the GP EIR is incorporated into the Plan EIR’s analysis by reference; and

WHEREAS, the EIR was prepared for the Master Plan with program-level details and is a programmatic EIR consistent with CEQA Guidelines section 15168; and

WHEREAS, all provisions of the California Environmental Quality Act relating to Environmental Impact Reports have been complied with, including notice public reviews and public hearings; and

WHEREAS, the Environmental Impact Report identified that the project will have certain significant and unavoidable effects on the environment; and

WHEREAS, the City Council desires, in accordance with CEQA, to declare that, despite the occurrence of significant environmental effects that cannot be substantially lessened or avoided through the adoption of feasible mitigation measures or feasible alternatives, there exist certain overriding economic, social, and other considerations for approving the project that the Council believes justifies the occurrence of those impacts; and

WHEREAS, CEQA (Guidelines section 15043) affirms the City Council's authority to approve this project even though it may cause significant effects on the environment so long as the Council makes a fully informed and publicly-disclosed decision that there is no feasible way to lessen or avoid the significant effects and that there are specifically identified expected benefits from the project that outweigh the policy of reducing or avoiding significant environmental impacts of the project; and

WHEREAS, the Planning Commission reviewed and considered the Environmental Impact Report at its regular meeting on October 19, 2017, and prior to taking action on the application, the Commission received written and oral reports by the staff and received public testimony during a public hearing; and

WHEREAS, after hearing all qualified and interested persons and considering all relevant evidence, the City Council finds and determines as follows:

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

1. Exhibit A (CEQA Findings) and Exhibit B (Alternatives) provide findings for required under Section 15091 of CEQA Guidelines for significant effects of the Northwest Newman Master Plan. The City Council hereby adopts these various findings.
2. Exhibit C (Statement of Overriding Considerations) provides the findings required under section 15093 of the CEQA Guidelines relating to accepting adverse impacts of the project due to overriding considerations. The City Council has balanced the economic, legal, social, technological, and other benefits outweigh the unavoidable adverse environmental effects. The City Council, therefore, finds the adverse environmental effects of the Northwest Newman Master Plan to be "acceptable." The City Council hereby adopts the Statement of Overriding Considerations.
3. After considering the EIR and in conjunction with making these findings, the City Council hereby finds that pursuant to Section 15092 of the CEQA Guidelines that approval of the Northwest Newman Master Plan will result in significant effects on the environment, however, the City eliminated or substantially lessen these significant effects where feasible, and has determined that remaining significant effects are found to be unavoidable under Section 15091 and acceptable under Section 15093.
4. The City Council has considered alternatives to the Northwest Newman Master Plan and finds based on substantial evidence in the record that while some alternatives would have less of an effect to the environment, none of the alternatives considered meet the vision, goals and policies of the 2030 General Plan. The City Council hereby rejects all other alternatives and combinations and variations, thereof.
5. These findings made by the City Council are supported by substantial evidence in the record, as summarized in the Resolution and Exhibits A, B, and C.
6. In conformance with Section 15097 of the CEQA Guidelines, the City will conduct annual reporting of the Master Plan and mitigation measure and present a copy of said compliance review to the City Council.

7. The City Council hereby certifies the Environmental Impact Report for the Northwest Newman Master Plan and directs staff to file a Notice of Determination immediately after approval of the project.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 12th day of December, 2017, by Council Member Day, who moved its adoption, which motion was duly seconded by Council Member Graham, and the Resolution adopted by the following vote:

AYES: McDonald, Graham, Day and Mayor Martina.

NOES: None.

ABSTENTIONS: None.

ABSENT: Candea.

APPROVED:


Bob Martina, Mayor

ATTEST



Mike Maier, City Clerk

I HEREBY CERTIFY THAT THE FOREGOING IS A FULL, CORRECT, AND TRUE COPY OF RESOLUTION NO. 2017-54 AS ADOPTED BY THE CITY COUNCIL OF THE CITY OF NEWMAN, A MUNICIPAL CORPORATION OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA, AT A REGULAR MEETING HELD ON DECEMBER 12, 2017, AND TO FURTHER CERTIFY THAT SAID RESOLUTION HAS NEVER BEEN RESCINDED OR MODIFIED.


CITY CLERK

12-15-2017
Dated

EXHIBIT A

FINDINGS RELATED TO CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The City Council finds that Environmental Impact Report includes mitigation measures to the maximum extent feasible to lessen the significant environmental effects identified. The City Council further finds that there are no other feasible mitigation measures that may avoid or reduce impacts to a less than significant level. Therefore, these impacts are significant and unavoidable. As a result, these impacts are overridden by project benefits as set forth in the Statement of Overriding Considerations in Exhibit C.

Conversion of Farmland. The proposed Master Plan would result in the conversion of approximately 5 acres of Grazing Land and 305 acres of Prime Farmland to non-agricultural uses and contribute to cumulative loss of agricultural land (General Plan Significant Impact - No New Impact). The City has instituted an Urban Growth Boundary to create strict limits for urban growth surrounding the developed portions of the City and also has of a right-to-farm ordinance. Development of the Master Plan complies with LAFCO's Agricultural Preservation Policy and 2030 General Plan.

Construction Emissions. Construction activity would temporarily affect local air quality, causing a temporary increase in particulate dust and other pollutants. While the exact timing of construction is not known for Plan build-out, it is possible that SJVAPCD thresholds could be exceeded and contributions to regional exceedances could be significant. Implementation of Regulation VIII and Rule 9510 (MM Air-1) would result in the use of less-polluting construction equipment.

Operational Emissions. Operational emissions generated by Plan area development and related traffic would increase emissions in the region, affecting the attainment and maintenance of criteria air pollutant air quality standards. These increases would be above GAMAQI significance thresholds and the impact is considered significant. Implementation of Regulation VIII and Rule 9510 (MM Air-1) would result in the use of less-polluting construction equipment.

Cumulative Construction and Operational Emissions. Construction and operational impacts of Plan build-out would also contribute to cumulative air quality impacts. Implementation of Regulation VIII and Rule 9510 (MM Air-1) would result in the use of less-polluting construction equipment.

Greenhouse Gas Emissions. New development in the Plan area would be an additional source of GHG emissions, primarily through consumption of energy for transportation and energy usage, which could contribute to significant impacts on the environment. Development projects within the Plan area shall demonstrate GHG emissions reductions to comply with State and Federal requirements, as feasible, through implementation of SJVAPCD GHG emission reduction measures or quantification of reduction from additional measures. Implementation as such is expected to reduce GHG emission by approximately 30%; considered less than significant by the SJVAPCD.

Increased Roadway Noise For Existing Uses. The Plan would increase traffic noise levels substantially at sensitive uses along project roadways in its vicinity (General Plan Significant Impact - No New Impact). Pursuant to CEQA Guidelines section 15152, the impacts related to increased traffic noise levels in the Plan area were adequately addressed in the prior General Plan EIR and are therefore not treated as significant impacts for purposes of this EIR. The Plan would result in no new impacts (as compared to the General Plan) related to increased traffic noise.

Construction Noise. Businesses and residences throughout the Northwest Newman Master Plan area would be intermittently exposed to high levels of noise throughout the plan horizon. Construction would elevate noise levels at adjacent businesses and residences by 15 dBA or more. Nine (9) additional mitigation measures (in addition to GP mitigations) will be applied to reduce construction noise. Furthermore, construction noise is not a permanent impact.

EXHIBIT A

Cumulative Traffic Noise. The Plan in combination with the effects of buildout of the surrounding community would increase traffic noise levels substantially along roadways in its vicinity (General Plan Significant Impact - No New Impact). Impacts would only be considered significant where noise sensitive receptors are located adjacent to the roadways. Furthermore, Mitigation Measures Noise-1a, 1b and 2 would reduce traffic noise.

SR 33 & Yolo Street, Cumulative. The addition of Plan traffic to this intersection would degrade the LOS from unacceptable F with overflow conditions in the a.m. peak hour and unacceptable E in the p.m. peak hours to an unacceptable LOS F during both peak hours. Mitigation Measures Traf-3 and 17 would result in a LOS improvement for the intersection.

Roadway Segment SR 33 - Jensen Road to Yolo Street. The addition of Plan traffic to this roadway segment would degrade the LOS D to an unacceptable LOS F. Widening the segment to four lanes would improve the LOS for the segment and be consistent with the Newman 2030 General Plan.

Roadway Segments Stuhr Road - Draper Road to Eastin Road and Eastin Road to Interstate 5. The addition of Plan traffic to these roadway segments would degrade the LOS from an unacceptable D to an unacceptable LOS E. The Newman General Plan EIR forecasts these interregional roadway segments operating at an unacceptable LOS. However, while the inter-regional street system is not the sole responsibility of the City of Newman, the City can investigate mechanisms for City development to participate on a "fair share" basis in the costs of maintaining and improving roads outside of the City limits.

EXHIBIT B

FINDINGS RELATED TO ALTERNATIVES

The EIR describes and evaluates three alternatives to the proposed Northwest Newman Master Plan (Master Plan). While each of the alternatives have the ability to reduce environmental impacts relative to the proposed project, none of them would completely reduce all of the environmental impacts to a level of insignificance.

As explained below, the City Council finds the various alternatives to be infeasible. Whether an alternative is considered to be feasible involves a determination of whether it is capable of being successfully accomplished within a reasonable period of time, taking into account environmental, economic, legal, social, technological and/ or other relevant factors. A key factor is the degree to which the Master Plan and alternatives to the Master Plan will implement relevant City goals and policies.

The City Council finds that when looked at as a whole, and considering the benefits presented by the Master Plan together with its potential environmental impacts, the Master Plan offers a reasonable and desirable means for achieving the City's vision, goals and policies, including, among other, to increase land supply for industrial, office and employment-generating uses in this strategic location and balances this with the development of new housing. The Master Plan comprises a feasible and reasonable method of achieving these City goals and policies while offering benefits to the public that would not otherwise occur in the absence of the Plan. As explained in more detail below, the City Council finds that the alternatives to the Master Plan will not achieve these important City objectives to the same degree as the proposed Master Plan. Further, as explained in the findings for each alternative below, unlike the Northwest Newman Master Plan, some of the alternatives would impede achievement of City policies and objectives.

No Project Alternative

This alternative is required by CEQA, and assumes that the Master Plan would not be adopted, new uses proposed would not occur and infrastructure would not be constructed. The purpose of describing and analyzing a No Project alternative is to allow decision makers to compare the impacts of approving a proposed project with the impacts of not approving the proposed project. Under this alternative, the proposed Master Plan would not be adopted and the existing City Limits would remain in effect.

The City Council finds that this alternative is less desirable than the proposed project and is infeasible, and, therefore, rejects this alternative for the following reasons:

The 2030 General Plan vision is that City will have a variety of employment options for local residents, from entry-level to more advanced positions in the trade, office and higher-paying retail industries to improve the economic well-being of the community. While the No Project Alternative (Existing General Plan) and the proposed Master Plan have the same policies to achieve the goal of a variety of employment options the proposed Master Plan contains additional actions that will further the goal. Actions include identifying an area that will attract a wide range of new jobs including community commercial, business park and professional office type businesses. The preliminary Fiscal Impact Report indicates this area has the potential to create 2,000+ jobs. Therefore, the No Project Alternative is less desirable.

EXHIBIT B

Reduced Intensity Alternative

Under this alternative, the Plan area would be annexed into the City of Newman, but it would develop according to a reduced density development plan that increases residential development, slightly increase office development, and reduces business park and community commercial development, while maintaining a mix of uses in the Plan area. This alternative replaces 35.8 acres of non-residential uses with residential uses, specifically by replacing 27.5 acre of business park with Planned Mixed Residential, replacing 8.3 acres Professional Office area with Planned Mixed Residential. To retain the offices uses, 12.7 acre of Community Commercial would be replaced with Professional Office.

The City Council finds that this alternative is less desirable than the proposed project and is infeasible, and, therefore, rejects this alternative for the following reason:

A primary purpose for the City investing the money, time and effort of managing the preparation of the Master Plan is to realize some of the job-growth occurring on the west side of Stanislaus County. The reduction in non-residential uses is estimated to decrease the amount of jobs created at full-build-out by thirty-five (35%) percent (Table 21.1 of DEIR). In addition, the plan would generate an additional eighteen (18%) percent or two hundred fifty one (251) residential units. Together these changes significantly reduce the jobs-housing balance proposed in the Master Plan.

Reduced Footprint Alternative

Under this Alternative, the footprint of the Plan area would be substantially reduced such that is no longer coincided with the Master Plan Area 3 identified within the General Plan. Under this alternative, the Plan area would be roughly halved such that the western half would be removed from the Plan area. Because the western portion of the Plan area is proposed for residential uses, this would have the effect of resulting in substantially fewer residential units to be developed over a smaller area. Non-residential uses would remain unchanged under this alternative as these are in the retained eastern portion of the Plan area.

The City Council finds that this alternative is less desirable than the proposed project and is infeasible, and, therefore, rejects this alternative for the following reasons:

The Reduced Footprint Alternative significantly reduces the amount of land that would be designated for residential uses, thereby reducing the amount of housing opportunities available to persons filling the 2,000+ jobs that would be created in the eastern half of the Master Plan area. Without available housing, employers may be less likely to locate their business within Newman. In addition, the lack of housing would require employees to commute into Newman from other communities creating higher air quality impacts due to the longer commute.

During workshops for the 2030 General Plan, the community stressed the need and their desire to have a comprehensive planning process for potential annexations. The opinion was strong enough that the General Plan committee bifurcated the Sphere of Influence into ten (10) sub-areas for which a Master Plan would be required prior to annexation. Reducing the footprint of the Master Plan project would be inconsistent with the 2030 General Plan and therefore not desirable.

EXHIBIT C

STATEMENT OF OVERRIDING CONSIDERATIONS

The Newman City Council adopts and makes this Statement of Overriding Considerations concerning the Northwest Newman Master Plan's unavoidable significant impacts to explain why the Plan's benefits override and outweigh its unavoidable impacts.

The Northwest Newman Master Plan has been developed in conformance with 2030 General Plan Policy LU 2.2 and General Plan LU.3.B *Master Plan Requirements*. The 2030 General Plan identifies Master Plans as the instrument to be used for guiding development in Master Plan sub-areas identified on Figure LU-4. The Northwest Newman Master Plan includes components to implement the 2030 General Plan goals and policies for properties located within Master Plan Area 3. The Master Plan includes anticipated future development within this area, including a combination of Residential, Professional Office, Community Commercial, Business Park, School, and Public and Recreational/Park uses. Development standards to guide future development are addressed in the Master Plan; as well as design guidelines and major land uses. The Master Plan increases the City's ability to manage this area for economic development, augments policy guidance to preserve and enhance community character, incorporates guidance for protecting the continued use of agricultural uses, supports diversity of housing types, and provides a policy framework for the orderly and systemic expansion of transportation and utility infrastructure and services as development occurs.

The City Council finds that the Northwest Newman Master Plan's unavoidable significant impacts are acceptable in light of the Plan's benefits. Each benefit set forth below constitutes an overriding consideration warranting approval of the plan, independent of the other benefits and despite each and every unavoidable impact.

1. The Northwest Newman Master Plan provides a comprehensive, orderly and balanced approach to growth, consistent with the 2030 General Plan goals to provide adequate land for development of employment and commercial uses that create high quality jobs, provide goods and services and enhance the economy of Newman. This approach requires a comprehensive land use framework that calls for the expansion of the City Limits and the intensification of land uses. It also recognizes the community's intention to continue to be a traditional small town with well-planned neighborhoods that provide housing for all segments and income levels and surrounded by agricultural lands.
2. The Northwest Newman Master Plan provides an enhancement of the community's overall quality of life by allowing the City to develop a more diverse local economy, with opportunities for higher wage jobs, and a full range of shopping and entertainment options. This would reduce the need for residents to travel outside the community, while also improving the City's jobs-housing balance.
3. The Northwest Newman Master Plan furthers the City's goal of creating a walkable community with a well-connected street grid, pedestrian amenities, and bike lanes. The proposed network will provide for the safe and efficient movement of people and goods throughout the Master Plan area and into the existing transportation network. The plan specifies development standards for the proposed transportation and circulation network and identifies where and how it would integrate into the existing system.
4. The Northwest Newman Master Plan allows the City to identify and plan for the most appropriate land uses and transportation and circulation improvements, which will help attract economic

EXHIBIT C

development with long-term growth and income potential for local residents. The non-residential land uses are estimated to generate over 2,000 jobs in the community at full-build out of the Master Plan. Failure to plan for land uses and infrastructure that generate jobs within the community will negatively affect the City's ability to meet its long-term economic development objectives.

5. The Northwest Newman Master Plan will improve the City's tax base with a more diverse local economy, which will provide increase funding for public services and infrastructure. This will help ensure that sufficient infrastructure and public services are provided as the community grows, thereby contributing towards a safe environment a quality of life that residents value.
6. The Northwest Newman Master Plan identifies an elementary school site and several parks throughout the area to meet the open space, recreational and educational needs of the future residents. The identified facilities have been placed in locations that will promote community gatherings and a sense of a safe community where people know their neighbors.

RESOLUTION NO. 2018-28

**A RESOLUTION OF ANNEXATION REFERRAL TO THE STANISLAUS COUNTY LOCAL
AGENCY FORMATION COMMISSION (LAFCO) FOR THE ANNEXATION OF THE
NORTHWEST NEWMAN MASTER PLAN – PHASE I**

WHEREAS, the City of Newman, has requested a general plan amendment, prezone and annexation for the First Phase of the Northwest Newman Master Plan area; and

WHEREAS, The Northwest Newman Master Plan – Phase I proposed on approximately 111 acres of land has been submitted for specific pieces of property described in the County Assessor's Office Records as APNs

026-039-001	026-039-010	026-039-017	026-039-027	026-039-033	026-040-009
026-039-002	026-039-011	026-039-018	026-039-028	026-039-034	026-041-001
026-039-003	026-039-012	026-039-019	026-039-029	026-039-035	026-041-002
026-039-004	026-039-013	026-039-020	026-039-030	026-039-036	026-041-040
026-039-005	026-039-014	026-039-022	026-039-031	026-039-037	026-049-001
026-039-006	026-039-015	026-039-023	026-039-032	026-040-007	
026-039-009		026-039-026		026-040-008	

to the City of Newman; and

WHEREAS, a General Plan Amendment application has been submitted to re-designate a portion of the Northwest Newman Master Plan project area in the City's General Plan; and

WHEREAS, a Prezoning application has been submitted to prezone the property in a manner consistent with the City's General Plan; and

WHEREAS, the Newman City Planning Commission, after conducting a public hearing on the project, voted 2-1 in favor of recommending the Council approve the Master Plan and related General Plan Amendment, Annexation and Prezone; and

WHEREAS, given the attendance of only three (3) members of the Planning Commission, the 2-1 vote resulted in the motion not being approved and the project proceeded to the City Council without a recommendation from the Planning Commission; and

WHEREAS, the Prezoning proposal, was found to be consistent with the City's General Plan and therefore the Council has taken action to approve the Prezoning of this property in accordance with the requirements of Section 5.26.030 of Newman Municipal Code; and

WHEREAS, General Plan Amendment No. 17-01, Prezone No. 17-02 and Annexation No. 17-02 constitute a project as defined under the California Environmental Quality Act (CEQA) and the Guidelines for Implementation of the California Environmental Quality Act (CEQA); and

WHEREAS, an Initial Study and Mitigated Negative Declaration (SCH #2013032010), has been prepared pursuant to the California Environmental Quality Act (CEQA; PRC Section 21000 et seq.) to analyze the environmental effects of the project; and

WHEREAS, on October 19, 2017 the Planning Commission held a public hearing to receive comments regarding the Initial Study and Mitigated Negative Declaration; and

WHEREAS, on October 19, 2017 the Planning Commission voted 2-1 in favor of recommending the certification of the Initial Study and Mitigated Negative Declaration; and

WHEREAS, given the attendance of only three (3) members of the Planning Commission, the 2-1 vote resulted in the motion not being approved and the Initial Study and Mitigated Negative Declaration proceeded to the City Council without a recommendation from the Planning Commission; and

WHEREAS, the City Council has reviewed the Initial Study and Mitigated Negative Declaration prepared for the project, the project staff report, the Planning Commission report, and all evidence received by the Planning Commission and at the City Council hearings, all of which documents and evidence are hereby incorporated by reference into this Resolution; and

WHEREAS, the City Council is required pursuant to CEQA (Guidelines Section 15021), to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant environmental effects keeping in mind the obligation to balance a variety of public objectives; and

WHEREAS, a proposal for a change in local government reorganization shall be made by a resolution of application by the legislative body of an affected local agency pursuant to the Cortese-Knox Government Reorganization Act of 2000; and

WHEREAS, the Local Agency Formation Commission of the County of Stanislaus has adopted, pursuant to the Cortese-Knox Government Reorganization Act of 2000, Division 3, Part 2, commencing with Section 56425 of the California Government Code, both a primary and secondary sphere of influence for the City of Newman; and

WHEREAS, on April 10, 2007, the Newman City Council adopted the Newman 2030 General Plan which established formal city policies regarding land use designations and direction for the physical growth of the city; and

WHEREAS, the subject property is presently located within the City of Newman's primary Sphere of Influence and must be annexed to the City before these actions of the City can take effect, and

WHEREAS, the project site is located within the district boundaries of the Central California Irrigation District (CCID); and

WHEREAS, the City Council has determined that the City of Newman can provide all necessary public services needed to serve the area proposed for annexation; and

WHEREAS, the City Newman's Planning Commission has held a public hearing and reviewed the project in accordance with the requirements of Section 6.03.040 of the City of Newman Municipal Code, and

WHEREAS, once the City Council has authorized City staff to submit an application to LAFCO, staff will prepare and submit that application to LAFCO on behalf of the City. The City will be required to pay for all necessary LAFCO, Department of Equalization, and any/all other applicable fees.

THE NEWMAN CITY COUNCIL DOES HEREBY RESOLVE AS FOLLOWS:

- I. Annexation of approximately 111 acres to the City of Newman, as requested by the City of Newman, is approved on the bases of the following findings:
 1. The project is substantially consistent with the General Plan and any applicable Specific Plans. The Master Plan was prepared in accordance with General Plan LU 3.B Master Plan Requirements and the goals and policies throughout the document. With General Plan Amendment approval, proposed master plan land use designations, densities and uses are all consistent with the General Plan. Therefore, the project is substantially consistent with the General Plan.

2. The proposal is consistent with the General Plan and Zoning of the City. The Master Plan meets all applicable General Plan goals and policies (as detailed in the Planning Commission report on pages 6 through 10). The territory proposed for annexation (Phase I) was designed in accordance with General Plan LU 3.B Master Plan Requirements (page LU-21). Phase I of the Master Plan area has GP land use designations of BP (Business Park) and CC (Community Commercial). Upon approval, said territory will be zoned as follows: M (Light Industrial/Business Park), P-O (Professional Office) and C-8 (Highway Commercial). Therefore, the project is consistent with the General Plan.
3. The project site is physically suitable for the proposed type and density of development. Additionally, all development shall occur in accordance with adopted development standards, goals, objectives and policies in the Northwest Newman Master Plan, City of Newman Standards and Specifications and the related Environmental Impact Report.
4. The proposed project design and improvements are not likely to cause substantial and considerable damage to the natural environment, including fish, wildlife or their habitat. Biological resource surveys conducted as a part of the Newman 2030 General Plan EIR, concluded that the Sphere of Influence, which contains the Master Plan area, no longer maintains a wildland habitat for migratory fish or wildlife species nor is it a corridor or a nursery site. With implementation of the identified mitigation measures, biological impacts are less than significant.
5. Given that all development within the Master Plan shall conform to Federal, State and City health and safety standards, the proposed Master Plan design features and improvements are not likely to cause serious public health and safety problems.
6. The proposed Master Plan design will not conflict with public easements within or through the site. Public easements will be created upon future development to provide for infrastructure and utilities. Existing public easements will be located within the public right-of-way will be preserved unless deemed to be abandoned by the appropriate agencies.
7. The unincorporated territory to be annexed is within the City's Primary Sphere of Influence. The project site is within the primary SOI identified in the 2030 General Plan and approved by Stanislaus LAFCO on January 28, 2009.
8. The boundaries of the area proposed to be annexed are definite and certain. The project boundaries are clearly identified in the Master Plan Document, accompanying EIR and legal description.
9. The proposal does not split lines of assessment or ownership. All parcels in their entirety are included in the proposal.
10. The proposal does not create islands or areas in which it would be difficult to provide municipal services.
11. The proposed annexation is contiguous to the existing City limits and an orderly and efficient pattern of urban development. The project site is contiguous to the City limits on its southern corner. Given its adjacent location to the City Limits and consistency with the General Plan Master Plan Area No. 3 location, Phase I of the Master Plan area is a logical development site and expansion of City Limits. Furthermore, its location within the City's Primary SOI and Urban Growth Boundary identifies the subject properties as sufficient to accommodate development.
12. Public utility services are available and present to serve the project. Per the Master Plan's design and planned infrastructure, water, sewer, and storm drainage services will be available and have sufficient capacity to serve the proposed development. Future developers shall be responsible for extending said infrastructure as a part of their development(s).

13. Physical improvements are present upon the parcels within the area. Properties within Phase I of the Master Plan area currently contain a mix of agricultural, ranchettes, single-family residences, highway-oriented commercial, and light industrial land uses. Agricultural uses predominate in the northwestern, central, and southern portions of the Phase I area while residential ranchettes and single-family dwellings are generally located in the western portion of the area with a mix of residential, highway-serving commercial and light industrial uses fronting along Highway 33. Additional improvements such as road widening, creation of new roads, extension of infrastructure and non-motorized amenities shall be developed as part of the project.
 14. Phase I of the Master Plan area contains territory identified as prime agricultural land as defined by GC §56064. The majority of the Master Plan area is identified as Prime Farmland. Phase I of the proposed Master Plan would result in the conversion of approximately 58 acres of Prime Farmland to non-agricultural uses and contribute to cumulative loss of agricultural land (General Plan Significant Impact - No New Impact). The City, via its adoption of the 2030 General Plan and Master Plan EIR, adopted Statements of Overriding Considerations which acknowledged this issue as a part of the GP's and Master Plan's EIR certifications. Furthermore, the City has instituted an Urban Growth Boundary to create strict limits for urban growth surrounding the developed portions of the City and also has a right-to-farm ordinance. Development of the Master Plan complies with LAFCO's Agricultural Preservation Policy and 2030 General Plan.
 15. Phase I of the Master Plan does not include residential development. However, future phases will assist the City in meeting its respective 2014-2023 Regional Housing Needs Allocation (RHNA) as determined by StanCOG. The Master Plan, upon completion, will add up to approximately 1,300 various residential unit types to the City, exceeding the City's total 2014-2023 RHNA allocation of 778 units.
 16. The Project will not physically divide an established community. The small community in the Fig Lane area is included The Master Plan area is a logical development site and expansion of City Limits. Existing residential neighborhoods would become a part of the City of Newman city limits. No division will occur.
 17. The Project will not conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the Project adopted for the purpose of avoiding or mitigating an environmental effect. The Master Plan was designed in accordance with the 2030 General Plan, current design standards and local/regional policies. All environmental mitigations have been identified in the 2030 General Plan and Master Plan EIR. Said mitigations shall be implemented as development occurs.
 18. The Project will not conflict with any applicable habitat conservation plan or natural community conservation plan. There are no habitat conservation plans or natural community conservation plans currently in force within the City of Newman or Stanislaus County.
 19. The design of the Master Plan provides, to the extent feasible, future passive and natural heating or cooling opportunities. Passive and natural heating or cooling opportunities will exist due to the project's location, design standards, the region's typical Northwest prevailing winds and placement of landscaping upon development.
- II. Detachment from the Central California Irrigation District (CCID) is recommended by the City of Newman based on the following findings:
1. The detachment is consistent with CCID policy; and
 2. The detachment is consistent with the Newman General Plan; and
 3. The detachment is consistent with the City policy to extend City water to the incorporated areas of the City; and
 4. The proposed detachment will not have a detrimental effect on adjacent unincorporated land that will continue to be provided water service by CCID.

III. The California Environmental Quality Act (CEQA) requires a responsible agency to comply with CEQA by minimizing environmental damage and balancing competing public objectives. To comply with these responsibilities, a public agency will prepare an initial study to determine if the project may have a significant effect on the environment. However, said study is not necessary if the agency can determine that an Environmental Impact Report (EIR) will clearly be required for the project. Due to the size and scope of the project, the City elected to prepare the EIR at beginning of the process. Via Resolution No. 2017-54, the City Council certified the Environmental Impact Report, Adopted Findings Relating to Significant Impacts, Alternatives and Statement of Overriding Considerations for the Northwest Newman Master Plan.


The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 27th of March, 2018 by Council Member Graham, who moved its adoption, which motion was duly seconded and it was upon roll call carried and the resolution adopted by the following roll call vote:

AYES: McDonald, Graham, Candea, Day and Mayor Martina.

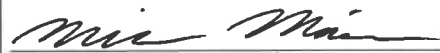
NOES: None.

ABSENT: None.

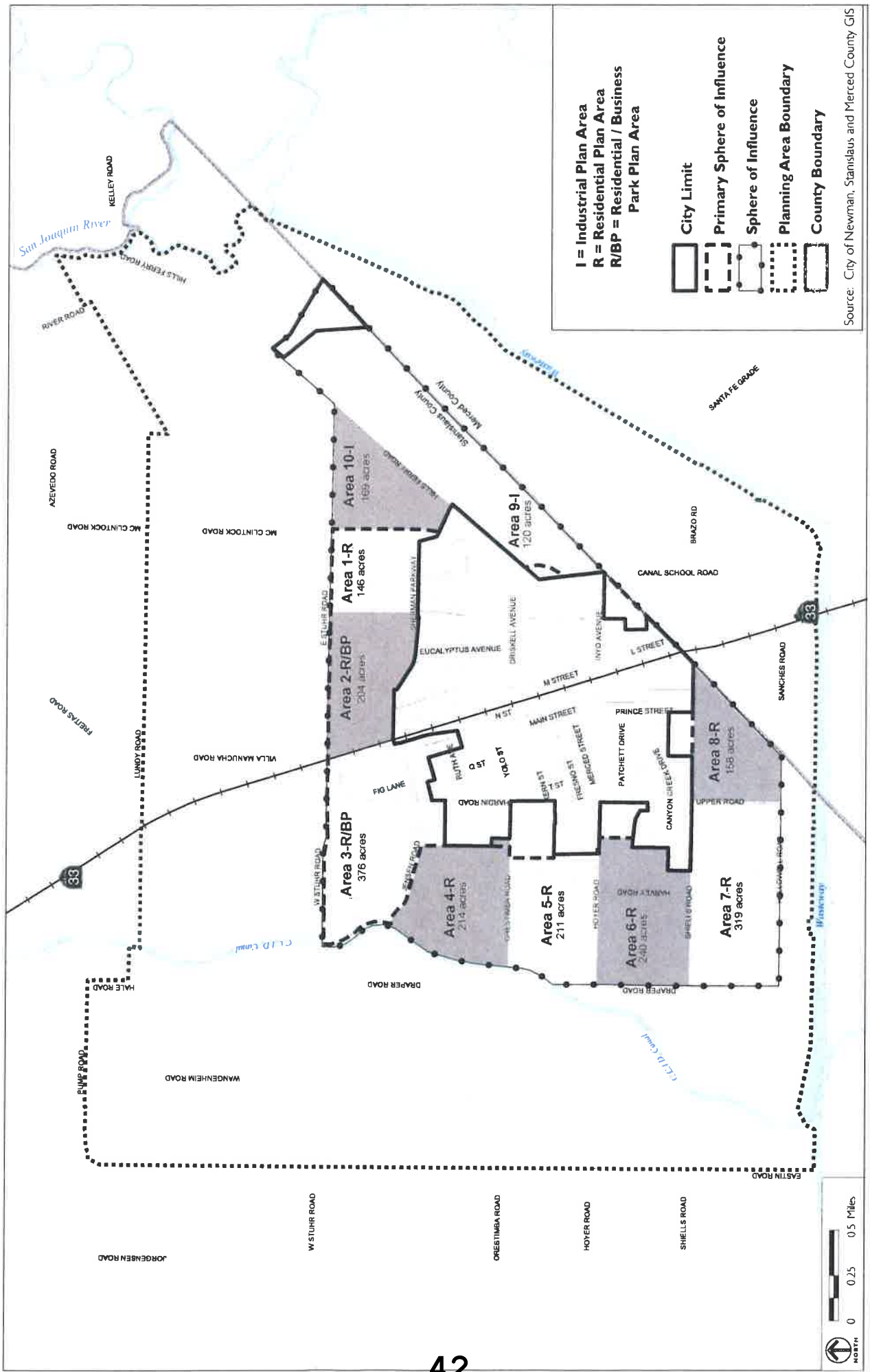
APPROVED:


Mayor of the City of Newman

ATTEST:

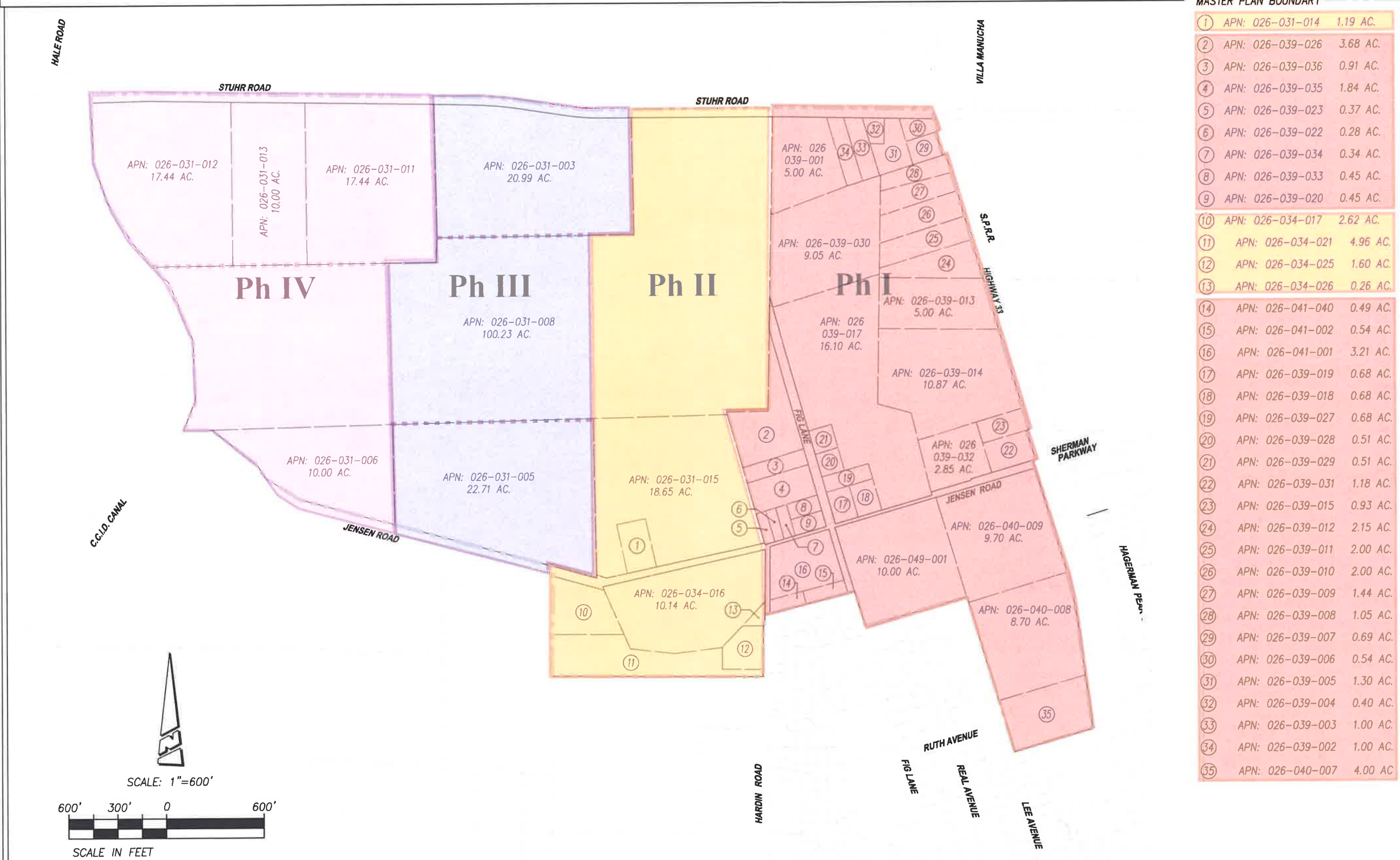


City Clerk of the City of Newman



PHASING PLAN

Phase 1 - Proposed to be annexed in 2018.
Phase 2 - Estimated to be annexed between years 3-5, 2021-2023
Phase 3 - Estimated to be annexed when 50% of Phase 2 is under construction. Dashed lines show potential to annex a portion of the phase dependent upon market condtions. time frame is years 7-10, 2025-2028
Phase 4 - Final phase. Shown here with the potential for two phases in case market conditions do not one final phase. Time frame is 2030 -2035.



NORTHWEST NEWMAN MASTER PLAN
EXISTING PARCELIZATION

Figure:
3.2

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EXHIBIT C

Northwest Newman Annexation Property Tax Revenue Exchange Agreement

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**NORTHWEST NEWMAN ANNEXATION
PROPERTY TAX REVENUE EXCHANGE AGREEMENT**

This Northwest Newman Master Plan Area Property Tax Exchange Agreement ("Agreement") is made and executed on June 18, 2019, by and between the County of Stanislaus, a political subdivision of the State of California ("County") and the City of Newman, a municipal corporation of the State of California ("City").

RECITALS

A. The City intends to annex an area referred to as the Northwest Newman Master Plan Area and includes a total of 370.47 acres to be annexed to the City, referred to as the "Northwest Newman Master Plan Area" or "Plan Area" which is more particularly described in Exhibit A, and shown in the plat map attached as Exhibit B.

B. Section 99 of the Revenue and Taxation Code requires a city seeking to annex property to its incorporated territory and a county affected by such annexation to agree upon an exchange of property taxes which are derived from the annexed territory and available to the county and city following annexation of the property to the incorporated territory of the City.

C. The County and the City entered into an Agreement, also known and referred to as the Master Property Tax Sharing Agreement, effective April 9, 1996, for the purpose of adjusting the allocation of property tax revenue pursuant to Section 99 of the Revenue and Taxation Code upon a change of organization.

D. Section Seven of the Master Property Tax Sharing Agreement, as amended May 26, 2006 (Amendment No. 1), provides:

For annexations other than County unincorporated islands, the County shall retain its share of the property tax revenue attributable to the base year assessed valuation of the area being annexed. After annexation, the annexing city shall receive a 30% share of the County's property tax share that is attributable to an increase in assessed value above the base year amount. The County shall continue to receive 100% of the property tax revenue attributable to the County's share of the lower of the current year's assessed valuation or the base year assessed valuation and 70% of its share of the property taxes attributable to the increases of assessed valuation in the annexed area over the base year assessed valuation.

E. The County's Crow's Landing Industrial Business Park (CLIBP) Project, a 1,528 acre planned industrial park, is located northwest of the City and is anticipated to generate thousands of locally based jobs. Because of the proximity to the City and the jobs anticipated to be generated from the CLIBP, the County and City desire to separately negotiate property tax revenue sharing for the entire "Plan Area" described in Exhibit B, and have negotiated and have reached an understanding as to a rate of exchange of property tax revenues to be made pursuant to Section 99 of the Revenue and Taxation Code in connection with the Annexation of the Plan Area or portions thereof to the City.

F. County and City agree to the transfer of property tax revenue upon completion of an annexation of any portion of the Plan Area as set forth in this Agreement.

AGREEMENT

Section 1. Definitions.

(a) "Plan Area" means that portion of the unincorporated area of the County described in the Northwest Newman Master Plan and more particularly described in Exhibit A and shown in Exhibit B.

(b) "Annexation Date" means the date specified by the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 as the effective date of the annexation.

(c) "Residential" means that property designated and developed for the following uses only: High Density Residential, Planned Mixed Residential, Very Low Density Residential.

(d) "Commercial/Job Generating Property" means that property designated and developed for the following uses only: Professional Office, Community Commercial, Retail and Business Park.

Section 2. General Purpose of Agreement. The general purpose of this Agreement is to establish an equitable exchange of property tax revenue between the County and the City for the Plan Area as required by Revenue and Taxation Code section 99.

Section 3. Exchange of Property Tax Revenue. Notwithstanding any prior or contemporaneous agreement related to the transfer, sharing or exchange of real property taxes, on and after the Annexation Date, the County and City shall exchange property tax revenue from the Annexation Area as follows:

(a) Allocation of Property Tax Increment. The County shall receive 100% of the property tax revenue attributable to the base assessed valuation for the portion of the Plan Area annexed developed as Residential and Commercial/Job Generating Property.

(1) After annexation, the annexing City shall receive a 40% share of the County's property tax share that is attributable to an increase in assessed value above the base amount for the portion of the Plan Area annexed and developed as Residential.

(2) After annexation, the annexing City shall receive a 50% share of the County's property tax share that is attributable to an increase in assessed value above the base amount for the portion of the Plan Area annexed and developed Commercial/Job Generating Property.

(b) This Agreement shall not preclude City from benefiting from any future County-wide policy changes regarding tax revenue exchange agreements.

(c) All property in the Plan Area other than Residential or Commercial/Job Generating Property as defined shall be subject to the terms of the Master Property Tax Sharing Agreement, effective April 9, 1996; as amended on May 26, 2006.

Section 4. Exchange by County Auditor. County and City further agree that all of the exchanges of property tax revenue required by this Agreement shall be made by the County Auditor.

Section 5. Effect of Tax Exchange Agreement. This Agreement shall be applicable solely to the Northwest Newman Annexation and does not constitute either a master tax sharing agreement or an agreement on property tax exchanges which may be required for any other annexation to the City, nor does it alter or enlarge any revenue sharing obligations of the Parties pursuant to other revenue sharing agreements.

Section 6. Entire Agreement. With respect to the subject matter hereof only, this Agreement supersedes any and all previous negotiations, proposals, commitments, writings, and understanding of any nature whatsoever between the County and the City related to the Northwest Newman Annexation. Any amendment, modification, or revision to this Agreement shall be in writing and executed by both Parties.

Section 7. Notices. All notices, requests, certifications or other correspondence required to be provided by the parties to this Agreement shall be in writing and shall be personally delivered or delivered by first class mail to the respective parties at the following addresses:

County
Chief Executive Officer
County of Stanislaus
1010 Tenth Street, Suite 6800
Modesto, CA 95354

City
City Manager
City of Newman
P.O. Box 787
Newman, CA 95360

Notice by personal deliver shall be effective immediately upon delivery. Notice by mail shall be effective upon receipt or three days after mailing, whichever is earlier.

Section 8. No Assignment. The Parties warrant and represent that they have the right and authority to execute this Agreement and that they have not assigned or transferred, or purported to assign or transfer, to any person or entity this Agreement or any portion thereof. The Parties shall not assign or transfer this Agreement without the written consent of the other Party.

Section 9. Construction of Agreement. Headings or captions to the provisions of this Agreement are solely for the convenience of the Parties, are not part of this Agreement, and shall not be used to interpret or determine the validity of this Agreement. Any ambiguity in this Agreement shall not be construed against the drafter, but rather the terms and provisions hereof shall be given a reasonable interpretation as if both Parties had in fact drafted this Agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the date set forth above.

COUNTY OF STANISLAUS

By: 
Jody Hayes
Chief Executive Officer


"County"

CITY OF NEWMAN

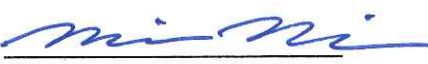
By: 
Michael Holland
City Manager

"City"

ATTEST:
Elizabeth A. King
Clerk of the Board of Supervisors of the
County of Stanislaus, State of California

By: 
Clerk of the Board
6-18-2019

ATTEST:
Mike Maier
City Clerk
Newman Clerk


By: 
Deputy Clerk

APPROVED AS TO FORM:
Thomas E. Boze, County Counsel

By: 
Amanda DeHart
Deputy County Counsel

Authorized by Resolution No **2019-0348**
adopted **June 18, 2019**
Stanislaus County Board of Supervisors

APPROVED AS TO FORM:

By: 
Nubia Goldstein
City of Newman
Newman City Attorney

Authorized by Resolution No **2019-20**
Adopted **May 28, 2019**
Newman City Council

EXHIBIT A

LEGAL DESCRIPTION

Northwest Newman Master Plan Area

ANNEXATION TO THE CITY OF NEWMAN

LEGAL DESCRIPTION

All that certain real property situate, lying, and being portions of Sections 12 and 13, Township 7 South, Range 8 East, and Sections 7 and 18, Township 7 South, Range 9 East, Mount Diablo Meridian; lying in the unincorporated area of Stanislaus County, State of California, being more particularly described as follows:

BEGINNING at a point on the existing City Limits, being the northwesterly corner of Resolution No. 1674, Walker Annexation; thence, the following thirty-nine (39) courses:

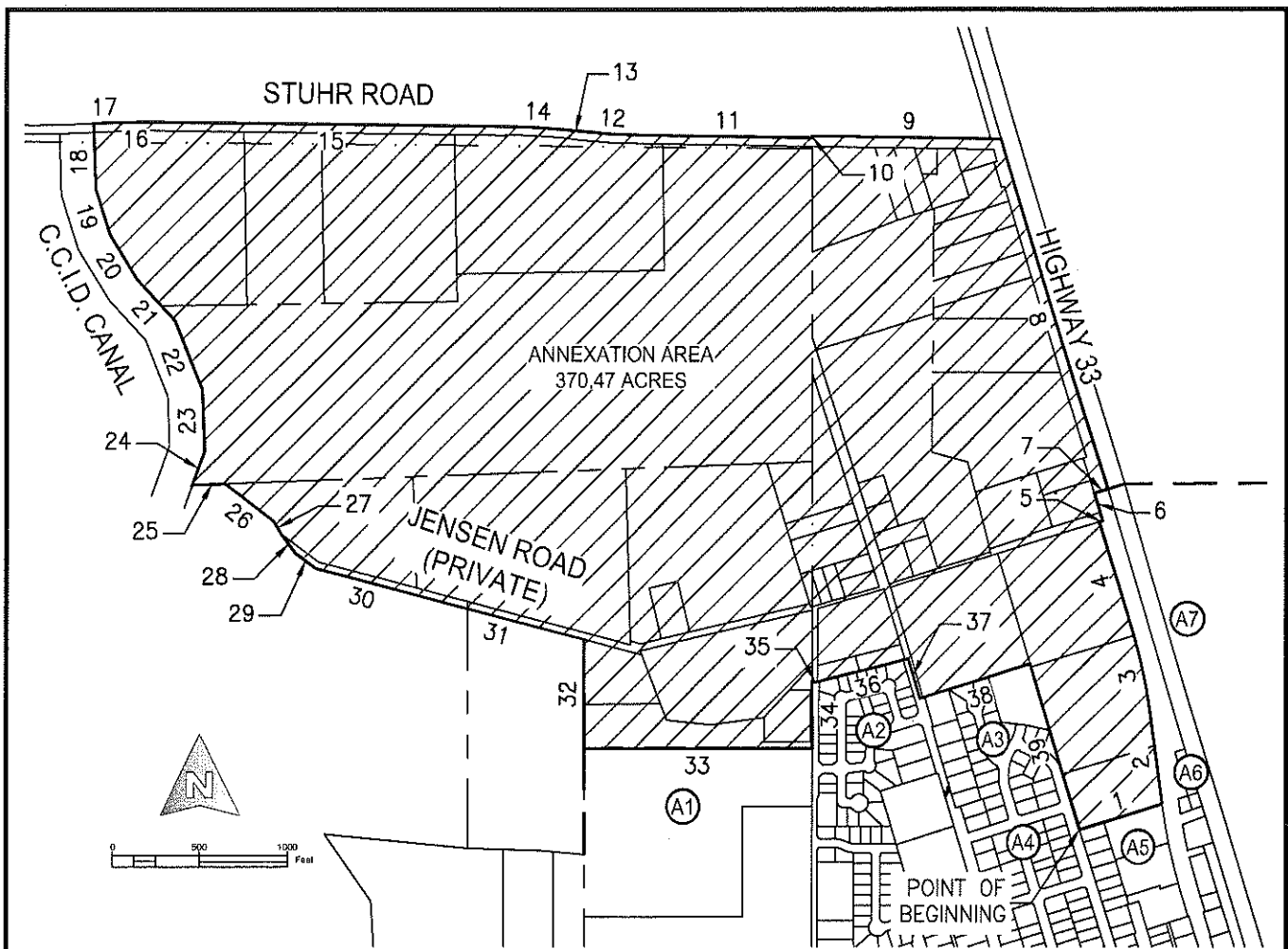
- 1) North 72°56'30" East 498.76 feet, along the existing City Limits per said Walker Annexation, to a point on the westerly line of Highway 33, also being the southwesterly corner of Resolution No. 92-60, Newman Center Reorganization; thence
- 2) North 7°57'31" West 506.03 feet, along the existing City Limits per said Newman Center Reorganization and per Resolution No. 2000-51, Hearthstone Ranch Reorganization, also being along the westerly line of Highway 33, to the beginning of a curve, concave to the west, having a radius of 3150.00 feet, and a central angle of 9°06'00"; thence
- 3) 500.30 feet, along the arc of said curve, continuing along the existing City Limits per said Hearthstone Ranch Reorganization and westerly line of said Highway 33; thence
- 4) North 17°03'30" West 652.96 feet, continuing along the existing City Limits per said Hearthstone Ranch Reorganization and westerly line of said Highway 33, thence
- 5) North 72°56'30" East 20.00 feet, continuing along the existing City Limits per said Hearthstone Ranch Reorganization; thence
- 6) North 17°03'30" West 162.73 feet, continuing along the existing City Limits per said Hearthstone Ranch Reorganization and westerly line of said Highway 33, thence
- 7) North 72°56'30" East 80.00 feet, continuing along the existing City Limits per said Hearthstone Ranch Reorganization, to a point on the easterly line of said Highway 33, thence, leaving the existing City Limits
- 8) North 17°03'30" West 2100.24 feet, along the easterly line of said Highway 33, to the intersection of said easterly line of said Highway 33 with the north line of Stuhr Road; thence
- 9) North 89°06'31" West 1091.76 feet, along the north line of said Stuhr Road; thence
- 10) South 0°02'19" East 10.21 feet, along the north line of said Stuhr Road; thence
- 11) North 89°03'23" West 989.71 feet, along the north line of said Stuhr Road, to the beginning of a curve, concave to the

- north, having a radius of 3975.00 feet, and a central angle of 4°56'37"; thence
- 12) 342.97 feet, along the arc of said curve, also being along the north line of said Stuhr Road; thence
 - 13) North 84°06'46" West 77.06 feet, along the north line of said Stuhr Road, to the beginning of a curve, concave to the south, having a radius of 4025.00 feet, and a central angle of 5°09'45"; thence
 - 14) 362.66 feet, along the arc of said curve, also being along the north line of said Stuhr Road; thence
 - 15) North 89°16'31" West 2032.53 feet, along the north line of said Stuhr Road, to the beginning of a curve, concave to the south, having a radius of 4025.00 feet, and a central angle of 2°56'41"; thence
 - 16) 206.87 feet, along the arc of said curve, also being along the north line of said Stuhr Road; thence
 - 17) South 87°46'48" West 140.85 feet, along the north line of said Stuhr Road, to the intersection of said north line with the easterly line of the C.C.I.D. Canal; thence
 - 18) South 2°04'58" East 378.20 feet, along the easterly line of said C.C.I.D. Canal; thence
 - 19) South 17°14'58" East 271.90 feet, along the easterly line of said C.C.I.D. Canal; thence
 - 20) South 31°34'58" East 300.58 feet, along the easterly line of said C.C.I.D. Canal; thence
 - 21) South 42°31'58" East 327.55 feet, along the easterly line of said C.C.I.D. Canal; thence
 - 22) South 21°17'56" East 425.05 feet, along the easterly line of said C.C.I.D. Canal; thence
 - 23) South 2°07'34" East 354.65 feet, along the easterly line of said C.C.I.D. Canal; thence
 - 24) South 19°55'34" West 205.67 feet, along the easterly line of said C.C.I.D. Canal, to the southwesterly corner of the property described as Parcel 3, in Document No. 2003-0070892-00, Stanislaus County Records; thence
 - 25) North 87°51'51" East 186.05 feet, along the southerly line of said Parcel 3, to the most-westerly corner of the property described as Parcel No. 2, in Document No. 2003-0213839-00, Stanislaus County Records; thence
 - 26) South 52°40'40" East 345.25 feet, along the southwesterly line of said Parcel No. 2; thence
 - 27) South 30°43'19" East 87.98 feet, along the southwesterly line of said Parcel No. 2, to the most-westerly point on Jensen Road (Private); thence
 - 28) South 36°38'21" East 138.00 feet, along said southwesterly line of Jensen Road (Private); thence
 - 29) South 53°29'19" East 144.29 feet, along said southwesterly line of Jensen Road (Private); thence
 - 30) South 75°32'19" East 600.35 feet; along said southwesterly

- line of Jensen Road (Private); thence
- 31) South 75°08'19" East 1006.32 feet, along said southwesterly line of Jensen Road (Private), to the northwest corner of the property described in Document No. 980096452, Stanislaus County Records; thence
 - 32) South 0°10'09" East 621.67 feet, along the west line of said property, and southerly extension thereof, to a point on the existing City Limits per the 1961 Orestimba Union High School Addition; thence
 - 33) North 89°58'21" East 1322.44 feet, along the existing City Limits per NEED THIS ANNEXATION, to a point on the existing City Limits per Resolution No. 78-91, North Annexation No. 1; thence
 - 34) North 0°02'09" West 382.59 feet, along the existing City Limits per said North Annexation No. 1; thence
 - 35) North 89°57'51" East 30.00 feet, continuing along the existing City Limits per said North Annexation No. 1; thence
 - 36) North 75°37'30" East 530.85 feet, continuing along the existing City Limits per said North Annexation No. 1; thence
 - 37) South 16°54'30" East 237.32 feet, continuing along the existing City Limits per said North Annexation No. 1, to the northwesterly corner of Resolution No. 80-39, North Newman No. 2 Annexation; thence
 - 38) North 73°03'30" East 679.74 feet, continuing along the existing City Limits per said North Newman No. 2 Annexation; thence
 - 39) South 16°54'30" East 987.86 feet, continuing along the existing City Limits per said North Newman No. 2 Annexation and Ordinance No. 187; to the point of beginning.

Containing a total of 370.47 Acres, more or less.

EXHIBIT B
MAP
Northwest Newman Master Plan Area



EXISTING ANNEXATIONS

- A1 ORESTIMBA UNION HIGH SCHOOL ADDITION, 1961
- A2 RESOLUTION NO. 78-91, NORTH ANNEXATION NO. 1
- A3 RESOLUTION NO. 80-39, NORTH NEWMAN NO. 2
- A4 ORDINANCE NO. 187
- A5 RESOLUTION NO. 1674, WALKER ANNEXATION
- A6 RESOLUTION NO. 92-60, NEWMAN CENTER REORGANIZATION
- A7 RESOLUTION NO. 2000-51, HEARTHSTONE RANCH REORGANIZATION

NOTES

1. SEE SHEET 2 FOR NUMBERED COURSES.
2. TOTAL AREA OF THIS ANNEXATION IS 370.47 ACRES.



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NEWMAN MASTER PLAN

ANNEXATION EXHIBIT
for
CITY OF NEWMAN
CALIFORNIA

JUL 2017

RJS

SHEET

1 OF 2

RESOLUTION NO. 2019 -20

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE
STANISLAUS COUNTY MASTER PROPERTY TAX SHARING AGREEMENT BETWEEN
STANISLAUS COUNTY AND THE CITY OF NEWMAN**

WHEREAS, the City Council on December 12, 2017, approve the Northwest Newman Master Plan and Annexation 17-02 for the project known as Northwest Newman Master Plan Annexation; and

WHEREAS, the City Council on March 27, 2018, authorized staff to submit an application with Stanislaus County Local Agency Formation Commission requesting its approval of Northwest Newman Master Plan Annexation consisting of approximately 370.4 acres, and

WHEREAS, Section 99 of the Revenue and Taxation Code requires a city seeking to annex property and a county affected by such annexation to agree upon an exchange of property taxes which have derived from the annexed territory, and

WHEREAS, the City Council on April 23, 1996 adopted Resolution No. 96-20 executing a master property tax sharing agreement with Stanislaus County pursuant to Section 99 of the Revenue and Taxation Code; and

WHEREAS, the City and Stanislaus County desire to separately negotiate property tax revenue sharing for the Northwest Newman Master Plan Annexation and have reached an understanding as to a rate of exchange of property tax revenue to be made pursuant to Section 99 of the Revenue and Taxation Code; and

WHEREAS, the City Council on March 27, 2018, approved Resolution No. 2018-29 approving and authorizing the execution of Property Tax Revenue Exchange Agreement for the Northwest Newman Annexation; and

WHEREAS, due to changes in the terms of the Property Tax Revenue Exchange Agreement for the Northwest Newman Annexation the City Council rescinded Resolution No. 2018-29 on, May 28th, 2019; and

WHEREAS, the City and Stanislaus County agree that this agreement is subject to the annexation receiving approval for Stanislaus LAFCO and will be effective upon the completion of the annexation.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newman hereby authorizes the City Manager to sign the Northwest Newman Annexation Property Tax Revenue Exchange Agreement which is attached to this resolution as Exhibit "A".

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 28th day of May, 2019 by Council Member Candea, who moved its adoption, which motion was duly seconded and it was upon roll call carried and the resolution adopted by the following roll call vote:

AYES: McDonald, Graham, Candea and Mayor Martina.
NOES: None.
ABSENT: Day.

APPROVED:



Bob Martina, Mayor

ATTEST:


Mike Maier, City Clerk

EXHIBIT D

Plan for Services

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Northwest Newman Master Plan Annexation - Phase I

Plan for Services

Wastewater

The City of Newman operates a wastewater treatment facility about three-quarters of a mile northeast of the City on Hills Ferry Road adjacent to the San Joaquin River. The facility provides primary and secondary treatment. Treated effluent is reclaimed via irrigation of fodder crops. During winter months, treated effluent is stored in two onsite storage reservoirs.

The City recently renewed its treatment plant permit to allow treatment of an average dry weather flow ADWF of 2.4 mgd. The Plant currently processes an ADWF of approximately 1.14 mgd and the City is currently in the process of identifying the improvements required to achieve the capacity to accommodate future wastewater flows generated by the build-out of the full Master Plan area (all phases), which is estimated to be 304,419 gallons per day.

Master Plan Figure 5.2 (attached) shows the proposed expansion of the Newman wastewater system to accommodate future land uses in the full Master Plan area. Generally, wastewater will gravity flow through a series of underground pipes ranging from 10 to 15 inches in diameter to connect with an existing 15-inch diameter pipe southeast of the Master Plan area in Sherman Parkway for transport to the City's wastewater plant. Wastewater improvements will generally be installed by individual project developers in the Master Plan area.

The City may be required to make minor upgrades to the wastewater treatment plant as well as secure additional properties to dispose of treated effluent to meet Regional Water Quality Control Board (RWQCB) permit requirements.

Storm Drain

Proposed City stormwater drainage facilities are shown on Figure 5.4 of the Master Plan (attached). Storm drain facilities includes a combination of surface stormwater flows within the curb and gutter area of local in-tract local streets into a series of underground pipes ranging in size between 18 and 42 inches in diameter. Ultimately, storm drain lines within the Master Plan area will connect to the existing City of Newman storm drain system to the east located within Sherman Parkway

Critical components of the Master Plan drainage system are one or more drainage basins located on the north side of Jensen Road. Stormwater basins are intended to intercept peak stormwater flows and temporarily detain peak flows to ensure that the local and regional drainage system is not overburdened. Stormwater basins are also used for parks and playfields during the non-winter months of the year. Proposed basins are generally depicted in Master Plan Figure 5.3 (attached), but the sizes and locations of

the drainage basins may change based on future, more detailed engineering analyses and hydrology standards.

Water

The city relies on groundwater supplies. According to the General Plan EIR (page 4.14-7), the city has an adequate supply of groundwater to serve all development anticipated at General Plan build-out. The proposed project does not exceed the development density anticipated by the General Plan, so adequate groundwater supplies exist to serve the proposed project.

Upon annexation to the City of Newman, water to Phase I of the Master Plan area will be provided by the City of Newman. The City owns and operates a municipal water system to serve all uses within the community. The municipal system relies on pumped groundwater as the primary water supply, with four wells providing this supply. The proposed project would pay water impact fees that would contribute towards water system costs.

Furthermore, the City is currently planning a new municipal well in the southwestern portion of the complete Master Plan area. When the new well comes on-line, the City of Newman has determined that an adequate long-term water supply will be available for domestic and fire-fighting purposes. The City will also include the construction of a water storage tank near the new well. Additionally, future development in all Master Plan phases will be subject to water conservation methods to minimize the need for water.

Waste Disposal

The city contracts for removal of garbage and recyclable materials from commercial properties and residential curbsides. Waste is brought to the Fink Road landfill at Crow's Landing, where it is either recycled, buried, or burned in a co-generation energy plant. The land fill has adequate capacity to serve build-out of the General Plan (General Plan EIR page 4.14-17). All waste disposal is paid for by developers/occupants.

Roads

Regional access to the full Master Plan area is provided by State Route 33 (SR 33) a northsouth two-lane state highway serving Newman and other Central Valley communities to the north and south. SR-33 forms the eastern boundary of the Master Plan area. Stuhr Road is a two-lane major east-west roadway connecting with I-5 to the west terminating at Hills Ferry Road just east of Newman. Stuhr Road provides the northern boundary of the Master Plan area.

Figure 4.2 shows the proposed roadway system for the full Master Plan area (all phases), including a number of other roadways (unnamed), a Major Collector and a number of Minor Collector roadways serve interior land uses.

The Circulation Plan intends that the north-south Minor Collector Road in the approximate center of the Planning Area extends south of Jensen Road to the southern edge of the Planning Area, then east to connect with Angelina Avenue to provide improved access to and from Orestimba High School.

Construction of ultimate street and roadway improvements as shown in the Master Plan will normally be required of the property owner by the City of Newman as a condition of approving development on adjacent parcels of land. In limited instances, the City may require property developers to improve certain streets and roads on other properties to ensure that adequate access and circulation can be provided. Sidewalks will be provided along all roadways within the Master Plan area. In addition to vehicular roads, Master Plan Figure 4.4 (attached) identifies the location of pedestrian and bicycle facilities in the project area.

For full traffic analysis and LOS impacts, please refer to Chapter 18 of the Draft EIR.

Public safety services.

Current law enforcement service is provided by Stanislaus County Sheriff's Department. Since there is a limited number of deputies within the area, Newman Police Department often assists the sheriff with calls in the affected area. As a result, they are familiar with the area.

The City and West Stanislaus Fire Protection District have a reciprocal service agreement. Newman firefighters are West Stan firefighters as well. This agreement is further demonstrated in a shared FT position that serves as the Newman Fire Chief and a District Chief within West Stan organizational structure. This agreement has been in place since October 2015 as was just renewed for another three (3) years.

The area proposed for annexation is included within the City's impact fee program. The City is in the process of updating this program to ensure that the appropriate fees will be collected.

The entire project would add 4,600 residents to Newman, plus more than 2,000 jobs. The City's service standard is to provide 1.3 to 1.5 sworn officers per 1,000 population, which would indicate that the City would need to add about 5 or 6 new officers to serve the entire master plan. Phase 1 will be significantly lower since 90% of the phase is non-residential development. Currently, less than 15% of the calls for police service originate from non-residential uses.

Based on the current City budget for fire protection services the fiscal analysis indicates that the City would need to increase expenditures by \$75,000 per year to serve the master plan area. This is less than the additional property tax the City would expect to receive based on the West Stanislaus FPD tax allocation. In addition, this is based largely on volunteer fire services and an existing fire station in Newman. If a new station is needed in the master plan area and if additional paid staff are required, then the costs would be significantly higher. It should be noted that the master plan development would pay into a development impact fee fund to finance new fire station facilities and equipment.

EXHIBIT E

Plan for Agricultural Preservation

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Northwest Newman Master Plan Annexation - Phase I
Plan for Agricultural Preservation

The following actions provide the City's Plan for Agricultural Preservation as required by the LAFCO policy.

- 1) Existing Williamson Act properties located in the Master Plan area may remain until either non-renewed by the property owner or cancelled by action of the Lead Agency (City of Newman or County of Stanislaus).
- 2) Sale or rental of future residences shall include notification to buyers or renters of the existence of the Newman right-to-farm ordinance. Therefore, agricultural operations within or near the Master Plan area may generate noise (including early morning or night noise, dust, night lighting, frost protection activities, farm traffic and potential spraying of agricultural chemicals (to the extent allowed by the County Agricultural Commissioner) which could result in inconveniences to residents. The City of Newman acknowledges agricultural uses and finds that on-going uses are beneficial to the community and will not act on complaints to normal and customary agricultural operations as noted above. Continuance of existing agricultural uses in the Newman Planning area is also ensure by adherence to General Plan Natural Resources Element Action 1.7 that mandates the City to continue to enforce its right-to-farm ordinance.
- 3) The City of Newman has established an Urban Growth Boundary (UGB) that is coterminous with the City's Sphere of Influence line established by the Local Agency Formation Commission for the City, as it existed of January 1, 2014. Until December 31, 2040, the City shall restrict urban services (except temporary mutual assistance with other jurisdictions) and urbanized uses of land to within the Newman UGB, except as provided herein and except for the purpose of completing roadways designated in the circulation element of the Newman General Plan as of January 1, 2014, construction of public potable water facilities, public schools, public parks or other government facilities. Other than the exceptions provided for herein, upon the effective date of this UGB General Plan amendment, the City and its departments, boards, commissions, officers and employees shall not grant, or by inaction allow to be approved by operation of law, any general plan amendment, rezoning, specific plan, subdivision map, conditional use permit, building permit or any other ministerial or discretionary entitlement, which is inconsistent with the purposes of this General Plan amendment, unless in accordance with the Amendment Procedures of Section D of this General Plan Amendment. "Urbanized uses of land" shall mean any development which would require the establishment of new community sewer and/or water systems or the significant expansion of existing community sewer and/or water systems; or, would result in the creation of residential densities greater than one primary residential unit per 10 acres in area; or, would result in the establishment of commercial or industrial uses which are neither agriculturally-related nor related to the production of mineral resources. The Newman UGB may not be amended, altered, revoked or otherwise changed prior to December 31, 2040, except by vote of the people or by the City Council pursuant to the procedures set forth in Section D of this General Plan Amendment.

- 4) The proposed Phase 1 annexation consists of 121.3 acres identified for future commercial, business park, professional office and residential uses. The residential component of accounts for only 12.6+/- acres or 10.4% of the phase. Nearly 90% of the first phase of annexation is targeted at job-generating land uses. Currently the City has less than 75 finished lots and less than 100 paper lots available for residential development. In addition to the approved lots, the City has less than 20 acres of vacant residential properties; with the largest parcel measuring 12.9 acres.

The commercial designation is intended for uses that are more land-extensive than the City's downtown district. This designation comprises approximately 27.3 acres and would generate an estimated 540 jobs for the community. The City current inventory is limited to approximately 20 +/- acres of vacant commercial property. Phase 2 of the Nob Hill/Rite Aid shopping center is 4.5 acres and ground should be breaking its first tenant in Fall 2018. Along the southern city limits, at the Merced County line, is 11 acres of commercial property that lacks the appropriate infrastructure for development. The remaining 5+/- acres is comprised of smaller (less than an acre in size) infill lots that will develop with single tenants but lack the ability to create a community serving development.

The Business Park segment is intended to complement development that is occurring, and planned, in the communities to the north of Newman. This area is comprised of approximately 59.2 acres and estimated to generate approximately 1,200 jobs for the community. The strategy is to provide an environment for support and supplies services/businesses to the large corporations locating within the region. The City's current inventory of vacant properties available for business park type development is estimated at less than 5 acres.

The proposed Professional Office properties comprises approximately 10 gross acres. This is a relatively new land use classification for the City. Therefore the City does not have any vacant Professional Office land available in the city.

As demonstrated in the summary of land uses within the Phase 1 development, the City's intent is to annex land that has the potential to generate jobs for the community. Subsequent phases will focus on annexing residential lands as infrastructure is extending into the area.

EXHIBIT F

Referral Responses from CCID & Landowners

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June 8, 2018

Commissioners
Stanislaus LAFCO
1010 10th Street
Third Floor
Modesto, CA 95354

Dear LAFCO Commissioners,

We are writing to you regarding the "Northwest Newman Master Plan". Please consider this our Letter of Position and Official Declaration Opposing this annexation. Our property, located at 27807 Hwy 33, Newman, parcel # 026 040 008, is in Phase 1 of this plan.

Following are several concerns we have brought to the Newman City Council and City Manager regarding this annexation:

- Loss of Class 1 CCID water rights
- Maintaining a personal well
- Maintaining a personal septic

Initially the concerns were discussed verbally in a meeting, then by emailed letters and then a mailed letter from the City Manager. The result of all this discussion is a document called the "Policy Implementation Program for Northwest Newman Master Plan" (see attached) which was presented at the March City Council meeting. The issues addressed in this document regarding sewer and water are geared toward development and do not allow property owners to remain on their properties and in their homes affordably. The City Council was questioned during the March meeting and requests were made to add language to accommodate smaller home sites and owners not wishing to develop, such as removing a specified number of years, relief to run city services to the home site and clarification on funding. We were told the language in the presented policy was already in the City Code. It is confusing as to why this document needed to be written and accepted by the City Council if everything is already spelled out in City Code.

We do not want to be in the city limits. This annexation imposes a financial hardship to continue farming this property by stripping us of our CCID Class 1 water rights and tripling the cost of water (if and when it is available). The implementation policy also makes it prohibitively expensive to attach to city services. We have the right to remain on our property without financial hardship due to city policy.

Last and equally important, the home on the property is a historic and visible structure which has been in our family for 3 generations (our children are the 4th). The City of Newman as well as the County and the State should be concerned with preserving such structures. Zoning this property Community Commercial does not do this.

Please direct all correspondence to each property owner.

Respectfully,


Sherri Marsigli
Property Owner
209-678-5247
ptclub@sbcglobal.net
820 North Ave
Gustine, CA 95322


Lori Branco
Property Owner
209-201-4353
loribassett@rocketmail.com
3043 Gravel Pit Rd
Gustine, CA 95322


Steve Bassett
Property Owner
209-595-3147
stevebassett@sbcglobal.net
27807 Hwy 33
Newman, CA 95360

Policy Implementation Program For Northwest Newman Master Plan

**Approved by Newman City Council
On March xx, 2018
Resolution No. 2018-xx**

INTRODUCTION:

In 2010, a landowners group located within Newman 2030 General Plan Master Plan Area 3 (MPA 3) initiated the process of developing land use and preliminary engineering plans for the area. The group was planning to develop a master plan in accordance with Newman 2030 General Plan requirements for the purpose of submitting an annexation application to the City. However, a change in the economy and the uncertainty of the housing market led to the group abandoning the effort.

In early 2012, staff reached out to the owners' group about the possibility of the City moving the effort forward. With the recent development of major employers locating on the west side of Stanislaus County, staff believed there may a possibility to capture some of the future job growth occurring in this area of the County. In September 2012, the City Council agreed with staff's recommendation and made the strategic decision to fund the master plan and environmental impact report for MPA 3. The Council stated their intention to recover their investment through future development fees and development agreements.

During the review and approval process, the City held one (1) public hearing at the 2017 October Planning Commission meeting and two (2) public hearings at regularly scheduled November 14th and December 12th City Council meetings. At the conclusion of the December 12th public hearing, the City Council voted 4-0 to certify the Environmental Impact Report, adopt the Northwest Newman Master Plan, and approve MPA 3 related annexation applications.

During public hearings before the Planning Commission and City Council, a few members of the public expressed some concerns. This document is being prepared to speak to these issues/concerns and establish a set policies for how they will be addressed by the City should the need/opportunity arise. While this document attempts to cover all of the issues presented during the public hearings, some individual cases may not be able to be fully addressed at this time; due to future conditions and/or settings not being known.

Issues:

Sewer

Sewer service within the Northwest Newman Master Plan Area (MPA 3) will be provided by the City of Newman. To ensure the City has adequate capacity at the treatment plant, the City has applied for new Waste Discharge Requirements (WDRs) that would permit a wastewater treatment/discharge capacity sufficient to handle all lands with the General Plan's entire Primary Sphere of Influence (PSOI). It is anticipated that the new WDRs will be approved by the State Water Resources Control Board in late Spring/early Summer 2018.

Upon securing approval, the City will initiate a design and construction phase that will increase the treatment capacity at the wastewater plant in an efficient and cost effective manner. The increase(s) in treatment capacity will be accomplished in multiple phases dependent upon the recommendations of the engineers and Public Works Department staff. Staff anticipates the initial phase of design will begin during Fiscal Year (FY) 2018/19.

As a condition within the MPA 3 document, a series of follow-up activities and reports are necessary prior to initiating construction activities including, but not limited to, a Financing Plan and Development Agreement. Exact details for the location and phasing of the wastewater collection system(s) have not be completed. Once these have been fully addressed, construction of the collection system may begin by extending existing lines into MPA 3. Staff is optimistic that construction may be begin as soon as 2020.

The following policies will govern the public sewer system and how it pertains to residents who reside on properties within MPA 3 at the time of annexation:

1. All buildings or structures connected to septic tanks in MPA 3 shall be connected to the public sewer within five (5) years from the effective date of the annexation, or within two (2) years after the public sewer becomes available, whichever occurs later.
2. Buildings or structures connected to septic tanks which experience failure, as determined by the City Manager, within the five-year grace period shall be disconnected from the septic system and immediately connected to the public sewer when public sewer is available.
3. For the purposes of this section, a public sewer is considered available when a public sewer or any building or any exterior drainage facility connected thereto is located within 200 feet from any portion of the property or premises.
4. In cases of septic tank failure, the property owner shall be responsible for all costs associated with connection to public sewer. Should the property owner be required to extend a main sewer line (10" or larger), the owner shall be entitled to a reimbursement agreement whereby they are reimbursed for the excess capacity as future properties connect to said sewer line. Term of the reimbursement agreement shall not exceed seven (7) years.
5. The property owner shall be responsible for paying all impact and connection fees prior to connecting to the City system. The City, at its sole discretion, may allow a property owner to enter into a payment arrangement contract when the property owner resides on the property and no more

than one dwelling unit exists. The terms of the contract shall not exceed a maximum of twelve (12) payments over one year.

6. In an effort to minimize the impact upon property owners connecting to City sewer, the City agrees to fix the fee amount(s) at the rates currently in place. The Sewer Connection fee shall be \$2,330 and Sewer Impact Fee shall be \$905.23 for each single family residence. The fixed rate structure shall only apply to the property's main residence that existed on the date the annexation is approved by Stanislaus LAFCO and shall expire on December 31, 2023 or within two (2) years of the sewer service being extended to within 200 feet of property, whichever occurs later. This fixed rate structure is only valid for the property owner of record on the date that the annexation is approved by Stanislaus LAFCO.

Domestic Water

Water to the Master Plan project area will be provided by the City of Newman. To ensure adequate service, the City is currently in the process of developing a new well site along the westernmost segment of Jensen Road that will also contain a one (1) million gallon storage tank. It is anticipated construction on the well site, storage tank and waterlines should begin no later than FY 2018/19. Construction time frame for completing the project is 12-18 months.

The following policies will govern the public water system and how it pertains to residents who reside on properties within MPA 3 at the time of annexation:

1. All buildings or structures connected to private wells in MPA 3 shall be connected to the public water system within five (5) years from the effective date of the annexation, or within two (2) years after the public water becomes available, whichever occurs later.
2. Buildings or structures connected to private wells which experience failure within the five-year grace period shall be disconnected from the well system and immediately connected to the public water when it is available.
3. For the purposes of this section, a public water system is considered available when a public water line or any building or any exterior drainage facility connected thereto is located within 200 feet from any portion of the property or premises.
4. Should the public water system be available, the City will at its own expense, furnish and install service pipe of suitable capacity for a distance of not more than 60 feet from its water mains to the curb or property line. The City may install, but shall not be required to install, more than one service to any one consumer.
 - a. The consumer, at their own expense, shall install that portion of the service inside the curb or property line. Said installation shall include a shut-off valve inside the property line at a location accessible in case of emergency.
 - b. The materials furnished by the consumer in construction of such service extensions, will at all times be and remain the sole property of the consumer and, when necessary, shall be maintained and repaired by the consumer at their own expense.
5. In cases of failed wells, the property owner shall be responsible for all costs associated with the connection to the public water system. Should the property owner be required to extend a main water line (10" or larger), the owner shall be entitled to a reimbursement agreement whereby they

are reimbursed for the excess capacity as future properties connect to said water line. Term of the reimbursement agreement shall not exceed seven (7) years.

6. The property owner shall be responsible for paying all impact and connection fees prior to connecting to the City system. The City, at its sole discretion, may allow a property owner to enter into a payment arrangement contract when the property owner resides on the property and no more than one dwelling unit exists. The terms of the contract shall not exceed a maximum of twelve (12) payments over one year.
7. In an effort to minimize the impact upon property owners connecting to City water, the City agrees to fix the fee amount(s) at the rates currently in place. The Water Connection fee is \$1,035 and Water Impact Fee is \$1,332.51 for each single family residence. The fixed rate structure shall only apply to the property's main residence that existed on the date the annexation is approved by Stanislaus LAFCO and shall expire on December 31, 2023 or within two (2) years of the water service being extended to within 200 feet of property, whichever occurs later. This fixed rate structure is only valid for the property owner of record on the date that the annexation is approved by Stanislaus LAFCO and for residential water service one inch or smaller.
8. When there is more than one option for connecting to the public water system, the City retains final decision over where the property will connect to the water system. While cost to the property owner may be taken under consideration, it will not be the final determination.

Animals

City Code defines "Animal, domestic" to mean "a small animal of the type generally accepted as a pet, including dog, cat, rabbit, songbird, fish and the like, but not including chicken, duck, goose, peafowl, goat, sheep, hog, horse or the like." It further defines "Household pets" as "animals ordinarily permitted in the house and kept for company or pleasure and not for profit, such as dogs, cats and canaries, but not including a sufficient number of dogs to constitute a kennel as defined in this chapter, and not to exceed three cats six weeks of age or older." The City recognizes that some existing residents within MPA 3 have lived in an agricultural setting and may have animals that are not explicitly permitted through Newman City Code. To assist with the transition to life within a more traditional urban setting, the City has developed a strategy for a phased compliance approached compliance for existing residents who own and maintain non-compliant animals on the properties upon which they reside.

The following policies will govern non-domestic animals and how the City will implement existing City Code for residents who own and house non-domestic animals and reside on the same property within MPA 3 at the time of annexation:

1. All non-domestic animals owned and housed by property owners who live and maintain the animals on the property upon which they reside within MPA 3 will be allowed to keep said animals until they perish. The property owner will not be allowed replace animals that do not meet the definition of "Animal, domestic" as defined above.
2. On or prior to January 31 of each year, property owners shall be required to submit a letter identifying the non-domestic animals they are keeping on their property. Failure to meet this deadline may lead to the property owner being found in violation of City code.
3. The City acknowledges that some property owners in MPA 3 are accustomed to keeping chickens on their property to provide a supply of food for their families. To maintain this tradition, the City

is willing to work with property owners to allow them to continue to house chickens in a number and manner that will not impact existing and/or future residences.

- a. To continue to maintain chickens, the property owner must deliver/send a letter to the City requesting a permit to continue to maintain chickens on the property.
- b. Upon reviewing the application, the City may enter into an agreement with the property owner permitting the owner to keep chickens in the number and duration as set by the agreement. As part of the agreement, the property owner must declare that they are the primary resident(s) of the property and that the chickens and eggs will be not be utilized for commercial purposes.
- c. Roosters shall not be considered chickens and will not be permitted as part of the agreement.

Police and Fire Service

All police and fire related service(s) will be handled by the City of Newman upon completion of the annexation. There is no action required from the property owner(s).

Taxes

The City of Newman does not have any special taxes for which the properties would be subject. As a result, the property taxes for properties within MPA 3 should not change as a result of the annexation.

Schools

There will be no change to the School District as a result of the annexation.

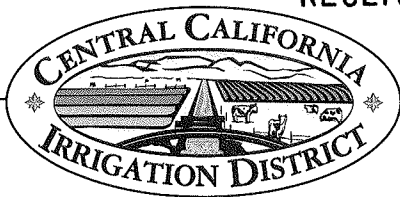
Central California Irrigation District (CCID)

The City is continuing to work with CCID in an effort to help ensure property owners receive their current water allotments from CCID. The City remains hopeful that an agreement between the City and certain property owners can be executed which allow said property owners to utilize the City's Class I water in an event where CCID suspends or severely reduces these property owners' access to CCID irrigation water. Currently, CCID is reviewing the terms the City is proposing.

1335 West "T" Street
PO Box 1231
Los Banos, CA 93635

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(209) 826-1421
Fax (209) 826-3184
www.ccidwater.org



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August 31, 2018

Stanislaus LAFCO
Attn: Javier Camarena, Assistant Executive Officer
1010 Tenth Street, 3rd Floor
Modesto, CA 95354

RE: LAFCO Application No. 2018-02 Northwest Newman Phase I Reorganization to City
of Newman

Dear Mr. Camarena

This letter is in response to the City of Newman Northwest Phase I Reorganization. CCID
is in the agreement with the detachment from our district at the same time as it gets annexed
into the City of Newman as it states on your letter.

Please feel free to contact the undersigned if we may be of further assistance.

Very Truly Yours,

Maria Fatima Sequeira
Assessor

EXHIBIT G

Draft LAFCO Resolution No. 2019-19

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**STANISLAUS COUNTY LOCAL AGENCY
FORMATION COMMISSION**

RESOLUTION

DATE: October 23, 2019

NO. 2019-19

**SUBJECT: LAFCO APPLICATION NO. 2018-02 – NORTHWEST NEWMAN PHASE I
REORGANIZATION TO THE CITY OF NEWMAN**

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

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

THE FOLLOWING RESOLUTION WAS ADOPTED:

WHEREAS, the City of Newman has requested to annex approximately 121 acres known as the Northwest Newman Phase I Reorganization to the City and detach said acreage from the West Stanislaus Fire Protection District and Central Irrigation District;

WHEREAS, the City of Newman adopted a Resolution of Application and pre-zoned the proposed annexation area, located within the City of Newman existing Sphere of Influence and Primary Area;

WHEREAS, there are more than 12 registered voters within the area and it is thus considered inhabited;

WHEREAS, the County and City have negotiated and reached an agreement as to a rate of exchange of property tax revenues, pursuant to Section 99 of the Revenue and Taxation Code, which is applicable solely to the Northwest Newman Master Plan area;

WHEREAS, there is one (1) active Williamson Act contracted land within the boundaries of the reorganization;

WHEREAS, pursuant to Government Code Section 51243.5, the Commission must determine whether a city may exercise an option not to succeed to a Williamson Act contract upon annexation;

WHEREAS, the City of Newman must succeed to Williamson Act Contract No. 76-2249 upon annexation, as the findings in Government Code Section 51243.5 have not been met;

WHEREAS, pursuant to Government Code Section 56856.5(c), the Commission may approve a change of organization or reorganization that would result in the annexation of Williamson Act lands only if it makes a specific finding;

WHEREAS, the City of Newman was the Lead Agency in preparing the environmental documentation which included the proposed annexation;

WHEREAS, the City of Newman, as Lead Agency, has certified a Final Environmental Impact Report for the proposal, in compliance with the California Environmental Quality Act (CEQA) and State CEQA Guidelines;

WHEREAS, the City of Newman shall be responsible for monitoring and reporting to ensure CEQA compliance;

WHEREAS, the City of Newman has determined that there are impacts, which could not be mitigated to acceptable levels and adopted CEQA Findings of Fact and Statements of Overriding Considerations, as put forth in the City of Newman Resolution No. 2017-54;

WHEREAS, the Commission has reviewed the environmental documentation prepared by the City of Newman, including the Final Environmental Impact Report and Statements of Overriding Considerations, and has not identified any feasible mitigation measures that would substantially lessen the identified impacts of the proposal;

WHEREAS, the Commission is not aware of any legal challenge filed against the City's environmental determinations for the proposal;

WHEREAS, the Commission has reviewed the Plan for Agricultural Preservation submitted by the City for the proposal which provides information regarding impacts to agricultural lands and the City's strategy to minimize the loss of agricultural lands;

WHEREAS, at the time and in the form and manner provided by law, the Executive Officer provided notice of the October 23, 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.

NOW, THEREFORE, BE IT RESOLVED that this Commission:

1. Acting as a Responsible Agency pursuant to CEQA Guidelines Sections 15051, 15052, 15096, and 15391, the Commission has reviewed and considered the Final Environmental Impact Report for the Northwest Newman Master Plan, and adopts the same findings regarding the environmental impacts of the proposal and the statement of overriding considerations, all as approved and adopted by the City of Newman acting as the Lead Agency and put forth in Newman City Council Resolution No. 2017-54; and additionally makes the following findings:
 - A. As a "Responsible Agency", Stanislaus LAFCO has independently evaluated the City's certified EIR, and has complied with all actions and guidelines pursuant to CEQA Guidelines Section 15096, and has reached an independent conclusion that determines the EIR adequately addresses the potential impacts related to the proposal that the Stanislaus LAFCO has been asked to approve;

- B. On the basis of substantial evidence in light of the whole record, none of the conditions identified in the CEQA Guidelines Section 15052 have occurred that would necessitate LAFCO assuming the role of Lead Agency from the City of Newman;
 - C. On the basis of substantial evidence in light of the whole record, none of the conditions identified in CEQA Guidelines Section 15162 or 15163 have occurred that would necessitate preparation of a Subsequent EIR or Supplemental EIR as certified by the City of Newman;
 - D. On the basis of substantial evidence in light of the whole record, in compliance with CEQA Guidelines Section 15096(g)(2), that there are no feasible alternatives to the proposal or feasible mitigation measures within the Stanislaus LAFCO's powers that would substantially lessen or avoid any significant effect the proposal would have on the environment;
 - E. On the basis of substantial evidence in light of the whole record, in compliance with CEQA Guidelines Section 15096(h), that the Stanislaus LAFCO, as a "Responsible Agency" adopts the same findings put forth in Newman City Council Resolution No. 2017-54 as required by Section 15091(a) for each significant effect of the proposal and makes the findings in Section 15093 as necessary, adopts the same Statement of Overriding Considerations, also contained in said referenced resolution, and to further require the filing of a Notice of Determination in compliance with CEQA Guidelines Section 15096(i); and,
 - F. The City of Newman shall be responsible for the Mitigation Monitoring and Reporting Program, all as approved and adopted by the City to ensure CEQA Compliance.
2. Determines, the City of Newman shall succeed to Williamson Act Contract No. 76-2249, upon annexation, as the criteria contained in Government Code Section 51243.5, have not been met.
 3. Finds, pursuant to Government Code Section 56856.5, the reorganization of the "Northwest Newman Master Plan Phase I" area is appropriate to provide necessary urban services to a planned, well-ordered, and efficient urban development pattern by the City of Newman, and whose adopted plans and policies includes appropriate consideration for the preservation of open space lands within those urban development patterns upon annexation.
 4. Determines that the Plan for Agricultural Preservation, as submitted by the City, contains sufficient evidence demonstrating consistency with the goals of the Commission's Agricultural Preservation Policy.
 5. Determines that the approval of the reorganization is consistent with overall Commission policies and the City's General Plan and that the City has provided sufficient evidence to show that the required services are available and will be provided upon development of the area.

6. Approves the proposal subject to the following terms and conditions:
 - A. The applicant shall pay 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 territory to the City of Newman and detachment from the West Stanislaus Fire Protection District and Central California Irrigation 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 no limited to the following: sidewalks, trails, landscaped areas, open space, street lights, signals, bridges, storm drains, and pipes shall vest in the City; except for those properties to be retained by the County.
 - G. Pursuant to Government Code Section 56889, the City shall adopt the rules and procedures required by the Williamson Act, including but not limited to the rules and procedures required by Government Code Sections 51231, 51237, and 51237.5.
7. Designates the proposal as the "Northwest Newman Phase I Reorganization to the City of Newman."
8. Designates the Commission as conducting authority pursuant to Government Code Section 56029 for the reorganization.
9. Authorizes and directs the Executive Officer, pursuant to Government Code Section 56881(d), to initiate the protest proceedings for the reorganization pursuant to Part 4, commencing with Section 57000, in compliance with this Resolution and upon receipt of a map and legal description accepted to form by the Executive Officer.

ATTEST: _____
Sara Lytle-Pinhey
Executive Officer