



**STANISLAUS LAFCO
LOCAL AGENCY FORMATION COMMISSION**

Sara Lytle-Pinhey, Executive Officer
1010 10th Street, Third Floor
Modesto, California 95354
Phone: 209-525-7660
Fax: 209-525-7643
www.stanislauslafco.org

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

AGENDA
Wednesday, May 24, 2023
6:00 P.M.
Joint Chambers—Basement Level
1010 10th Street, Modesto, California 95354

- Members of the public may attend this meeting in person.
- You can also observe the live stream of the LAFCO meeting at:
<http://www.stancounty.com/sclive/>
- In addition, LAFCO meetings are broadcast live on local cable television. A list of cable channels is available at the following website:
<http://www.stancounty.com/planning/broadcasting.shtm>

1. CALL TO ORDER

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

2. PUBLIC COMMENT PERIOD

This is the period in which persons may comment on items that are not listed on the regular agenda. All persons wishing to speak during this public comment portion of the meeting are asked to fill out a "Speaker 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. 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. 2023/2024 CALAFCO Board of Director Nomination Packets.](#)

4. DECLARATION OF CONFLICTS AND DISQUALIFICATIONS

5. CONSENT ITEMS

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. **MINUTES OF THE APRIL 26, 2023, LAFCO MEETING**
(Staff Recommendation: Accept the Minutes.)

B. **LEGISLATIVE UPDATE AND POSITION LETTER**
(Staff Recommendation: Accept the update and authorize Executive Officer to submit position letter.)

6. PUBLIC HEARING

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 are asked to fill out a "Speaker Card" and provide it to the Commission Clerk.

A. **OUT-OF-BOUNDARY SERVICE APPLICATION: 1224 KIERNAN AVE (CITY OF MODESTO – WATER SERVICE)**. A request to provide water service outside the City of Modesto's boundaries to serve a property at 1224 Kiernan Ave. Stanislaus County, as Lead Agency under the California Environmental Quality Act (CEQA), prepared and subsequently approved a Negative Declaration for the proposal (Staff Recommendation: Approve the request and adopt Resolution No. 2023-07.)

B. **FINAL LAFCO BUDGET FOR FISCAL YEAR (FY) 2023-2024**. The Commission will consider the adoption of the Final LAFCO Budget consistent with Government Code Sections 56380 and 56381. (Staff Recommendation: Approve the Final Budget and adopt Resolution No. 2023-06.)

7. OTHER BUSINESS

A. **AD-HOC ADVISORY COMMITTEE UPDATE**

8. COMMISSIONER COMMENTS

Commission Members may provide comments regarding LAFCO matters.

9. ADDITIONAL MATTERS AT THE DISCRETION OF THE CHAIRPERSON

The Commission Chair may announce additional matters regarding LAFCO matters.

10. EXECUTIVE OFFICER'S REPORT

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

A. On the Horizon.

11. ADJOURNMENT

A. Set the next meeting date of the Commission for June 28, 2023.

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

May 5, 2023

To: Local Agency Formation Commission
Members and Alternate Members

From: Wendy Root Askew, Committee Chair
CALAFCO Board Election Committee
CALAFCO Board of Directors



RE: Nomination Period Now Open for 2023/2024 CALAFCO Board of Directors

Nominations are now open for the fall elections of the CALAFCO Board of Directors for the following seats:

CENTRAL REGION	COASTAL REGION	NORTHERN REGION	SOUTHERN REGION
City Member	City Member	County Member	County Member
Public Member	Public Member	District Member	District Member

Please inform your Commission that the CALAFCO Election Committee will be accepting nominations for the above-cited seats until:

MONDAY, SEPTEMBER 18, 2023 at 5:00 PM

Serving on the CALAFCO Board is a unique opportunity to work with other commissioners throughout the state on legislative, fiscal, and operational issues that affect us all. The Board meets four to five times each year, with half of the meetings currently held virtually and the rest being held at alternate sites around the state.

Board seats span a two-year term, with no term limits, and any LAFCo commissioner or alternate commissioner is eligible to run for a Board seat. Elections are conducted during Regional Caucuses at the CALAFCO Annual Conference prior to the Annual Membership Meeting on Thursday, October 19, 2023 at the Hyatt Regency Hotel in Monterey, California.

Should your Commission nominate a candidate, please return a completed Nomination Form and Candidate's Résumé Form by the deadline.



Please note that completed nomination forms and all materials must be RECEIVED by the CALAFCO Executive Director no later than **Monday, September 18, 2023 at 5:00 p.m.**

Returning the completed nomination and resume forms prior to the deadline ensures your nominee is placed on the ballot. Names will be listed in the order nominations were received.

Electronic filing of nomination forms is **highly encouraged** to facilitate the recruitment process (please email to info@calafco.org). However, hard copy forms and materials may also be mailed to:

CALAFCO Election Committee c/o Executive Director
California Association of Local Agency Formation Commissions
1129 Firehouse Alley
Sacramento, CA 9581

Nominations received by the September 18th deadline will be included in the Election Committee's Report and will be on the ballot. The Report will be distributed to LAFCo members no later than October 5, 2023, with ballots made available to Voting Delegates at the Annual Conference.

Nominations received after the deadline will be returned; however, nominations may be made from the floor during the Regional Caucuses or during at-large elections, if required, at the Annual Membership Meeting.

For those member LAFCos who cannot send a representative to the Annual Meeting, an electronic ballot will be made available *if requested in advance*. **Ballot requests must also be received no later than 5:00 pm on Monday, September 18, 2023, with completed absentee ballots returned by 5:00 p.m. on Thursday, October 12, 2023.**

NOMINATION/ELECTION PROCESS DEADLINES AND TIMELINES

- **May 5** – Nomination Announcement and packet sent to LAFCo membership and posted on the CALAFCO website.
- **September 18** – Completed Nomination packet due
- **September 18** – Request for an absentee/electronic ballot due
- **September 18** – Voting delegate name due to CALAFCO
- **October 5** – Distribution of the Election Committee Report (includes all completed/submitted nomination papers)
- **October 5** – Distribution of requested absentee/electronic ballots.
- **October 12** – Absentee ballots due to CALAFCO
- **October 19** - Elections

If you have any questions about the election process, please contact CALAFCO Executive Director René LaRoche at rlaroche@calafco.org or by calling 916-442-6536.

Members of the 2023/2024 CALAFCO Election Committee are:

Wendy Root Askew, Chair
district4@co.monterey.ca.us

Monterey LAFCo (Coastal Region)
831-883-7570

Rodrigo Espinosa
Rodrigo.Espinosa@countyofmerced.com

Merced LAFCo (Central Region)
209-398-4340

Derek McGregor
dmcgregor@dmceng.com

Orange Co. LAFCo (Southern Region)
530-538-6834

Josh Susman
jsusman@calafco.org

Nevada LAFCo (Northern Region)
530-559-1725

Additionally, you will also find attached for your reference a copy of the CALAFCO Board of Directors Nomination and Election Procedures, as well as the current listing of Board Members and corresponding terms of office.

I sincerely hope that you will consider joining us!

Enclosures

Board of Directors Nomination and Election Procedures and Forms

The procedures for nominations and election of the CALAFCO Board of Directors [Board] are designed to assure full, fair and open consideration of all candidates, provide confidential balloting for contested positions and avoid excessive demands on the time of those participating in the CALAFCO Annual Conference.

The Board nomination and election procedures shall be:

1. APPOINTMENT OF AN ELECTION COMMITTEE:

- a. Following the Annual Membership Meeting the Board shall appoint an Election Committee of four members of the Board. The Election Committee shall consist of one member from each region whose term is not ending.
- b. The Board Chair shall appoint one of the members of the Election Committee to serve as Committee Chair. The CALAFCO Executive Director shall either serve as staff to the Election Committee or appoint a CALAFCO regional officer to serve as staff in cooperation with the Executive Director.
- c. Each regional officer shall serve as staff liaison to the Election Committee specifically to assist in conducting the election as directed by the Executive Director and Committee.
- d. Goals of the Committee are to encourage and solicit candidates by region who represent member LAFCoS across the spectrum of geography, size, and urban-suburban-rural population, and to provide oversight of the elections process.

2. ANNOUNCEMENT TO ALL MEMBER LAFCoS:

- a. No later than four months prior to the Annual Membership Meeting, the Election Committee Chair shall send an announcement to each LAFCo for distribution to each commissioner and alternate. The announcement shall include the following:
 - i. A statement clearly indicating which offices are subject to the election.
 - ii. A regional map including LAFCoS listed by region.
 - iii. The specific date by which all nominations must be received by the Election Committee. The deadline shall be no later than 30 days prior to the opening of the Annual Conference. Nominations received after the closing date shall be returned to the proposing LAFCo marked "Received too late for Election Committee action."
 - iv. The names of the Election Committee members and the name of their LAFCo, regional representation, email address and phone number. The name, email address and phone number of the Executive Director shall also be included.
 - v. The email address and physical address to send the nominations forms.
 - vi. A form for a Commission to use to nominate a candidate and a candidate resume form of no more than one page each to be completed for each nominee.
 - vii. The specific date by which all voting delegate names are due.
 - viii. The specific date by which absentee ballots must be requested, the date CALAFCO will

**Key Timeframes for
Nominations Process**

Days*	
120	Nomination announcement
30	Nomination deadline
14	Committee report released

*Days prior to annual membership meeting

distribute the absentee ballots, and the date by which they must be received by the Executive Director.

- b. A copy of these procedures shall be posted on the web site.

3. THE ELECTION COMMITTEE:

- a. The Election Committee and the Executive Director have the responsibility to monitor nominations and help assure that there are adequate nominations from each region for each seat up for election. No later than two weeks prior to the Annual Conference, the Election Committee Chair shall distribute to the members the Committee Report organized by regions, including copies of all nominations and resumes, which are received prior to the end of the nomination period.
- b. At the close of the nomination period, the Election Committee shall prepare regional ballots. Each region will receive a ballot specific to that region. Each region shall conduct a caucus at the Annual Conference for the purpose of electing their designated representatives. Caucus elections must be held prior to the annual membership meeting at the Conference. The assigned regional officers along with a member of the Election Committee shall tally ballots at each caucus and provide the Election Committee the names of the elected Board members and any open seats. In the event of a tie, the regional officer and Election Committee member shall immediately conduct a run-off ballot of the tied candidates.
- c. Make available sufficient copies of the Committee Report for each Voting Delegate by the beginning of the Annual Conference. Only the designated Voting Delegate, or the designated Alternate Voting Delegate shall be allowed to pick up the ballot packet at the Annual Conference.
- d. Make available blank copies of the nomination forms and resume forms to accommodate nominations from the floor at either the caucuses or the annual meeting (if an at-large election is required).
- e. Advise the Executive Director to provide "CANDIDATE" ribbons to all candidates attending the Annual Conference.
- f. Advise the Executive Director to provide "VOTING DELEGATE" ribbons to all voting delegates attending the Annual Conference.
- g. Post the candidate statements/resumes organized by region on a bulletin board or other easily accessible location near the registration desk.
- h. Regional elections shall be conducted as described in Section 4 below. The representative from the Election Committee shall serve as the Presiding Officer for the purpose of the caucus election and shall be assisted by a regional officer from a region other than their own, as assigned by the Executive Director
- i. Following the regional elections, in the event that there are open seats for any offices subject to the election, the Election Committee Chair shall notify the Chair of the Board of Directors that an at-large election will be required at the annual membership meeting and to provide a list of the number and category of seats requiring an at-large election.

4. ELECTRONIC BALLOT FOR LAFCO IN GOOD STANDING NOT ATTENDING ANNUAL MEETING

Limited to the elections of the Board of Directors

- a. Any LAFCo in good standing shall have the option to request an electronic ballot if there will be no representative attending the annual meeting.
- b. LAFCos requesting an electronic ballot shall do so in writing to the Executive Director no later than 30 days prior to the annual meeting.

- c. The Executive Director shall distribute the electronic ballot no later than two weeks prior to the annual meeting.
- d. LAFCo must return the ballot electronically to the Executive Director no later than three working days prior to the annual meeting.
- e. LAFCos voting by electronic ballot may discard their electronic ballot if a representative is able to attend the annual meeting.
- f. LAFCos voting under this provision may only vote for the candidates nominated by the Election Committee as noted on the ballot and may not vote in any run-off elections.

5. AT THE TIME FOR ELECTIONS DURING THE REGIONAL CAUCUSES OR ANNUAL MEMBERSHIP MEETING:

- a. The Presiding Officer shall:
 - i. Review the election procedure with the membership of their region.
 - ii. Present the Election Committee Report (previously distributed).
 - iii. Call for nominations from the floor by category for those seats subject to this election:
 - 1. For city member.
 - 2. For county member.
 - 3. For public member.
 - 4. For special district member.
- b. To make a nomination from the floor, a LAFCo, which is in good standing, shall identify itself and then name the category of vacancy and individual being nominated. The nominator may make a presentation not to exceed two minutes in support of the nomination.
- c. When there are no further nominations for a category, the Presiding Officer shall close the nominations for that category.
- d. The Presiding Officer shall conduct a "Candidates Forum". Each candidate shall be given time to make a brief statement for their candidacy. If a candidate is absent from the regional caucus, they may ask someone in their region to make a brief statement on their behalf.
- e. The Presiding Officer shall then conduct the election:
 - i. For categories where there are the same number of candidates as vacancies, the Presiding Officer shall:
 - 1. Name the nominees and offices for which they are nominated.
 - 2. Call for a voice vote on all nominees and thereafter declare those unopposed candidates duly elected.
 - ii. For categories where there are more candidates than vacancies, the Presiding Officer shall:
 - 1. Poll the LAFCos in good standing by written ballot.
 - 2. Each LAFCo in good standing may cast its vote for as many nominees as there are vacancies to be filled. The vote shall be recorded on a tally sheet.

3. Any ballots submitted electronically for candidates included in the Election Committee Report shall be added to the tally.
 4. With assistance from the regional officer, tally the votes cast and announce the results.
- iii. Election to the Board shall occur as follows:
1. A majority of the total number of LAFCos in a given region are required for a quorum. Returned absentee ballots shall count towards the total required for a quorum.
 2. The nominee receiving the majority of votes cast is elected.
 3. In the case of no majority, the two nominees receiving the two highest number of votes cast shall face each other in a run-off election. Electronic ballots are not included in the tally for any run-off election(s).
 4. In case of tie votes:
 - a. A second run-off election shall be held with the same two nominees.
 - b. If there remains a tie after the second run-off, the winner shall be determined by a draw of lots.

6. ADDITIONAL PROCEDURES

- a. For categories where there are more candidates than vacancies, names shall be listed on the ballot in the order the nomination was received and deemed complete.
- b. The Election Committee Chair shall announce and introduce all Board Members elected during the Regional Caucuses at the annual business meeting.
- c. In the event that Board seats remain unfilled after a Regional Caucus, an election will be held immediately at the annual business meeting to fill the position at-large. Nominations will be taken from the floor and the election process will follow the procedures described in Section 4 above. Any commissioner or alternate from a member LAFCo may be nominated for at-large seats.
- d. Seats elected at-large become subject to regional election at the expiration of the term. Only representatives from the region may be nominated for the seat.
- e. As required by the Bylaws, the members of the Board shall meet as soon as possible after election of new Board members for the purpose of electing officers, determining meeting places and times for the coming year, and conducting any other necessary business.

7. LOSS OF ELECTION IN HOME LAFCO

Board Members and candidates who lose elections in their home office shall notify the Executive Director within 15 days of the certification of the election.

8. FILLING BOARD VACANCIES

Vacancies on the Board of Directors may be filled by appointment by the Board for the balance of the unexpired term. Appointees must be from the same category as the vacancy, and should be from the same region.

CALAFCO's Four Regions



The counties in each of the four regions consist of the following:

Northern Region

Butte
Colusa
Del Norte
Glenn
Humboldt
Lake
Lassen
Mendocino
Modoc
Nevada
Plumas
Shasta
Sierra
Siskiyou
Sutter
Tehama
Trinity
Yuba

CONTACT: Steve Lucas
Butte LAFCo
slucas@buttecounty.net

Southern Region

Orange
Los Angeles
Imperial
Riverside
San Bernardino
San Diego

CONTACT: Gary Thompson
Riverside LAFCo
gthompson@lafco.org

Coastal Region

Alameda
Contra Costa
Marin
Monterey
Napa
San Benito
San Francisco
San Luis Obispo
San Mateo
Santa Barbara
Santa Clara
Santa Cruz
Solano
Sonoma
Ventura

CONTACT: Dawn Longoria
Napa LAFCo
dlongori@napa.lafco.ca.gov

Central Region

Alpine
Amador
Calaveras
El Dorado
Fresno
Inyo
Kings
Madera
Mariposa
Merced
Mono
Placer
Sacramento
San Joaquin
Stanislaus
Tulare
Tuolumne
Yolo

CONTACT: José Henriquez
Sacramento LAFCo
henriquezj@saccounty.net

CURRENT BOARD MEMBERS AND TERMS

NAME	REGION	TYPE & TERM
Bill Connelly, Chair	Butte <i>Northern</i>	County (2023)
Rodrigo Espinosa	Merced <i>Central</i>	County (2024)
Blake Inscore	Del Norte <i>North</i>	City (2024)
Gay Jones	Sacramento <i>Central</i>	District (2024)
Michael Kelley	Imperial <i>Southern</i>	County (2023)
Debra Lake	Humboldt <i>Northern</i>	District (2023)
Jo MacKenzie	San Diego <i>Southern</i>	District (2023)
Michael McGill	Contra Costa <i>Coastal</i>	District (2024)
Derek McGregor	Orange <i>Southern</i>	Public (2024)
Margie Mohler, Vice Chair	Napa <i>Coastal</i>	City (2023)
Anita Paque	Calaveras <i>Central</i>	Public (2023)
Daniel Parra	Fresno <i>Central</i>	City (2023)
Wendy Root Askew	Monterey <i>Coastal</i>	County (2024)
Shane Stark	Santa Barbara <i>Coastal</i>	Public (2023)
Josh Susman	Nevada <i>Northern</i>	Public (2024)
Acquanetta Warren, Treasurer	San Bernardino <i>Southern</i>	City (2024)

Date Received

CALIFORNIA ASSOCIATION OF
LOCAL AGENCY FORMATION
COMMISSIONS



Board of Directors

2023/2024 Nomination Form

(Must accompany the Candidate Résumé Form)

Nomination to the CALAFCO Board of Directors

In accordance with the Nominations and Election Procedures of CALAFCO,

_____ LAFCo of the _____ Region

Nominates _____

for the (check one) City County Special District Public

Position on the CALAFCO Board of Directors to be filled by election at the next Annual Membership Meeting of the Association.

LAFCo Chair

Date

NOTICE OF DEADLINE

Nomination Packets must be received by **September 18, 2023 at 5:00 p.m.** to be considered by the Election Committee.

Send completed nominations to
info@calafco.org

Or, mail to:

CALAFCO Election Committee
CALAFCO
1129 Firehouse Alley
Sacramento, CA 95814

Date Received

CALIFORNIA ASSOCIATION OF
LOCAL AGENCY FORMATION
COMMISSIONS



Board of Directors 2023/2024 Candidate Résumé Form (Complete both pages)

Nominated By: _____ LAFCo Date: _____

Region (please check one): Northern Coastal Central Southern

Category (please check one): City County Special District Public

Candidate Name _____

Address _____

Phone Office _____ Mobile _____

e-mail _____

Personal and Professional Background:

LAFCo Experience:

CALAFCO or State-level Experience:

Availability:

Other Related Activities and Comments:

NOTICE OF DEADLINE

Nomination Packets must be received by **September 18, 2023 at 5:00 p.m.** to be considered by the Election Committee.

Send completed nominations to
info@calafco.org

Or, mail to:

CALAFCO Election Committee
CALAFCO
1129 Firehouse Alley
Sacramento, CA 95814



**STANISLAUS LOCAL AGENCY FORMATION COMMISSION
MINUTES
April 26, 2023**

1. CALL TO ORDER

Chair O'Brien called the meeting to order at 6:00 p.m.

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

Commissioners Present: Richard O'Brien, Chair, City Member
Amy Bublak, City Member
Terry Withrow, County Member
Bill Berryhill, Alternate Public Member

Commissioners Absent: Vito Chiesa, Vice-Chair, County Member
Mani Grewal, Alternate County Member
Javier Lopez, Alternate City Member
Ken Lane, Public Member

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

2. PUBLIC COMMENT

Milt Trieweiler, Karen Conrotto, Dave Whetstone and Barney Aggers spoke regarding her concerns about the City of Riverbank's River Walk Specific Plan proposal.

3. CORRESPONDENCE

- A. Specific Correspondence.
None.
- B. Informational Correspondence.
None.
- C. "In the News."

4. DECLARATION OF CONFLICTS AND DISQUALIFICATIONS

None.

5. CONSENT ITEMS

A. **MINUTES OF THE MARCH 22, 2023 LAFCO MEETING**

(Staff Recommendation: Accept the Minutes.)

B. **MUNICIPAL SERVICE REVIEW NO. 2023-01 AND SPHERE OF INFLUENCE UPDATE NO. 2023-01 – FOR SALIDA SANITARY DISTRICT:**

The Commission will consider the adoption of a Municipal Service Review (MSR) and Sphere of Influence (SOI) Update for Salida Sanitary District. This item is exempt from the California Environmental Quality Act (CEQA) review pursuant to sections 15306 and 15061(b)(3). (Staff Recommendation: Approve the update and adopt Resolution No. 2023-04.)

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

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

6. PUBLIC HEARING

A. **PROPOSED LAFCO BUDGET FOR FISCAL YEAR (FY) 2023-2024.**

The Commission will consider the adoption of the proposed LAFCO budget consistent with Government Code Sections 56380 and 56381. (Staff Recommendation: Approve the Proposed Budget and adopt Resolution No. 2023-05.)

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

Chair O'Brien opened the item up for Public Comment at 6:17 p.m.

There was none.

Chair O'Brien closed the Public Hearing at 6:17 p.m.

Motion by Commissioner Withrow, seconded by Commissioner Bublak and carried with a 4-0 vote to approve the Proposed Budget and adopt Resolution No. 2023-05, by the following vote:

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

7. OTHER BUSINESS

None.

8. COMMISSIONER COMMENTS

None.

9. ADDITIONAL MATTERS AT THE DISCRETION OF THE CHAIRPERSON

None.

10. EXECUTIVE OFFICER'S REPORT

A. On the Horizon. The Executive Officer informed the Commission of the following:

- The Executive Officer and Assistant Executive Officer met with staff from the City of Ceres to provide a LAFCO 101 training and information about LAFCO processes.
- The Commission's ad-hoc committee will be meeting with the County Human Relations division tomorrow to discuss reclassifications.
- For the May 24th meeting, the Commission will hear the Final Budget and a potential out-of-boundary service request for water service.

11. ADJOURNMENT

A. Chair O'Brien adjourned the meeting at 6:20 p.m.

Not Yet Approved
Sara Lytle-Pinhey, Executive Officer

MEMORANDUM

DATE: May 24, 2023
TO: LAFCO Commissioners
FROM: Sara Lytle-Pinhey, Executive Officer *SLP*
SUBJECT: **Legislative Update and Position Letter**

RECOMMENDATION

Staff recommends that the Commission receive this legislative update and authorize the Executive Officer to submit a letter of support on behalf of Stanislaus LAFCO for Assembly Bill 1753 (Omnibus Bill).

DISCUSSION

The California Association of Local Agency Formation Commissions (CALAFCO) is currently tracking 19 bills of interest and has been providing regular updates to member LAFCOs. It has been a relatively quiet year for legislation affecting LAFCOs and most of the bills are designated as “watch” position by CALAFCO. The following provides a summary of two bills of interest to the Commission: AB-1753 (CALAFCO-sponsored omnibus bill) and AB-805 (related to sewer service):

Omnibus Bill

AB-1753 (Committee on Local Government)

QUICK SUMMARY:

Each year, CALAFCO sponsors an omnibus bill that is intended to make minor clarifications and corrections to language in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act). This bill includes a cross-reference to the Revenue and Tax Code related to the requirement for a property tax sharing agreement. It also includes the ability for the Executive Officer to transmit resolutions electronically.

This year’s omnibus bill, AB-1753, contains two modifications described below:

- Adds a section clarifying that an application will not be accepted for filing if an agreement for the exchange of property tax revenues has not been adopted, pursuant to the Revenue and Tax Code. This requirement currently exists in the Revenue and Tax Code but is not reflected in the CKH Act.
- Allows the Executive Officer to transmit copies of adopted resolutions of the Commission electronically. Currently the CKH Act requires the resolutions to be sent by mail.

Each of the proposed modifications were vetted by the CALAFCO legislative committee and various stakeholders. They are considered non-controversial and no opposition has been filed.

IMPLICATIONS FOR STANISLAUS LAFCO:

Clarifications and improvements to the CKH Act are necessary to ensure the law is as unambiguous as possible to the Commission and Staff. The two modifications included in AB-1753 will assist Staff in its processing of applications. **Staff recommends a letter of support for AB-1753.**

Drinking Water Consolidation: Inclusion of Sewer Service

AB-805 (Arambula) – *In committee, referred to suspense file*

QUICK SUMMARY:

AB-805 would authorize the State Water Resources Control Board (SWRCB) to order consolidation of sewer service in conjunction with an order to consolidate drinking water systems when both of the receiving and subsumed water systems provide sewer service and after SWRCB consults the relevant regional water board, consults the receiving water system and conducts outreach to ratepayers and residents served by the receiving and subsumed water systems.

According to the author, the purpose of the bill is to provide the ability of SWRCB to also remedy failing sanitary systems during the consolidation of the failing water systems. The author is specifically seeking to remedy an issue for a disadvantaged unincorporated community in Tulare County; however, the proposed bill would also apply to any disadvantaged community qualifying for a water consolidation process that meets certain criteria to also include sewer service consolidation.

Under existing law related to water consolidations, LAFCOs must be consulted, and their input considered regarding the provision of water service. AB-805 as currently written, adds sewer service to the sections related to water service consolidations but does not detail the additional consultation process with local LAFCOs. CALAFCO is maintaining a watch position. The bill is currently in the suspense file and may or may not be acted on this year.

IMPLICATIONS FOR STANISLAUS LAFCO:

This bill builds upon existing legislation that empowers SWRCB to mandate “consolidations” of service. In most cases, in order to effectuate these, LAFCOs must either process a reorganization or out-of-boundary service extension. Staff will continue to monitor this and future legislation following the similar trend to ensure LAFCOs are consulted early in SWRCB’s process.

May 24, 2023

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

Subject: **Support of Assembly Bill 1753: Local Government Committee Omnibus Bill**

Dear Chair Aguiar-Curry:

The Stanislaus Local Agency Formation Commission (LAFCO) is pleased to support the Assembly Local Government Committee Bill (AB) 1753, sponsored by the California Association of Local Agency Formation Commissions (CALAFCO), which makes technical, non-substantive changes to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (the Act).

This annual bill includes technical changes to the Act which governs the work of LAFCOs. These changes are necessary as Commissions implement the Act and small inconsistencies are found or clarifications are needed to make the law as unambiguous as possible. AB 1753 makes minor technical corrections to language used in the Act. Stanislaus LAFCO is grateful to your Committee members and staff, and CALAFCO, all of whom worked diligently on this language to ensure there are no substantive changes while creating a significant increase in the clarity of the Act for all stakeholders.

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

Sincerely,

Sara Lytle-Pinhey
Executive Officer
Stanislaus LAFCO

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

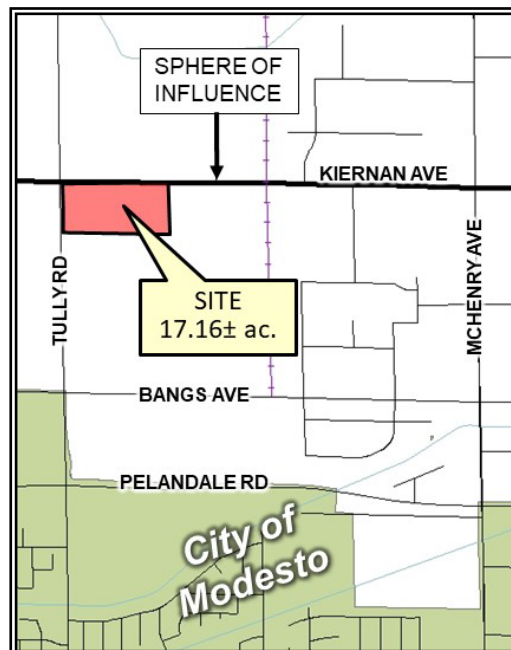
**EXECUTIVE OFFICER'S AGENDA REPORT
MAY 24, 2023**

**STANISLAUS LOCAL AGENCY FORMATION COMMISSION
OUT-OF-BOUNDARY SERVICE APPLICATION:
1224 KIERNAN AVENUE (CITY OF MODESTO - WATER SERVICE)**

APPLICANT: City of Modesto

LOCATION: The site is located at 1224 Kiernan Avenue, at the southeast corner of the Kiernan Avenue and Tully Road intersection (APN: 046-001-001). The is located within the City of Modesto Sphere of Influence. (See Map, Exhibit A.)

REQUEST: The City of Modesto is requesting an out-of-boundary service extension to provide water service to a proposed 300,000 square foot building to be used for various light industrial uses. (See City of Modesto's Out-of-Boundary Application, Exhibit B.)



BACKGROUND

Government Code Section 56133 (attached in full as Exhibit C) specifies that a city or special district must apply for and obtain LAFCO approval prior to providing new or extended services outside its jurisdictional boundaries. The section describes two situations where the Commission may authorize service extensions outside a city or district's jurisdictional boundaries:

- (1) For proposals *within* a city or district sphere of influence: in anticipation of a later change of organization.
- (2) For proposals *outside* a city or district sphere of influence: to respond to an existing or impending threat to the public health or safety of the residents of the affected territory.

Stanislaus LAFCO has adopted its own policy to assist in the Commission's review of out-of-boundary service requests, known as Policy 15 (see Exhibit D). Policy 15 reiterates the requirements of Government Code Section 56133 and also allows the Executive Officer, on behalf of the Commission, to approve service extensions in limited circumstances to respond to health and safety concerns for existing development. As the current request would serve new development, it is being forwarded to the Commission for review.

DISCUSSION

State law and Commission policies generally prefer annexation to accommodate the extension of City services. However, the Commission has recognized that there are situations when out-of-boundary service extensions may an appropriate alternative, consistent with Government Code Section 56133 and Commission Policy 15.

Consistency with Commission Policy 15

The Commission's Policy 15(C) describes a variety of situations where the Commission may favorably consider service extensions. These include the following:

1. *Services will be provided to a small portion of a larger parcel and annexation of the entire parcel would be inappropriate in terms of orderly boundaries, adopted land use plans, open space/greenbelt agreements or other relevant factors.*
2. *Lack of contiguity makes annexation infeasible given current boundaries and the requested public service is justified based on adopted land use plans or other entitlements for use.*
3. *Where public agencies have a formal agreement defining service areas provided LAFCO has formally recognized the boundaries of the area.*
4. *Emergency or health related conditions mitigate against waiting for annexation.*
5. *Other circumstances which are consistent with the statutory purposes and the policies and standards of the Stanislaus LAFCO.*

For the current request, the Commission may find subsection #2 described above to be an applicable scenario for approval. The subject property is located within the City's Sphere of Influence, but it is approximately 2,000 feet north of the existing City limits. A Modesto Irrigation District substation is located to the west of the site and various industrial uses are located to the east, in the unincorporated area. Agricultural lands exist to the south and southwest that would need to be included in an annexation proposal in order to create a logical boundary; therefore, annexation is considered premature at this time. The site was rezoned by Stanislaus County in 2021 from Urban Transition and General Agriculture to Planned Development to allow construction of a 300,000 square foot building for various light industrial uses.

While the request is not to address a health or emergency situation (subsection #4 above), the provision of potable water from the City can be considered a preferable alternative to an on-site well. The project originally sought to use an on-site water system but was also provided conditions of approval by the City of Modesto to accommodate connection to the City's system.

A similar request for water service was considered by the Commission in 2015 for the Holy Family Church site, located just south of the current proposal at 4524 Tully Road. The current request will connect to an extension of the 12-inch water main line in Tully Road, as approved and constructed for the Church site.

Consistency with Applicable State Law

The Commission must also consider Government Code Section 56133, the applicable state law, which states "the commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries but within its sphere of influence in anticipation of a later change of organization [emphasis added]."

The timeframe for "anticipation of a later change of organization" is not specifically defined. Some LAFCOs interpret this phrase as being synonymous with the property being located within

a sphere of influence. Others request a more definitive timeframe for annexation by the service provider. Although the timeframe for future annexation is currently unknown, the property has been within the Sphere of Influence of the City of Modesto since 1984 and the surrounding area is foreseen for business park uses on the City's General Plan. The City was consulted during the County's land use approval process to ensure consistency with City standards based on policies of both agencies in anticipation of the ultimate annexation of the site.

Environmental Review

Stanislaus County, as Lead Agency under the California Environmental Quality Act (CEQA), prepared an initial study and adopted a Negative Declaration, finding that the proposed project will not have a significant effect on the environment. LAFCO, as a Responsible Agency, must consider this documentation and make a similar finding should it approve the proposal.

CONCLUSION

Although annexations to cities or special districts are generally the preferred method for the provision of services, Commission policies also recognize that out-of-boundary service extensions can be an appropriate alternative. Staff believes the City's proposal to provide water service to the future warehouse is consistent with Government Code Section 56133 and the Commission's Policy 15.

ALTERNATIVES FOR LAFCO 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:

- APPROVE the request, as submitted by the City.
- DENY the request without prejudice.
- CONTINUE the proposal to a future meeting for additional information.

STAFF RECOMMENDATION

Based on the discussion in this staff report and following any testimony or evidence presented at the meeting, Staff recommends that the Commission approve the proposal as submitted by the City of Modesto and adopt Resolution No. 2023-07, which finds the request to be consistent with Government Code Section 56133 and Commission Policy 15 and includes the following standard terms and conditions:

- A. This approval allows for the extension of water service as requested by the City for the property located at 1224 Kiernan Avenue only.
- B. The City shall not allow additional water service connections outside the City limits and beyond the current request without first requesting and securing approval from LAFCO.

**EXECUTIVE OFFICER'S AGENDA REPORT
MAY 24, 2023
PAGE 4**

Respectfully submitted,

Javier Camarena

Javier Camarena
Assistant Executive Officer

Attachments: Draft LAFCO Resolution 2023-07
 Exhibit A - Map
 Exhibit B - City's Out-of-Boundary Application
 Exhibit C - Government Code Section 56133
 Exhibit D - LAFCO Policy 15
 Exhibit E - Stanislaus County Initial Study and Negative Declaration

Draft LAFCO Resolution 2023-07

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**STANISLAUS COUNTY LOCAL AGENCY
FORMATION COMMISSION**

RESOLUTION

DATE: May 24, 2023

NO. 2023-07

**SUBJECT: Out-of-Boundary Service Application for 1224 Kiernan Avenue
(City of Modesto – Water Service)**

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

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

THE FOLLOWING RESOLUTION WAS ADOPTED:

WHEREAS, the City of Modesto has submitted an out-of-boundary service application requesting to provide water service to a property located at 1224 Kiernan Avenue;

WHEREAS, the site is otherwise identified as Assessor’s Parcel Number 046-001-001;

WHEREAS, the property is located outside the current city limits of Modesto, but within the City’s Sphere of Influence;

WHEREAS, Government Code Section 56133 states that a city may provide new or extended services by contract or agreement outside its jurisdictional boundaries only if it first requests and receives written approval from the local agency formation commission in the affected county;

WHEREAS, Government Code Section 56133 further states that the Commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries but within its sphere of influence in anticipation of a later change of organization;

WHEREAS, the Commission has adopted specific policies (Policy 15) to guide its evaluation of out-of-boundary service applications, consistent with Government Code Section 56133;

WHEREAS, in accordance with adopted Commission Policy 15, the current proposal has been forwarded to the Commission as it would serve new development;

WHEREAS, the City of Modesto has indicated that it has the ability to serve the site with water;

WHEREAS, Stanislaus County, as Lead Agency, has prepared an initial study for the project, pursuant to the California Environmental Quality Act (CEQA) and the State CEQA guidelines and adopted a Negative Declaration;

WHEREAS, the Commission, as a Responsible Agency, has considered the County's environmental determination; and,

WHEREAS, the Commission has, in evaluating the proposal, considered the report submitted by the Executive Officer, consistency with California Government Code Section 56133 and the Commission's adopted policies, and all testimony and evidence presented at the meeting held on May 24, 2023.

NOW, THEREFORE, BE IT RESOLVED that this Commission:

1. Finds that the proposed extension of water service is consistent with the Commission's adopted policies and California Government Code Section 56133.
2. Certifies, as a Responsible Agency, that it has considered the environmental determination made by Stanislaus County, as Lead Agency pursuant to CEQA.
3. Authorizes the City of Modesto to provide the requested water service, subject to the following terms and conditions:
 - A. This approval allows for the extension of water service as requested by the City for the property located at 1224 Kiernan Avenue only.
 - B. The City shall not allow additional water service connections outside the City limits without first requesting and securing approval from LAFCO.
4. Directs the Executive Officer to forward a copy of this resolution to the City of Modesto.

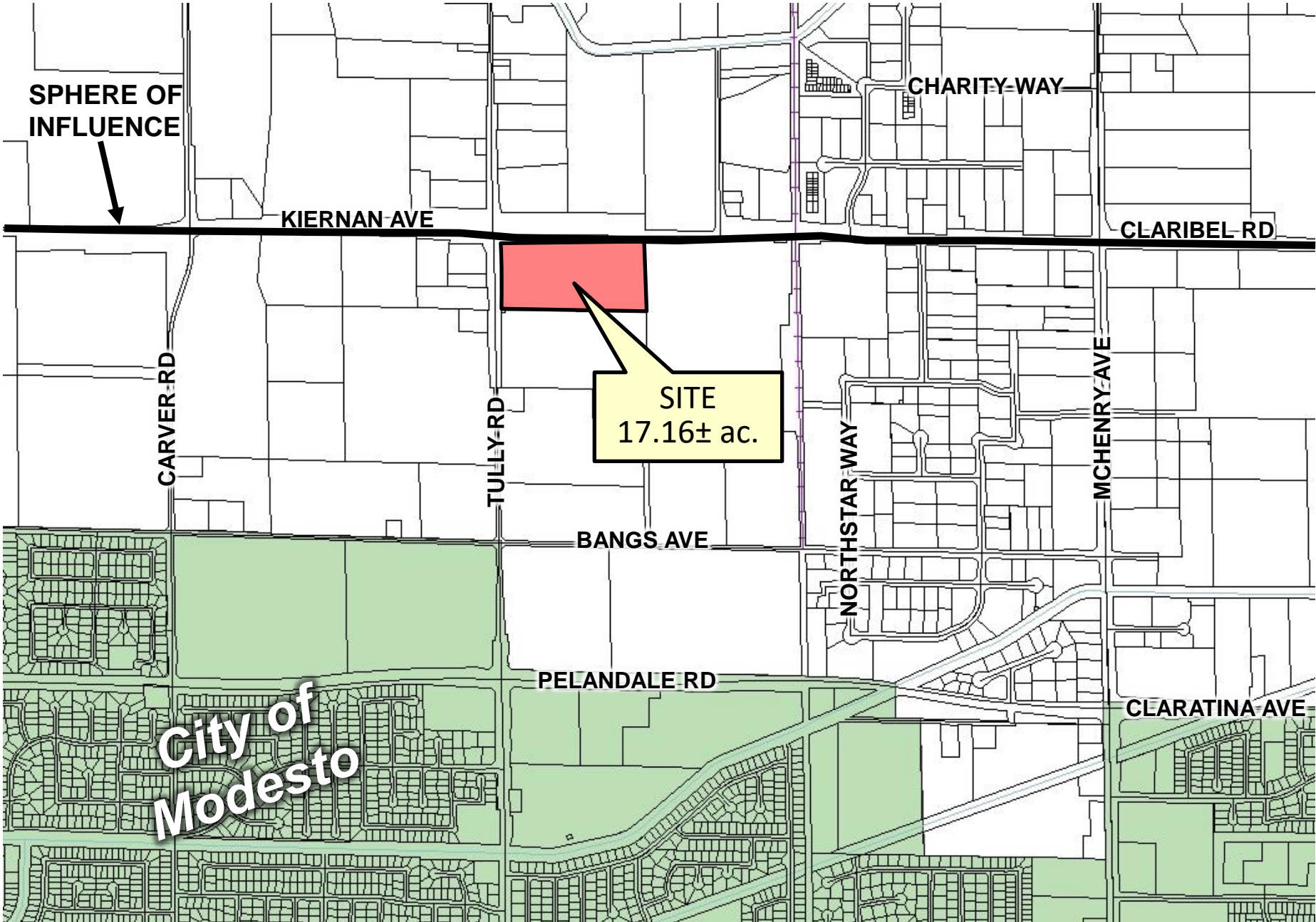
ATTEST: _____
Sara Lytle-Pinhey, Executive Officer

EXHIBIT A

Map

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**OUT-OF-BOUNDARY SERVICE APPLICATION
1224 KIERNAN AVENUE**



Source: Stanislaus LAFCO May 2023

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EXHIBIT B

City's Out-of-Boundary Application

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STANISLAUS LAFCO

Stanislaus Local Agency Formation Commission

1010 – 10 th Street, 3rd Floor ♦ Modesto, CA 95354

(209) 525-7660 ♦ FAX (209) 525-7643

www.stanislauslafco.org

OUT OF BOUNDARY SERVICE APPLICATION

AGENCY TO EXTEND SERVICE:

AGENCY NAME: City of Modesto

CONTACT PERSON: Eva Dankha-Kelly-Associate Engineer

ADDRESS: 1010 10th Street, suite 3001 Modesto Ca 95353

PHONE: 209-571-5120 FAX: _____ E-MAIL: edkelly@modestogov.com

CONTRACTING PARTY:

NAME OF PROPERTY OWNER: Kevin Perkins

SITE ADDRESS: ¹²²⁴~~824~~ Kiernan Avenue

PHONE: 909-946-6226 FAX: N/A E-MAIL: N/A

CONTRACT NUMBER/IDENTIFICATION: N/A

ASSESSOR PARCEL NUMBER(S): 046-001-002¹

ACREAGE: N/A

The following application questions are intended to obtain enough data about the proposal to allow the Commission and staff to adequately assess the service extension. By taking the time to fully respond to the questions below, you can reduce the processing time for this application. You may include any additional information that you believe is pertinent. Use additional sheets where necessary.

1. (a) List type of service(s) to be provided by this application:

Water service connection

(b) Are any of the services identified in 1-a "new" services to be offered by the agency? If yes, please provide explanation.

Yes, this Property is in the City's sphere of influence and it will make an extension to the 12-inch water main in Keirnan Avenue

2. Please provide a description of the service agreement/contract. (Included in this description should be an explanation as to why a jurisdictional change is not possible at this time and if this extension is an emergency health and safety situation.)

This is a proposed industrial warehouse building that wants to connect to City's water main.

3. Is annexation of the territory by your agency anticipated at some future time? Please provide an explanation.

N/A

4. Is the property to be served within the Agency's sphere of influence?

Yes

5. If the service extension is for development purposes, please provide a complete description of the project to be served.

A proposed Warehouse building.

6. Has an environmental determination been made for this proposal? If yes, provide a copy. If no, please provide an explanation.

Yes

7. Are there any land use entitlements involved in the project or contract? If yes, please provide a copy of the documentation for this entitlement. Please check those documents attached:

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

8. Please provide a map showing existing facilities and proposed extensions and a detailed description of how services are to be extended to the property. Your response should include, but not be limited to, an explanation of distance for connection to existing infrastructure to the site; and cost of improvements, how financing is to occur, and any special financing arrangement for later repayment.
See attached.

CERTIFICATION

I hereby certify that the statement furnished above and in the attached exhibits present the data and information required for this evaluation of service extension to the best of my ability, and that the facts, statement, and information presented herein are true and correct to the best of my knowledge and belief.

SIGNED:

 _____

PRINTED NAME:

Eva Dankha-Kelly

DATED:

3/17/23 _____

REQUIRED EXHIBITS:

1. Copy of the proposed agreement.
2. Map showing the property to be served, existing agency boundary, and the location of infrastructure to be extended.
3. Plan for providing service.

Please forward the completed form and related information to:

Stanislaus Local Agency Formation Commission
Attn: Executive Officer
1010 10th Street, 3rd Floor
Modesto, CA 95354

STANISLAUS LAFCO

Stanislaus Local Agency Formation Commission

1010 – 10 th Street, 3rd Floor ♦ Modesto, CA 95354

(209) 525-7660 ♦ FAX (209) 525-7643


www.stanislauslafco.org

INDEMNITY AGREEMENT

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

Date: 3/17/23

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

Signature: 

Name: Eva Dantra Kelly

Title: Associate Engineer

Agency: City of Modesto

Address: 1010 10th Street suite 3001
Modesto, Ca 95353



Recording Requested By
City of Modesto
Return to / Mail to
City of Modesto City Clerk
P.O. Box 642
Modesto, CA 95353

Stanislaus County Recorder
Donna Linder, County Clerk-Recorder
DOC - 2023-0009275
Monday, February 27, 2023 14:38:19
Customer: Public
Total Paid: \$0.00

Receipt #: 2023131867

KGS / CHKQ2V2 / 2-13

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**OUTSIDE SERVICE AGREEMENT FOR WATER SERVICE AND
AGREEMENT TO WAIVE PROTEST TO ANNEXATION PROCEEDINGS**

This Agreement is made and entered into in the City of Modesto, County of Stanislaus, State of California, by and between the City of Modesto, a municipal corporation of the State of California, (hereinafter "City"), and LPC Kiernan, LLC, a California limited liability company (hereinafter "Owner"), and entered into on the date the last party executes said agreement.

This Agreement is made with reference to the following recitals:

A. Owner desires to have water service from City to its property located outside the city limits of City and more fully described in paragraph 1 below, ("Property"), and

B. In order to provide said water service, City must extend its system, and

C. City is agreeable to providing said water service under the terms and conditions set forth herein,

NOW, THEREFORE, in consideration of the mutual covenants, promises and agreements herein contained, the parties hereto mutually agree as follows:

1. Contemporaneous with the signing of this Agreement, Owner shall also sign that certain "Agreement To Waive Protest To Annexation Proceedings" which is attached hereto. In addition, Owner shall do any and all other acts necessary to annex

necessary to annex the following described property to City when requested to do so by City:

Address: 1224 KIERNAN

APN: 046-001-001

SEE EXHIBIT B FOR A FULL DESCRIPTION OF REAL PROPERTY

2. Owner agrees to pay to City at the time a building permit is issued for any new development on the Property prior to its annexation to City, the transportation component of City's Capital Facilities Fees (CFF) then in effect, that would otherwise be due to City in the event said property was located entirely within the Modesto city limits. Owner shall notify City when Owner has been issued a building permit for any new development on the Property within three (3) days after the issuance of said permit. Owner shall pay said fees upon ten (10) days written notice by City. After the aforesaid annexation, Owner agrees to pay City's full CFF at the time a building permit for any new development on the Property is issued.

3. Owner agrees to pay all fixed fees for all system operations and management services for water service. These include, but are not limited to, the following: deposit, disconnect fee, reconnect fee, late payment penalty fee, return check fee, collection agency fee, water disconnection notice, unauthorized reconnect, lock breakage fee/lock replacement fee, disconnect water line at main for nonpayment fee.

4. In the event Owner, for any reason, fails to take whatever other action is necessary to annex said property when requested to do so by City or in the event Owner fails to provide any of the information or make any of the payments provided for in Paragraphs 2 and 3 in a timely manner, City may, at its option, terminate this Agreement by giving written notice thereof to Owner by First class mail. City may thereafter, at any time upon fifteen (15) calendar days written notice by First class mail

to Owner, refuse to provide water service, or City may disconnect the water service connection to said property, at the City's discretion.

In the event of Owners' breach of this Agreement, the remedy provided in this Paragraph to City is cumulative and is in addition to any other remedies in law or equity that may be available to City. The election of one or more remedies shall not bar the use of other remedies unless the circumstances make the remedies incompatible. The waiver or failure to enforce any breach hereof shall not be construed as a waiver of or bar to enforcement of subsequent breaches.

5. To the extent permitted by law, Owner agrees to and does hereby waive any and all rights it may have under law to challenge the payment of the City taxes and fees as provided for in Paragraphs 2 and 3 above. In the event, for whatever reason, Owner at any time contests, protests, or files any action in state or Federal court to invalidate the applicability of said fees and taxes to Owner, then, this Agreement shall immediately terminate and shall be of no further force and effect.

6. Owner shall comply with all water use rules and regulations as set forth in the Modesto Municipal Code.

7. Owner shall pay water service charges and water main connection charges as set forth in the Modesto Municipal Code.

8. If the necessary water mains or services or appurtenances do not exist to provide water service to the property, City and Owner shall comply with the requirements of the Modesto Municipal Code and the City of Modesto Engineering Standard Specifications for the installation of necessary water mains and appurtenances thereto. The necessary water mains, services and appurtenances shall be installed by either City or Owner, as set forth in said requirements, to provide water

service to the above property. In no event, will City be obligated to pay the initial cost of any such water mains, services or appurtenances at the direction of Owner. Rather, City agrees to use the procedures, methods, timing and other criteria set forth in its written authorities to provide water service to Owner at the good faith convenience of the City. Owner may accelerate the process of receiving water service from City by agreeing in a subsequent agreement to pay the facilities installation costs of such services in advance of their installation, subject to reimbursement pursuant to the aforementioned written authorities.

9. It is distinctly covenanted and agreed by the parties hereto that this Agreement shall be recorded and that all the covenants and agreements expressed above shall be held to run with the and bind the above described land and all subsequent owners and occupants thereof.

IN WITNESS WHEREOF, the City of Modesto, a municipal corporation, has caused this Agreement to be executed in duplicate by its City Manager and attested by its City Clerk pursuant to Modesto Municipal Code 11-1.05 (b) and City Ordinance No. 3611-C.S., adopted on the 9th day of December, 2014, and OWNER has caused this agreement to be duly executed.

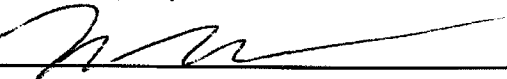
CITY:

CITY OF MODESTO,
a California municipal corporation

By: 
JOSEPH P. LOPEZ
City Manager

OWNER:

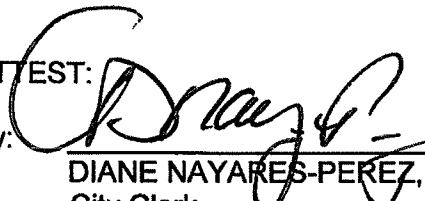
LPC Kiernan, LLC, a California limited liability company*

By: 
Name: Nathan Petrowsky
(Print Name)

Title: Manager

Date 1/27/2023

ATTEST:

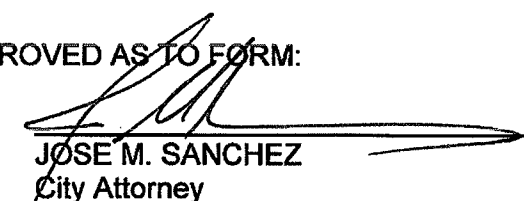
By: 
DIANE NAYARES-PEREZ, CMC
City Clerk

By: _____
Name: _____
(Print Name)

Title: _____

Date _____

APPROVED AS TO FORM:

By: 
JOSE M. SANCHEZ
City Attorney

* Corporations - signature of two (2) officers required or one (1) officer plus corporate seal.

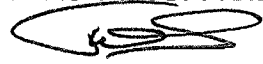
Partnership - signature of a partner required

Sole Proprietorship - signature of proprietor required

LLC - signature of proprietor or partner required

(SEAL)

APPROVED AS TO SUFFICIENCY:

By: 
TOBY WELLS,
City Engineer

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Stanislaus

On February 14, 2023 before me, Julia Maria Maniscalco, Notary Public
(insert name and title of the officer)

personally appeared Joseph P. Lopez
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Julia M. Maniscalco (Seal)



ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

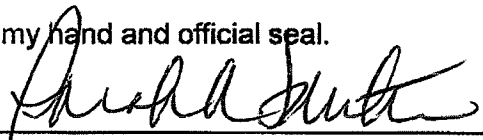
State of California
County of Alameda

On January 27, 2023 before me, Sarah A Lauter, Notary Public personally appeared Nathan Petrowsky, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(Seal)



**EXHIBIT A
AGREEMENT TO WAIVE PROTEST TO ANNEXATION PROCEEDINGS**

This Agreement, made and entered into in the City of Modesto, County of Stanislaus, State of California, this ____ day of _____, 2023, by and between the CITY OF MODESTO, a municipal corporation of the State of California, hereinafter called "CITY", and LPC Kiernan, LLC, a California limited liability company, hereinafter called "OWNER".

This Agreement is made with reference to the following recitals:

1. CITY and OWNER entered into an Outside Service Agreement on _____, 2023 (hereinafter "OSA"). That OSA required OWNER to do any and all acts necessary to annex the following described property to CITY when requested to do so by CITY:

Address: 1224 KIERNAN

APN: 046-001-001

SEE EXHIBIT A FOR A FULL DESCRIPTION OF REAL PROPERTY

2. In reliance on the promise related in the next preceding paragraph, the CITY retained the right to terminate its OSA and disconnect water service to the above-described property, refuse to provide water service to it, and/or seek other remedies against Owner, in the event that OWNER did not take all actions necessary to annex its property to CITY.

3. Pursuant to Government Code Section 57051, OWNER has the legal right to file a written protest either as an owner of land or as a registered voter within inhabited territory proposed to be annexed to CITY against annexation of that territory.

4. CITY and OWNER agree that the right described in the next preceding paragraph is an advantage of law intended solely for Owner's benefit, and not a law established for a public reason which cannot be waived or circumvented by agreement.

5. OWNER agrees and represents that if the right described in paragraph 3 is jointly held, it has the sole authority to exercise that right, and that OWNER will maintain such sole authority throughout the life of this agreement.

NOW, THEREFORE, in consideration of the mutual covenants, promises and agreements herein contained, the parties hereto mutually agree as follows:

A. OWNER agrees that all of the foregoing recitals are factually true.

B. OWNER agrees to and does hereby, waive any and all rights, whether jointly or severally held, to do any act authorized by Government Code Section 57051 to the full extent allowed by Civil Code Section 3513.

C. OWNER understands and agrees that this Agreement to waive protest rights does not in any manner amend or alter the OSA.

D. In consideration of OWNER'S agreements contained herein, CITY agrees to accept this waiver as a partial discharge of OWNER'S duties and obligations under the OSA, with respect to OWNER'S duty thereunder to do all things necessary to annex its property to the CITY when requested to do so by CITY.

IN WITNESS WHEREOF, the CITY OF MODESTO, a municipal corporation, has authorized the execution of this Agreement in duplicate by its City Manager and attested by its City Clerk on the 14th day of FEBRUARY, 2023, and OWNER has executed the Agreement the day and year first above written.

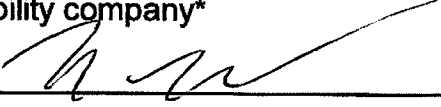
CITY:

CITY OF MODESTO,
a California municipal corporation

By: 
JOSEPH P. LOPEZ
City Manager

OWNER:

LPC Kiernan, LLC, a California limited liability company*

By: 
Name: Nathan Petrowsky

Title: Manager

Date 1/27/23

ATTEST:

By: 
DIANE NAYARES-PEREZ, CMC
City Clerk

By: _____

Name: _____
(Print Name)

Title: _____

Date _____

APPROVED AS TO FORM:

By: 
JOSE M. SANCHEZ
City Attorney

* Corporations - signature of two (2) officers required or one (1) officer plus corporate seal.

Partnership - signature of a partner required

Sole Proprietorship - signature of proprietor required

LLC - signature of proprietor or partner required

(SEAL)

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Stanislaus

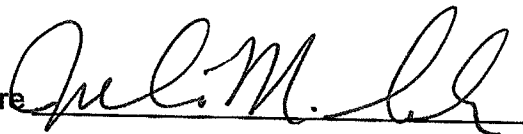
On February 14, 2023 before me, Julia Maria Maniscalco, Notary Public
(insert name and title of the officer)

personally appeared Joseph P. Lopez
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

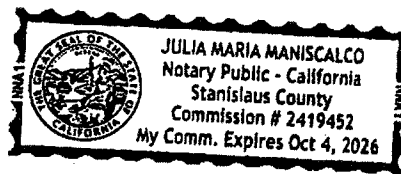
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(Seal)



ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Alameda

On January 27, 2023 before me, Sarah A Lauter, Notary Public personally appeared Nathan Petrowsky who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature *Sarah A Lauter*

(Seal)

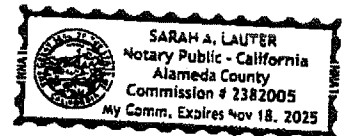


EXHIBIT B
LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED MODESTO, IN THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

LOT 5 OF THE ALBEMERL TRACT ACCORDING TO THE OFFICIAL MAP FILED FOR RECORD APRIL 13, 1909 IN BOOK 4 OF MAPS, PAGE 19, STANISLAUS COUNTY RECORDS.

EXCEPT THEREFROM THAT PORTION CONVEYED TO THE STATE OF CALIFORNIA BY GRANT DEED RECORDED DECEMBER 17, 1986, INSTRUMENT NO. 043237, BOOK 167, PAGE 1744, OFFICIAL RECORDS.

ALSO EXCEPT THEREFROM THAT PORTION DESCRIBED IN FINAL ORDER OF CONDEMNATION DATED FEBRUARY 28, 2012, INSTRUMENT NO. 2012-0018682, OFFICIAL RECORDS.

APN: 046-001-001



**Community and Economic
Development Department
Land Development Engineering
Division**

P.O. Box 642
Modesto, California 95354
209.577.5200
Modestogov.com

December 23, 2022

Kevin Perkins
1475 Powell Street, Suite 201
Emeryville, CA 94608

Subject: Conditional Water Will Serve Letter for a property located at 1224 Tully Road Avenue (APN: 046-001-001) Modesto, CA

Dear Mr. Perkins:

As requested in your application dated December 23, 2022, the proposed Industrial Warehouse structure located at 1224 Tully Road (APN: 046-001-001) in Modesto, will be allowed (subject to Council approval), to make the necessary water service connection/s to the City's existing water system to accommodate normal usage as described below.

Water Service:

Pursuant to Modesto City Council Resolution No. 98-306 and City Council Policy No. 5.001, which both address the extension of water service into unincorporated areas, areas outside of the city limits, and inside of the sphere of influence, it has been determined that sufficient quantity of potable domestic water will be available for normal usage (including landscaping, etc.) once the developer constructs a 12-inch water main at his or her expense along Tully Road that will make the water service connection available for the proposed development (Industrial Warehouse structure).

The proposed 12- inch water main construction along Tully Road will be connecting to the existing North/South 12-inch main in Tully Road south of Bangs Avenue, and extending approximately 2,600 - feet north, to the northerly property line of the proposed development.

The design of the connecting water main shall be per City Standards and designed by a registered engineer authorized to perform such work. The proposed design shall be approved by the City and all costs associated with its design, installation, and permits shall be borne by the property owner.

The construction and inspection of the 12-inch water main must be completed within two years from the date of this letter; otherwise an application for extension has to be submitted to the City for review and issuance for an additional two years.

An Outside Service Agreement with the City of Modesto must be submitted and approved by the City Council after the construction by the developer and inspection approved by the City of the 12-inch water main. The applicable processing fee must be paid at such time.

The final approval of the process will be contingent upon the property owner receiving the appropriate land use zone change and entitlement from the County, and approval from LAFCO.

If you have any questions, please contact Eva Dankha-Kelly at (209) 571-5120.

Recommended By:

Eva Dankha-Kelly, Associate Engineer

Sincerely,

Joseph P. Lopez
City Manager

cc: William S. Wong- Director of Utilities
Jim Alves- Utilities
Jeff Daniels- Utilities
Kerrie Freeman- Stanislaus County – Building

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EXHIBIT C

Government Code Section 56133

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Government Code Section §56133

- (a) A city or district may provide new or extended services by contract or agreement outside its jurisdictional boundary only if it first requests and receives written approval from the commission of the county in which the affected territory is located.
- (b) The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundary but within its sphere of influence in anticipation of a later change of organization.
- (c) The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to respond to an existing or impending threat to the health or safety of the public or the residents of the affected territory, if both of the following requirements are met:
 - (1) The entity applying for approval has provided the commission with documentation of a threat to the health and safety of the public or the affected residents.
 - (2) The commission has notified any alternate service provider, including any water corporation as defined in Section 241 of the Public Utilities Code, that has filed a map and a statement of its service capabilities with the commission.
- (d) The executive officer, within 30 days of receipt of a request for approval by a city or district to extend services outside its jurisdictional boundary, shall determine whether the request is complete and acceptable for filing or whether the request is incomplete. If a request is determined not to be complete, the executive officer shall immediately transmit that determination to the requester, specifying those parts of the request that are incomplete and the manner in which they can be made complete. When the request is deemed complete, the executive officer shall place the request on the agenda of the next commission meeting for which adequate notice can be given but not more than 90 days from the date that the request is deemed complete, unless the commission has delegated approval of requests made pursuant to this section to the executive officer. The commission or executive officer shall approve, disapprove, or approve with conditions the extended services. If the new or extended services are disapproved or approved with conditions, the applicant may request reconsideration, citing the reasons for reconsideration.
- (e) This section does not apply to any of the following:
 - (1) Two or more public agencies where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider.
 - (2) This section does not apply to the transfer of nonpotable or nontreated water.
 - (3) The provision of surplus water to agricultural lands and facilities, including, but not limited to, incidental residential structures, for projects that serve conservation purposes or that directly support agricultural industries. However, prior to extending surplus water service to any project that will support or induce development, the city or district shall first request and receive written approval from the commission in the affected county.

- (4) An extended service that a city or district was providing on or before January 1, 2001.
- (5) A local publicly owned electric utility, as defined by Section 224.3 of the Public Utilities Code, providing electric services that do not involve the acquisition, construction, or installation of electric distribution facilities by the local publicly owned electric utility, outside of the utility's jurisdictional boundary.
- (6) A fire protection contract, as defined in subdivision (a) of Section 56134.

(Amended by Stats. 2022, Ch. 37)

EXHIBIT D

LAFCO Policy 15

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POLICY 15 - OUT-OF-BOUNDARY SERVICE CONTRACTS OR AGREEMENTS

(Amended January 24, 2018)

Government Code Section 56133 (Cortese-Knox-Hertzberg Act) specifies that a city or special district must apply for and obtain LAFCO approval before providing new or extended services outside its jurisdictional boundaries. The Commission will consider this policy in addition to the provisions of Government Code Section 56133 when reviewing out-of-boundary service extension requests.

- A. Pursuant to Government Code Section 56133(b), the Commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries, but within its sphere of influence, in anticipation of a later change of organization. The Commission may authorize a city or district to provide new or extended services outside its sphere of influence to respond to an existing or impending threat to the public health or safety of the residents of the affected territory in accordance with Government Code Section 56133(c).
- B. The Commission has determined that the Executive Officer shall have the authority to approve, or conditionally approve, proposals to extend services outside jurisdictional boundaries in cases where the service extension is proposed to remedy a clear health and safety concern for existing development.

In cases where the Executive Officer recommends denial of such a proposed service extension or where the proposal will facilitate new development, that proposal shall be placed on the next agenda for which notice can be provided so that it may be considered by the Commission. After the public hearing, the Commission may approve, conditionally approve, or deny the proposal.

- C. Considerations for Approving Agreements: Annexations to cities and special districts are generally preferred for providing public services; however, out-of-boundary service extensions can be an appropriate alternative. While each proposal must be decided on its own merits, the Commission may favorably consider such service extensions in the following situations:
 - 1. Services will be provided to a small portion of a larger parcel and annexation of the entire parcel would be inappropriate in terms of orderly boundaries, adopted land use plans, open space/greenbelt agreements or other relevant factors.
 - 2. Lack of contiguity makes annexation infeasible given current boundaries and the requested public service is justified based on adopted land use plans or other entitlements for use.
 - 3. Where public agencies have a formal agreement defining service areas provided LAFCO has formally recognized the boundaries of the area.
 - 4. Emergency or health related conditions mitigate against waiting for annexation.
 - 5. Other circumstances which are consistent with the statutory purposes and the policies and standards of the Stanislaus LAFCO.

- D. Health or Safety Concerns: The requirements contained in Section 56133(c) of the Government Code will be followed in the review of proposals to serve territory with municipal services outside the local agency's sphere of influence. Service extensions outside a local agency's sphere of influence will not be approved unless there is a documented existing or impending threat to public health and safety, and the request meets one or more of the following criteria as outlined below:
1. The lack of the service being requested constitutes an existing or impending health and safety concern.
 2. The property is currently developed.
 3. No future expansion of service will be permitted without approval from the LAFCO.
- E. Agreements Consenting to Annex: Whenever the affected property may ultimately be annexed to the service agency, a standard condition for approval of an out-of-boundary service extension is recordation of an agreement by the landowner consenting to annex the territory, which agreement shall inure to future owners of the property.
1. The Commission may waive this requirement on a case-by-case basis upon concurrence of the agency proposing to provide out-of-boundary services.
 2. The Commission has determined, pursuant to Government Code Section 56133(b) that the Beard Industrial Area shall not be subject to the requirement for consent-to-annex agreements, based on the historical land use of the area and its location within the Sphere of Influence of the City of Modesto.
- F. Area-wide Approvals: The Commission has recognized and approved extensions of sewer and/or water services to specific unincorporated areas, including the Bret Harte Neighborhood, Robertson Road Neighborhood, and the Beard Industrial Area. New development in these delineated unincorporated areas is considered infill and does not require further Commission review for the provision of extended sewer and/or water services. The Commission may consider similar approvals for area-wide service extensions on a case-by-case basis when it determines each of the following exists:
1. There is substantial existing development in the area, consistent with adopted land use plans or entitlements.
 2. The area is currently located within the agency's sphere of influence.
 3. The agency is capable of providing extended services to the area without negatively impacting existing users.
 4. The proposal meets one of the situations outlined in Section C of this Policy where extension of services is an appropriate alternative to annexation.

- G. In the case where a city or district has acquired the system of a private or mutual water company prior to January 1, 2001, those agencies shall be authorized to continue such service and provide additional connections within the certificated service area of the private or mutual water company, as defined by the Public Utilities Commission or other appropriate agency at the time of acquisition, without LAFCO review or approval as outlined in Government Code Section 56133. The continuation of service connections under this policy shall not be constrained by the sphere of influence of that local agency at that time. Proposals to extend service outside this previously defined certificated area would come under the provisions of Government Code Section 56133 for the review and approval by the Commission prior to the signing of a contract/agreement for the provision of the service.
- H. Exemptions: Consistent with Government Code Section 56133, this policy does not apply to:
1. Two or more public agencies where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider.
 2. The transfer of non-potable or non-treated water;
 3. The provision of surplus water to agricultural lands and facilities, including but not limited to, incidental residential structures, for projects that serve conservation purposes or that directly support agricultural industries. However, prior to extending surplus water service to any project that will support or induce development, the city or district shall first request and receive written approval from the commission in the affected county.
 4. An extended service that a city or district was providing on or before January 1, 2001.
 5. A local publicly owned electrical utility, as defined by Section 9604 of the Public Utilities Code, providing electrical services that do not involve the acquisition, construction, or installation of electrical distribution facilities by the local publicly owned electric utility, outside of the utility's jurisdictional boundaries.
 6. A fire protection contract, as defined in Section 56134 and Policy 15a.

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EXHIBIT E

**Stanislaus County Initial Study &
Negative Declaration**

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CEQA INITIAL STUDY

Adapted from CEQA Guidelines APPENDIX G Environmental Checklist Form, Final Text, January 1, 2020

- 1. Project title:** General Plan Amendment and Rezone Application No. PLN2018-0081 - Libitzky Management Corporation
- 2. Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
- 3. Contact person and phone number:** Teresa McDonald, Associate Planner
(209) 525-6330
- 4. Project location:** 1224 Kiernan Avenue (SR 219), at the southeast corner of Tully Road and Kiernan Avenue, in the Modesto area. (APN: 046-001-001)
- 5. Project sponsor's name and address:** Kevin Perkins dba Libitzky Holdings, LP
1475 Powell Street, Suite 201
Emeryville, CA 94608
- 6. General Plan designation:** Urban Transition
- 7. Zoning:** A-2-10 (General Agriculture)
- 8. Description of project:**

Request to amend the General Plan and zoning designations of a 17.16-acre parcel from Urban Transition and A-2-10 (General Agriculture) to P-D (Planned Development), to allow the construction of a 300,000 square-foot building for various light industrial uses. Jackrabbit, a designer and fabricator of agricultural equipment, is expected to occupy 150,000 square feet of the proposed building. No showroom is planned, but there will be an area for parts sales for existing Jackrabbit customers. No other tenants have been identified for the remaining 150,000 square feet of building space at this time. However, the remainder of the building may be suited depending on the user. Proposed hours of operation are 24 hours a day, seven days a week, with 250 people on a maximum shift, and three shifts per day. A maximum of 25 daily customers and 1,488 truck/vehicle trips are anticipated per day. The trip generation estimate considers the "worst case" scenario for a variety of light industrial uses in the event Jackrabbit does not occupy either a portion, or all of the building. The project proposes to share access, and to connect to the existing public water system and stormwater basin, located on the adjacent site to the east, which is zoned P-D (131). The proposed building will be served by an on-site septic system. A reciprocal access agreement will be recorded for the adjacent parcel. A six-foot-tall chain link-fence is proposed along the south and east property lines, and a six-foot-tall wrought iron fence is proposed along the north and west property lines along the site's road frontage. The project also includes a monument sign at the corner of the Kiernan Avenue and Tully Road frontage, which may be up to 24 square-feet in size and a maximum height of six feet. Landscaping in planters and one shade tree per eight parking spaces is proposed in the parking areas along with light poles, and a perimeter landscape strip is proposed along Kiernan Avenue and Tully Road, which will include large-species trees. Trees are also proposed along the southern property line. Signage, landscaping, and parking lot lighting will be designed to comply with City of Modesto standards. The project site has access to County-maintained Tully Road and Kiernan Avenue, via the shared access on the adjacent parcel to the east, and is within the City of Modesto's LAFCO adopted Sphere of Influence.

9. **Surrounding land uses and setting:** Kiernan Avenue, orchards, and ranchettes to the north; industrial uses and RV storage to the east; an orchard to the south; Tully Road, a church, and a MID substation to the west.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** CalTrans
City of Modesto
Stanislaus County Department of Public Works
San Joaquin Valley Air Pollution Control District
Department of Environmental Resources
11. **Attachments:** Air Quality and Greenhouse Gas Analysis, prepared by Mitchell Air Quality Consulting, March 5, 2021.

Transportation Impact Analysis, prepared by KD Anderson & Associates, Inc., February 19, 2021.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

Signature on file.
Prepared by Teresa McDonald, Associate Planner

May 6, 2021
Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, than the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration.

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

- a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). References to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
 - 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
 - 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
 - 9) The explanation of each issue should identify:
 - a) the significant criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significant.

ISSUES

I. AESTHETICS – Except as provided in Public Resources Code Section 21099, could the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

Discussion: The site itself is not considered to be a scenic resource or unique scenic vista and currently consists of an almond orchard. The buildings and elevations proposed for this site are industrial in nature, as they are light industrial/warehouse uses, which is consistent with other development in the area. Additionally, building elevations will be required to be approved by the City of Modesto for consistency with the City’s Commercial and Industrial Guidelines. The project also includes a monument sign at the corner of the Kiernan Avenue and Tully Road frontage, which may be up to 24 square-feet in size and a maximum height of six feet. Landscaping in planters and one shade tree per eight parking spaces is proposed in the parking areas along with light poles, and a perimeter landscape strip is proposed along Kiernan Avenue and Tully Road, which will include large-species trees. Trees are also proposed along the southern property line. The applicant has also requested the use of parking lighting fixtures that do not exceed 32 feet above grade, instead of the County’s standard allowance for 15 feet. The project is located within the City of Modesto’s Local Agency Formation Commission’s (LAFCO) Sphere of Influence and, as such, is subject to the City’s standards. The City’s standard is 15 feet; however, it does allow for a greater height if City’s standards change in the future. Regardless of the height, a photometric light plan, along with light design and shielding, will be required to prevent light spill and trespass. Signage and landscaping will also be designed to comply with City of Modesto standards. No adverse impacts to the existing visual character of the site or its surroundings are anticipated.

Mitigation: None.

References: Application information; Stanislaus County Zoning Ordinance; the Stanislaus County General Plan and Support Documentation.¹

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

Discussion: The California Department of Conservation’s Farmland Mapping and Monitoring Program lists approximately 2.25 acres the project site’s soil as comprised of Rural Residential Land with remaining acreage as Prime Farmland. The United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS) Web Soil Survey indicates that approximately 83.8% of the soil consists of Grade 2 Tujunga loamy sand, 0 to 3 percent slopes, Storie Index rating 67, which does not qualify as Prime Farmland, and 16.2% of the soil consists of Grade 1 Hanford sandy loam, 0 to 3 percent slopes, Storie Index rating 93, which qualifies as Prime Farmland.

The project site is currently planted in almonds. The closest actively farmed parcel, which is enrolled in a Williamson Act Contract, is directly to the south of the site. According to Appendix VII-A of the Stanislaus County General Plan – Buffer and Setback Guidelines, all projects shall incorporate a 150-foot wide buffer setback, and the proposed project meets this requirement. The project proposes a six-foot-high chain link fence and trees along the southern property line in order to prevent trespassing onto adjacent agricultural land. Additionally, the majority of the people intensive uses are to occur indoors, and parking lots are a permitted use within the agricultural buffer setback area. The project also meets the 150-foot buffer to the north and west, and no buffer is required to the east.

The project site is designated Urban Transition in the Land Use element of the General Plan and is zoned A-2-10 (General Agriculture). Goal 2, Policy 2.7 of the Agricultural Element states that, “Proposed amendments to the General Plan Diagram (map) that would allow the conversion of agricultural land to non-agricultural uses shall be approved only if they are

consistent with the County's conversion criteria." Implementation 1, of the Agricultural Element's Policy 2.7 describes the procedures for processing amendments to the General Plan land use designation:

Conversion Consequences. The direct and indirect effects, as well as the cumulative effects, of the proposed conversion of agricultural land shall be fully evaluated.

Conversion Considerations. In evaluating the consequences of a proposed amendment, the following factors shall be considered: plan designation; soil type; adjacent uses; proposed method of sewage treatment; availability of water, transportation, public utilities, fire and police protection, and other public services; proximity to existing airports and airstrips; impacts on air and water quality, wildlife habitat, endangered species and sensitive lands; and any other factors that may aid the evaluation process.

Conversion Criteria. Proposed amendments to the General Plan Diagram (map) that would allow the conversion of agricultural land to urban uses shall be approved only if the Board of Supervisors makes the following findings:

- A. *Overall, the proposal is consistent with the goals and policies of the General Plan.*
- B. *There is evidence on the record to show a demonstrated need for the proposed project based on population projections, past growth rates, and other pertinent data.*
- C. *No feasible alternative site exists in areas already designated for the proposed uses.*
- D. *Approval of the proposal will not constitute a part of, or encourage, piecemeal conversion of a larger agricultural area to non-agricultural uses and will not be growth-inducing (as used in the California Environmental Quality Act).*
- E. *The proposed project is designed to minimize conflict and will not interfere with agricultural operations on surrounding agricultural lands or adversely affect agricultural water supplies.*
- F. *Adequate and necessary public services and facilities are available or will be made available as a result of the development.*
- G. *The design of the proposed project has incorporated all reasonable measures, as determined during the CEQA review process, to mitigate impacts to agricultural lands, fish and wildlife resources, air quality, water quality and quantity, or other natural resources.*

According to Goal Two, Policy 2.5, Implementation Measure 1, of the General Plan's Agricultural Element, when defining the County's most productive agricultural areas, it is important to recognize that soil types alone should not be the determining factor. With modern management techniques, almost any soil type in Stanislaus County can be extremely productive. Although soil types should be considered, the designation of "most productive agricultural areas" also should be based on existing uses and their contributions to the agricultural sector of our economy. Additionally, areas considered to be "Most Productive Agricultural Areas" will not include any land within LAFCO-approved Spheres of Influence of cities. The project site is not considered to be a most productive agricultural area as it is located within the City of Modesto's Local Agency Formation Commission (LAFCO) adopted Sphere of Influence and is designated as Business Park in the City of Modesto's General Plan Land Use Diagram. Generally, urban development will only occur upon annexation to a city, but such development may be appropriate prior to annexation provided the development is not inconsistent with the land use designation of the general plan of the affected city.

A referral response was received from the Department of Conservation (DOC) requesting the use of permanent agricultural conservation easements, on land of at least equal quality and size, to compensate for the loss of agricultural land. Goal Two, Policy 2.15, Implementation Measure 1, of the Stanislaus County General Plan's Agricultural Element states that farmland mitigation should be applied consistent with the Farmland Mitigation Program Guidelines presented in Appendix "B". According to Appendix B, the Farmland Mitigation Program shall apply to any development project requiring a General Plan or Community Plan amendment from 'Agriculture' to a residential land use designation of the Stanislaus County General Plan. Accordingly, the Farmland Mitigation Program is not applicable to the proposed project as it does not include a request to amend the General Plan designation to residential.

There is no indication that this project will result in the removal of adjacent contracted land from agricultural use. There are no forest lands on or near the project site. Impacts to agriculture and forest resources are considered to be less than significant.

Mitigation: None.

References: Application information; referral response from the Department of Conservation (DOC), dated January 13, 2021; Natural Resources Conservation Service Soil Survey; Stanislaus Soil Survey (1957); California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2018; Stanislaus County General Plan and Support Documentation.¹

III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			X	
c) Expose sensitive receptors to substantial pollutant concentrations?			X	
d) Result in other emissions (such as those odors adversely affecting a substantial number of people?			X	

Discussion: The proposed project is located within the San Joaquin Valley Air Basin (SJVAB) and, therefore, falls under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). In conjunction with the Stanislaus Council of Governments (StanCOG), the SJVAPCD is responsible for formulating and implementing air pollution control strategies. The SJVAPCD’s most recent air quality plans are the 2007 PM10 (respirable particulate matter) Maintenance Plan, the 2008 PM2.5 (fine particulate matter) Plan, and the 2007 Ozone Plan. These plans establish a comprehensive air pollution control program leading to the attainment of state and federal air quality standards in the SJVAB, which has been classified as “extreme non-attainment” for ozone, “attainment” for respirable particulate matter (PM-10), and “non-attainment” for PM 2.5, as defined by the Federal Clean Air Act. Mobile emission sources are generally regulated by the Air Resources Board of the California EPA which sets emissions for vehicles and acts on issues regarding cleaner burning fuels and alternative fuel technologies. As such, the District has addressed most criteria air pollutants through basin wide programs and policies to prevent cumulative deterioration of air quality within the Basin.

A referral response was received from the San Joaquin Valley Air Pollution Control District (SJVAPCD) indicating that emissions resulting from construction and/or operation of the project may exceed the District’s thresholds of significance for carbon monoxide (CO), oxides of nitrogen (NOx), reactive organic gases (ROG), oxides of sulfur (Sox), and particulate matter (PM) and recommended a more detailed review of the project be conducted. Further, the Air District recommended that other potential air impacts related to Toxic Air Contaminants, Ambient Air Quality Standards, and Hazards and Odors be addressed.

The Air District recommended that the more detailed review of potential air impacts consider criteria pollutants for both construction and operational emissions, with a recommendation of utilizing the California Emissions Estimator Model (CalEEMod) for the basis of project analysis, health risk screening/assessment (HRA), an ambient air quality analysis (AAQA), and cumulative air impacts. The Air District response also indicated that the project is subject to District Rule 9510, which requires the development of an Air Impact Assessment (AIA), District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), (Rule 2301) implementation of Emission Reduction Credit Banking, District Rule 9410 (Employer Based Trip Reduction), and other applicable District permits and rules, which must be met as part of the District’s Authority to Construct (ATC) permitting process.

In response to the Air District comment letter an Air Quality and Greenhouse Gas Analysis (AQA/GHG analysis) was prepared by Mitchell Air Quality Consulting, dated March 5, 2021. The AQA/GHG analysis analyzed whether the estimated criteria air pollutant and GHG emissions generated from a light industrial warehouse building of approximately 300,000 square-feet would cause significant impacts to air resources in the project area. This AQA/GHG analysis considered existing air quality conditions, construction period air quality impacts, and operational air quality impacts. The project's potential impacts on air quality during construction and operation were assessed per the San Joaquin Valley Air Pollution Control District's *Guide for Assessing and Mitigating Air Quality Impacts* (GAMAQI). The AQA/GHG analysis considered the closest sensitive receptors to be a residence located approximately 341 feet southeast the project site across Tully Road.

The project construction activities are anticipated to take place over an approximate 12-month period beginning in Fall 2021 and concluding in Fall 2022. Construction emissions result from on-site and off-site activities. On-site emissions principally consist of exhaust emissions from the activity levels of heavy-duty construction equipment, motor vehicle operation, and fugitive dust (mainly PM10) from disturbed soil. Additionally, paving operations and application of architectural coatings would release VOC emissions. Off-site emissions are caused by motor vehicle exhaust from delivery vehicles, worker traffic, and road dust (PM10 and PM2.5). Operational or long-term emissions occur over the life of the project. Sources of emissions may include motor vehicles and trucks, energy usage, water usage, and waste generation, and area sources such as consumer products and landscaping activities. The primary pollutants of concern during project construction and operation are ROG, NOX, PM10, and PM2.5. The SJVAPCD GAMAQI adopted in 2015 contains thresholds for CO, NOX, ROG, SOX, PM10, and PM2.5. The AQA/GHG analysis found construction and operational emissions do not exceed the SJVAPCD significance thresholds for any criteria pollutant and, therefore, would result in a less than significant impact.

Regulation VIII essentially prohibits the emissions of visible dust (limited to 20-percent opacity) and requires that disturbed areas or soils be stabilized. Prior to construction, the applicant would be required to submit a dust control plan that meets the regulation requirements. These plans are reviewed by SJVAPCD and construction cannot begin until District approval is obtained. The provisions of Regulation VIII and its constituent rules pertaining to construction activities generally require effective dust suppression, stabilization of all disturbed areas of a construction site, control of fugitive dust and the tracking of mud or dirt off-site, ceasing outdoor construction and grading activities that disturb soils during periods with high winds, erosion control measures, and record keeping. Anyone who prepares or implements a Dust Control Plan must attend a training course conducted by the District. Construction sites are subject to SJVAPCD inspections under this regulation. Compliance with Regulation VIII, including the effective implementation of a Dust Control Plan that has been reviewed and approved by the SJVAPCD, would reduce dust and PM10 emissions to a less-than significant level.

Both criteria air pollutant exhaust and fugitive dust (i.e., PM10 and PM2.5) impacts from construction equipment were computed by CalEEMod, which considered the use of construction equipment, worker vehicle travel, on-site vehicle and truck use, and off-site truck travel by vendors or equipment/material deliveries. The CalEEMod default worker trip length and default vehicle fleet (LD Mix) was used for employee trips. Vendor trips for the building construction phase are calculated from a study performed by the Sacramento Metropolitan Air Quality Management District based on land use and size. The CalEEMod defaults for vendor trip length, and vehicle fleet (Heavy Duty Truck Vehicle Fleet Mix) were used.

The CalEEMod model was also used to estimate annual emissions from the operation of the project, including emissions from area, energy, mobile, and off road equipment sources. The modeling follows District guidance where applicable from its GAMAQI. The models used in this analysis are CalEEMod, version 2016.3.2 for construction and operational emissions, the SJVAPCD Health Risk Prioritization Tool, and EMFAC 2017.

Construction of the project would result in minor increases in traffic for the surrounding road network during the duration of construction. Motor vehicles accessing the site when it becomes operational would result in a relatively minor increase in daily trips that would not substantially impacts the existing level of service (LOS). The project is located in a rural location with very little traffic congestion. No congested conditions that would result in a CO hotspot were identified. In addition, the highest background eight-hour average of carbon monoxide during the latest year CO was monitored is 2.06 ppm, which is 78 percent lower than the state ambient air quality standard of 9.0 ppm. Therefore, the project would not significantly contribute to an exceedance of state or federal CO standards.

The SJVAPCD recommended preparation of a screening analysis using its health risk prioritization tool to estimate the impacts of Toxic Air Contaminants (TAC) emissions on sensitive receptors. The project will generate TAC emissions from truck travel and idling on the project site for incoming materials for fabrication and outgoing delivery trucks for finished

products. The nearest off-site sensitive receptor is a residence located approximately 104 meters (341 feet) southwest of the closest truck loading dock on the project site. At this distance, the TAC emissions have dispersed to the point that concentrations and health risk are below SJVAPCD health risk thresholds. The screening tool provides results at incremental distances from the source of emissions to the receptor. The analysis conservatively assumes that all TAC sources are located within 100 meters of the sensitive receptor location even though most a substantial amount of activity would occur more distant from the receptors. The results of the screening analysis found that the total risk score is below the SJVAPCD threshold for requiring a health risk assessment using dispersion modeling.

The project is expected to have a painting/coating operation and is located within one mile of sensitive receptors. The project could generate odors from operation of diesel trucks and equipment on the project site. The nearest off-site sensitive receptor is located approximately 341 feet southwest of the project site. The project site is currently used as an almond orchard where the use of diesel equipment and organic chemicals are common and accepted as part of the existing environment. The area surrounding the project site is sparsely populated. The expected project tenant (Jackrabbit) currently operates an agricultural equipment designing and fabricating facility in Modesto and Ripon. Both operations will be relocating to the project site. The existing facility does not have a history of odor complaints; therefore, it is unlikely to generate odor complaints at its new location. In addition, the project site is in a growing industrial area where this type of use is typical. Therefore, the project would not expose substantial numbers of people to objectionable odors. During construction, the various diesel-powered vehicles and equipment in use on-site would create localized odors. These odors would be temporary and not likely to be noticeable for extended periods of time much beyond the project site’s boundaries. The potential for diesel odor impacts is, therefore, less-than significant.

The Air Quality and Greenhouse Gas Analysis did not identify any mitigation measures beyond compliance with mandatory regulations and found that the project would have less than significant for air quality, health risk, and GHG impacts.

Mitigation: None.

References: Application information; referral response received from the San Joaquin Air Pollution Control District (SJVAPCD), dated January 26, 2021; San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis; www.valleyair.org; Air Quality and Greenhouse Gas Analysis conducted by Mitchell Air Quality Consulting, dated March 5, 2021; and the Stanislaus County General Plan and Support Documentation.¹

IV. BIOLOGICAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			X	

Discussion: The project is located within the Salida Quad of the California Natural Diversity Database (CNDDDB). There are six species which are state or federally listed, threatened, or identified as species of special concern within the Salida California Natural Diversity Database Quad. These species include the California tiger salamander, Swainson’s hawk, tricolored blackbird, steelhead, Crotch bumble bee, and valley elderberry longhorn beetle. There is a low likelihood that these species are present on the project site as the land is vacant/disturbed and developed with an orchard and the surrounding area has been disturbed/developed.

The project will not conflict with a Habitat Conservation Plan, a Natural Community Conservation Plan, or other locally approved conservation plans. Impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors are considered to be less than significant.

An early consultation was referred to the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and no response was received.

Mitigation: None.

References: Application information; California Department of Fish and Wildlife’s Natural Diversity Database Quad Species List; Stanislaus County General Plan and Support Documentation.¹

V. CULTURAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in § 15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?			X	
c) Disturb any human remains, including those interred outside of formal cemeteries?			X	

Discussion: It does not appear this project will result in significant impacts to any archaeological or cultural resources. A records search formulated by the Central California Information Center (CCIC) indicated that there was a low probability of discovery of historical resources on-site; nor have any cultural resources been discovered or reported in the immediate vicinity. The project was referred to tribal governments, as required by SB 18, and no responses have been received to date. No Tribes have requested project consultations, as regulated by and AB 52. A development standard regarding the discovery of cultural resources during the construction process will be added to the project.

Mitigation: None.

References: Application information; Central California Information Center Report for the project site, dated August 10, 2018; Stanislaus County General Plan and Support Documentation.¹

VI. ENERGY. -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			X	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	

Discussion: The CEQA Guidelines Appendix F states that energy consuming equipment and processes, which will be used during construction or operation such as: energy requirements of the project by fuel type and end use, energy conservation equipment and design features, energy supplies that would serve the project, total estimated daily vehicle trips to be generated by the project, and the additional energy consumed per trip by mode, shall be taken into consideration when evaluating energy impacts. Additionally, the project’s compliance with applicable state or local energy legislation, policies, and standards must be considered.

The request includes the construction of a 300,000 square-foot building for various light industrial uses. The proposed hours of operation are 24 hours a day, seven days a week, with 250 people on a maximum shift, and three shifts per day. A maximum of 25 daily customers and 1,488 truck/vehicle trips are anticipated per day. The trip generation estimate considers the “worst case” scenario for a variety of light industrial uses.

SB 350 requires utilities to subject to the legislation will be required to increase their renewable energy mix from 33% in 2020 to 50% in 2030 (now 60% under SB 100) and the project will purchase electricity from a utility subject to the SB 350 Renewable Mandate.

The state’s regulatory program is able to target both new and existing development because the two most important strategies—motor vehicle fuel efficiency and emissions from electricity generation— obtain reductions equally from existing and new sources. This is because all vehicle operators use cleaner low carbon fuels and buy vehicles subject to the fuel efficiency regulations, and all building owners or operators purchase cleaner energy from the grid that is produced by increasing percentages of renewable fuels. This includes regulations on mobile sources, such as the Pavley standards, that apply to all vehicles purchased in California; the LCFS that applies to all fuel used in California; and the Renewable Portfolio Standard and Renewable Energy Standard that apply to utilities providing electricity to all California homes and businesses. The project building would be constructed after 2020 and would be required to comply with 2019 Title 24 standards, which will be applied as a development standard.

An Air Quality and Greenhouse Gas Analysis (AQA/GHG analysis) was prepared by Mitchell Air Quality Consulting, dated March 5, 2021, and found that the maximum daily operational emissions for the area of energy would not exceed the SJVAPCD significance thresholds for localized criteria pollutant impacts and would result in a less than significant impact.

Mitigation: None.

References: Application information; Air Quality and Greenhouse Gas Analysis conducted by Mitchell Air Quality Consulting, dated March 5, 2021; referral response from the San Joaquin Valley Air Pollution Control District (SJVAPCD), dated January 26, 2021; 2016 California Green Building Standards Code Title 24, Part 11(Cal Green); and 2016 California Energy Code Title 24, Part 6.

VII. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:			X	
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			X	
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	

Discussion: The United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS) Web Soil Survey indicates that the soil consists of Delhi sand, 0 to 3 percent slopes and Tujunga loamy sand, 0 to 3 percent slopes. As contained in Chapter 5 of the General Plan Support Documentation, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5; however, as per the California Building Code, all of Stanislaus County is located within a geologic hazard zone (Seismic Design Category D, E, or F), and a soils test may be required at building permit application. Results from the soils test will determine if unstable or expansive soils are present. If such soils are present, special engineering of the structure will be required to compensate for the soil deficiency. Any structures resulting from this project will be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed.

A referral response was received from the Department of Public Works indicated that a grading, drainage, and erosion/sediment control plan for the project will be required, subject to Public Works review and Standards and Specifications. A referral response was also received from the Department of Environmental Resources (DER), regarding requirements for the on-site wastewater treatment system. These comments will be added as development standards.

The project site is not located near an active fault or within a high earthquake zone. Landslides are not likely due to the flat terrain of the area.

DER, Public Works, and the Building Permits Division review and approve any building or grading permits to ensure their standards are met.

Mitigation: None.

References: Referral response from the Department of Environmental Resources (DER), dated January 20, 2021; referral response from the Department of Public Works, dated January 11, 2021 and revised on April 19, 2021; USDA National Resources Conservation District Web Soil Survey; Stanislaus County General Plan and Support Documentation.¹

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

Discussion: The principal Greenhouse Gasses (GHGs) are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), sulfur hexafluoride (SF₆), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and water vapor (H₂O). CO₂ is the reference gas for climate change because it is the predominant greenhouse gas emitted. To account for the varying warming potential of different GHGs, GHG emissions are often quantified and reported as CO₂ equivalents (CO₂e). In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill [AB] No. 32), which requires the California Air Resources Board (ARB) design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020. Two additional bills, SB 350 and SB32, were passed in 2015 further amending the states Renewables Portfolio Standard (RPS) for electrical generation and amending the reduction targets to 40% of 1990 levels by 2030.

Under its mandate to provide local agencies with assistance in complying with CEQA in climate change matters, the SJVAPCD developed its Guidance for Valley Land-Use Agencies in Addressing GHG Emissions Impacts for New Projects under CEQA. As a general principal to be applied in determining whether a proposed project would be deemed to have a less-than significant impact on global climate change, a project must be in compliance with an approved GHG emission reduction plan that is supported by a CEQA-compliant environmental document or be determined to have reduced or mitigated GHG emissions by 29 percent relative to Business-As-Usual conditions, consistent with GHG emission reduction targets established in ARB’s Scoping Plan for AB 32 implementation. The SJVAPCD guidance is intended to streamline the process of determining if project specific GHG emissions would have a significant effect. The proposed approach relies on the use of performance-based standards and their associated pre-quantified GHG emission reduction effectiveness (Best Performance Standards, or BPS). Establishing BPS is intended to help project proponents, lead agencies, and the public by proactively identifying effective, feasible mitigation measures. Emission reductions achieved through implementation of BPS would be pre-quantified, thus reducing the need for project specific quantification of GHG emissions. For land use development projects, BPS would include emissions reduction credits for such project features as bicycle racks, pedestrian access to public transit, and so forth.

A referral response was received from the San Joaquin Valley Air Pollution Control District (SJVAPCD) requested that air impacts from the project be further evaluated. In response to the SJVAPCD comment letter an Air Quality and Greenhouse Gas Analysis (AQA/GHG analysis) was prepared by Mitchell Air Quality Consulting, dated March 5, 2021, which included an analysis of the greenhouse gas impacts from the proposed project. CalEEMod was used to quantify GHG emissions from project operations-related activities in 2022 and 2030. The project land use types and size and other project-specific information were input to the model. The use of this model for evaluating emissions from land use projects is recommended by the Air District. CalEEMod provides emissions for transportation, areas sources, electricity consumption, natural gas combustion, electricity usage associated with water usage and wastewater discharge, and solid waste land filling and transport. Annual GHG emissions associated with construction were computed at 243.3 and 852.7 metric tons (MT) of CO₂e for 2021 and 2022, respectively. These are the emissions from on-site operation of construction equipment, vendor and hauling truck trips, and worker trips. Neither the County nor SJVAPCD have an adopted threshold of significance for construction related GHG emissions. However, other air districts, account for construction GHG emissions by amortizing them over a 30-year period (i.e., adding 1/30th of construction emissions to annual operational emissions). This amortization method was applied in the calculation of project GHG emissions. The CalEEMod model predicted annual emissions associated with operation of the fully developed project. In 2022, annual emissions are calculated to be 2,269.96 MT of CO₂e, and 2030 project emissions are calculated to be 1,735.72 MT of CO₂e. The project would achieve a reduction

of 22.3 percent from BAU by the year 2022 with regulations incorporated. This is 0.6 percent above the 21.7 percent average reduction from all sources of GHG emissions now required to achieve AB 32 targets. The ARB originally identified a reduction of 29 percent from BAU as needed to achieve AB 32 targets and used to develop the SJVAPCD BAU threshold. The 2008 recession and slower growth in the years since 2008 have reduced the growth forecasted for 2020, and the amount needed to be reduced to achieve 1990 levels as required by AB 32. The results show that the project would achieve a 40.6 percent reduction from BAU by 2030. This is 18.9 percent beyond the average reduction required by the state from all sources to achieve the AB 32 target.

The 2016 California Green Building Standards Code (CALGreen Code) went into effect on January 1, 2017, and includes mandatory provisions applicable to all new residential, commercial, and school buildings. The intent of the CALGreen Code is to establish minimum statewide standards to significantly reduce the greenhouse gas emissions from new construction. The Code includes provisions to reduce water use, wastewater generation, and solid waste generation, as well as requirements for bicycle parking and designated parking for fuel-efficient and carpool/vanpool vehicles in commercial development. The code also requires mandatory inspections of building energy systems for non-residential buildings over 10,000 square-feet to ensure that they are operating at their design efficiencies. It is the intent of the CALGreen Code that buildings constructed pursuant to the Code achieve at least a 15 percent reduction in energy usage when compared to the state’s mandatory energy efficiency standards contained in Title 24. The Code also sets limits on VOCs (volatile organic compounds) and formaldehyde content of various building materials, architectural coatings, and adhesives. With the requirements of meeting the Title 24, Green Building Code energy impacts from the project are considered to be less-than significant. A development standard will be added to this project to address compliance with Title 24, Green Building Code, which includes energy efficiency requirements.

Senate Bill 743 (SB743) requires that the transportation impacts under the California Environmental Quality Act (CEQA) evaluate impacts by using Vehicle Miles Traveled (VMT) as a metric. Stanislaus County has currently not adopted any significance thresholds for VMT, and projects are treated on a case-by-case basis for evaluation under CEQA. However, the State of California - Office of Planning and Research (OPR) has issued guidelines regarding VMT significance under CEQA. One of the guidelines, presented in the December 2018 document Technical Advisory on Evaluating Transportation Impacts in CEQA, states that locally serving retail would generally redistribute trips from other local uses, rather than generate new trips. The expected project tenant (Jackrabbit) currently operates an agricultural equipment designing and fabricating facility in Modesto and Ripon. Both operations that will be relocated to the project site. The proposed project fits this description of locally-serving retail and therefore is presumed to create a less-than significant transportation impact related to VMT.

Impacts associated with Greenhouse Gas Emissions are expected to have a less-than significant impact.

Mitigation: None.

References: Referral response from the San Joaquin Valley Air Pollution Control District (SJVAPCD), dated January 26, 2021; Air Quality and Greenhouse Gas Analysis conducted by Mitchell Air Quality Consulting, dated March 5, 2021; Stanislaus County General Plan and Support Documentation.¹

IX. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	

<p>d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?</p>			<p>X</p>	
<p>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?</p>				<p>X</p>
<p>f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</p>				<p>X</p>
<p>g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?</p>			<p>X</p>	

Discussion: Jack Rabbit, a designer and fabricator of agricultural equipment, is the expected tenant but may not be the end user. Regardless, Chapter 6.95 of the California Health and Safety Code requires businesses that use, handle, or store hazardous materials above an identified threshold to submit a Hazardous Materials Business Plan. The applicant is required to use, store, and dispose of any hazardous materials in accordance with all applicable federal, state, and local regulations. The Hazardous Materials (Haz Mat) Division of the Department of Environmental Resources (DER) conducts routine inspections at businesses required to submit Business Plans in order to ensure compliance with existing laws and regulations. Permitting and compliance with Haz Mat’s requirements will be applied as a development standard for the project.

Pesticide exposure is a risk in areas located in the vicinity of agriculture. Sources of exposure include contaminated groundwater, which is consumed, and drift from spray applications. Application of sprays is strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits. Additionally, agricultural buffers are intended to reduce the risk of spray exposure to surrounding people. The project was referred to the Stanislaus County Agricultural Commissioner, and no comments have been received to date.

The project site is not listed on the EnviroStor database managed by the CA Department of Toxic Substances Control or within the vicinity of any airport. The groundwater is not known to be contaminated in this area. The project does not interfere with the Stanislaus County Local Hazard Mitigation Plan, which identifies risks posed by disasters and identifies ways to minimize damage from those disasters. The site is located in a Local Responsibility Area (LRA) for fire protection and is served by Salida Fire Protection District. The project was referred to the District, who responded with comments which will be added as development standards.

As a result of the development standards required for this project, impacts associated with Hazards and Hazardous Materials are expected to have a less-than significant impact.

Mitigation: None.

References: Application information; referral response from the Stanislaus County Environmental Review Committee (ERC), dated January 14, 2021; referral response from the Salida Fire Protection District, dated January 21, 2021; Department of Toxic Substances Control’s data management system (EnviroStar); California Health and Safety Code; Stanislaus County Airport Land Use Compatibility Plan; Stanislaus County General Plan and Support Documentation.¹

X. HYDROLOGY AND WATER QUALITY -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:			X	
(i) result in substantial erosion or siltation on – or off-site;			X	
(ii) substantially increase the rate of amount of surface runoff in a manner which would result in flooding on- or off-site;			X	
(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or			X	
(iv) impede or redirect flood flows?			X	
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X	
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	

Discussion: Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act (FEMA). The project site is located in FEMA Flood Zone X, which includes areas determined to be outside the 0.2% annual chance floodplains. All flood zone requirements will be addressed by the Building Permits Division during the building permit process. On-site areas subject to flooding have not been identified by the Federal Emergency Management Agency and/or County designated flood areas.

By virtue of the proposed construction, the current absorption patterns of water upon this property will be altered; however, current standards require that all of a project’s storm water be maintained on-site. The project is proposing to utilize an existing drainage basin on the adjacent parcel to the east and, as such, a drainage easement, as requested by the Department of Public Works, will be included in this project’s development standards.

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

The Sustainable Groundwater Management Act (SGMA) was passed in 2014 with the goal of ensuring the long-term sustainable management of California’s groundwater resources. SGMA requires agencies throughout California to meet certain requirements including forming Groundwater Sustainability Agencies (GSA), developing Groundwater Sustainability Plans (GSP), and achieving balanced groundwater levels within 20 years. The site is located in the Modesto Sub-basin under the jurisdiction of the Stanislaus and Tuolumne Rivers Groundwater Basin Association (STRGBA) GSA. The STRGBA GSA and Tuolumne GSA are collaboratively developing one GSP for the Modesto Sub-basin. As the Modesto Sub-basin is considered a high and medium priority basin not currently in overdraft, the GSP has not been drafted and is not required to be adopted until January 31, 2022.

Stanislaus County adopted a Groundwater Ordinance in November 2014 (Chapter 9.37 of the County Code, hereinafter, the “Ordinance”) that codifies requirements, prohibitions, and exemptions intended to help promote sustainable groundwater extraction in unincorporated areas of the County. The Ordinance prohibits the unsustainable extraction of groundwater and makes issuing permits for new wells, which are not exempt from this prohibition, discretionary. For unincorporated areas covered in an adopted GSP pursuant to SGMA, the County can require holders of permits for wells it reasonably concludes are withdrawing groundwater unsustainably to provide substantial evidence that continued operation of such wells does not constitute unsustainable extraction and has the authority to regulate future groundwater extraction. The adjacent parcel to the east has an existing Public Water System, which the project is proposing to connect to and will trigger an amendment to the existing Public Water System. Prior the installation of any water infrastructure for the site, the property owner must obtain concurrence from the State of California Water Resources Control Board (SWRCB), Drinking Water Division, in accordance to CHSC, Section 116527 (SB1263) and submit an application for a water supply permit if necessary with the associated technical report to Stanislaus County DER. If the applicant is required to install a water treatment system, it will be required to be approved by the Regional Water Quality Control Board and the Department of Environmental Resources. Additionally, water supply permits require on going testing. Development standards will be placed on the project to address these issues. There are no additional wells proposed as part of this request.

Although no connection to the City of Modesto for water is available, a referral response from the City was received stating that a Will Serve letter and an Outside Service Agreement shall be obtained, and connection fees paid to the City prior to any connection to the City’s utility mains, should it become available. These comments will be applied as a development standard.

The project proposes to utilize an on-site septic system. A referral response from DER stated that the project’s on-site wastewater treatment system (OWTS) will be required to meet Measure X septic and Local Agency Management Program (LAMP) standards. LAMP standards include minimum setbacks from wells to prevent negative impacts to groundwater quality.

Although the site is located in the Modesto Irrigation District, the site does not currently receive water from the District and will be required to contact MID to request a Sign-Off of Irrigation Facilities form for the parcel.

As a result of the development standards required for this project, impacts associated with drainage, water quality, and runoff are expected to have a less than significant impact.

Mitigation: None.

References: Application information; referral response from the Department of Environmental Resources (DER), dated January 20, 2021; referral response from the Central Valley Regional Water Quality Control Board (RWQCB), dated January 22, 2021; referral response from the City of Modesto, dated February 10, 2021; referral response from the Modesto Irrigation District (MID), dated April 9, 2019; referral response from the Department of Public Works, dated January 11, 2021 and revised on April 19, 2021; Stanislaus County General Plan and Support Documentation.¹

XI. LAND USE AND PLANNING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Physically divide an established community?			X	
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			X	

Discussion: The project is a request to amend the General Plan and zoning designations of a 17.16-acre parcel from Urban Transition and A-2-10 (General Agriculture) to P-D (Planned Development), to allow the construction of a 300,000 square-foot building for various light industrial uses. The proposed hours of operation are 24 hours a day, seven days a week, with 250 people on a maximum shift, and three shifts per day. A maximum of 25 daily customers and 1,488 truck/vehicle trips are anticipated per day. The project proposes to share access, and to connect to the existing public water system and storm water basin, located on the adjacent site to the east, which is zoned P-D (131). The proposed building

will be served by an on-site septic system. A reciprocal access agreement will be recorded for the adjacent parcel. A six-foot-tall chain link-fence is proposed along the south and east property lines, and a six-foot-tall wrought iron fence is proposed along the north and west property lines along the site's road frontage. The project also includes a proposed monument sign at the corner of the Kiernan Avenue and Tully Road frontage, which may be up to 24 square-feet in size and a maximum height of six feet. Landscaping in planters and one shade tree per eight parking spaces is proposed in the parking areas along with light poles, and a perimeter landscape strip is proposed along Kiernan Avenue and Tully Road, which will include large-species trees. Trees are also proposed along the southern property line. The applicant has also requested the use of parking lighting fixtures that do not exceed 32 feet above grade, instead of the County's standard allowance for 15 feet. The project is located within the City of Modesto's Local Agency Formation Commission's (LAFCO) Sphere of Influence and, as such, is subject to the City's standards. The City's standard is 15 feet; however, it does allow for a greater height if City's standards change in the future. Regardless of the height, a photometric light plan, along with light design and shielding, will be required to prevent light spill and trespass. Signage and landscaping will also be designed to comply with City of Modesto standards. The project proposes to include parking lot lighting, landscaping, and signage per the City standards. The project site has access to County-maintained Tully Road and Kiernan Avenue, via the shared access on the adjacent parcel to the east.

The project will not physically divide an established community nor conflict with any habitat conservation plans.

The project site is currently planted in almonds. The closest actively farmed parcel, which is enrolled in a Williamson Act Contract, is directly to the south of the site. According to Appendix VII-A of the Stanislaus County General Plan – Buffer and Setback Guidelines, all projects shall incorporate a 150-foot wide buffer setback, and the proposed project meets this requirement. The project proposes a six-foot-high chain link fence and trees along the southern property line in order to prevent trespassing onto adjacent agricultural land. Additionally, the majority of the people intensive uses are to occur indoors, and parking lots are a permitted use within the agricultural buffer setback area. The project also meets the 150-foot buffer to the north and west, and no buffer is required to the east.

The Land Use Element describes the Planned Development designation as a designation intended for land which, because of demonstrably unique characteristics, may be suitable for a variety of uses without detrimental effects on other property. As discussed in Section II – Agriculture and Forest Resources, the Land Use Element also requires that the Agricultural Element's Conversion Criteria (Goal 2, Policy 2.7) be met when converting agricultural land to non-agricultural uses. According to Goal Two, Policy 2.5, Implementation Measure 1, of the General Plan's Agricultural Element, when defining the County's most productive agricultural areas, it is important to recognize that soil types alone should not be the determining factor. With modern management techniques, almost any soil type in Stanislaus County can be extremely productive. Although soil types should be considered, the designation of "most productive agricultural areas" also should be based on existing uses and their contributions to the agricultural sector of our economy. Additionally, areas considered to be "Most Productive Agricultural Areas" will not include any land within LAFCO-approved Spheres of Influence of cities. The project site is not considered to be a most productive agricultural area as it is located within the City of Modesto's Local Agency Formation Commission (LAFCO) adopted Sphere of Influence and is designated as Business Park in the City of Modesto's General Plan Land Use Diagram. Generally, urban development will only occur upon annexation to a city, but such development may be appropriate prior to annexation provided the development is not inconsistent with the land use designation of the general plan of the affected city.

As stated by the Introduction to the General Plan, General Plan Amendments affect the entire County and any evaluation must give primary concern to the County as a whole; therefore, a fundamental question must be asked in each case: "Will this amendment, if adopted, generally improve the economic, physical and social well-being of the County in general?" Additionally, the County in reviewing General Plan amendments shall consider how the levels of public and private service might be affected; as well as how the proposal would advance the long-term goals of the County. In each case, in order to take affirmative action regarding a General Plan Amendment application, it must be found that the General Plan Amendment will maintain a logical land use pattern without detriment to existing and planned land uses and that the County and other affected government agencies will be able to maintain levels of service consistent with the ability of the government agencies to provide a reasonable level of service. In the case of a proposed amendment to the Land Use diagrams of the Land Use Element, an additional finding that the amendment is consistent with the goals and policies of the General Plan must also be made. Additionally, Goal 2 of the Land Use Element aims to ensure compatibility between land uses.

To approve a Rezone, the Planning Commission must find that it is consistent with the General Plan. Pursuant to the General Plan, land within a Planned Development designation should be zoned A-2 (General Agriculture) until development occurs through Planned Development zoning.

The Stanislaus County General Plan Sphere of Influence policy states, that development, other than agricultural uses and churches, which requires discretionary approval from incorporated cities, shall be referred to the that city for preliminary approval. The project shall not be approved by the County unless written communication is received from the city memorializing their approval. If approved by the city, the city should specify what development standards are necessary to ensure that development will comply with city development standards. Approval from a city does not preclude the County's decision-making bodies from exercising discretion, and it may either approve or deny the project.

The project site is located in the LAFCO adopted Sphere of Influence for the City of Modesto. A referral response was received from the City requesting an Outside Service Agreement for connection to City water, a traffic study to confirm the center lane on Tully Road is long enough to accommodate proposed truck traffic, parking lot and signage requirements, and landscaping and screening along perimeter of the site. These requests will be added to the development standards for the project.

Mitigation: None.

References: Application information; referral response from the City of Modesto, dated February 10, 2021; Stanislaus County General Plan and Support Documentation.¹

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

Discussion: The location of all commercially viable mineral resources in Stanislaus County has been mapped by the State Division of Mines and Geology in Special Report 173. There are no known significant resources on the site, nor is the project site located in a geological area known to produce resources.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation.¹

XIII. NOISE -- Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Generation of excessive groundborne vibration or groundborne noise levels?			X	
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X	

Discussion: The Stanislaus County General Plan identifies noise levels up to 70 dB Ldn (or CNEL) as the normally acceptable level of noise for industrial, manufacturing, utilities, and agriculture uses. On-site grading and construction resulting from this project may result in a temporary increase in the area’s ambient noise levels; however, noise impacts associated with on-site activities and traffic are not anticipated to exceed the normally acceptable level of noise. The site itself is impacted by the noise generated from State Route 219. Additionally, the operational work is to occur indoors. The proposed hours of operation are 24 hours a day, seven days a week, with 250 people on a maximum shift, and three shifts per day. A maximum of 25 daily customers and 1,488 truck/vehicle trips are anticipated per day. Development standards will be placed on the project to ensure compliance with the General Plan’s Noise Element and Chapter 10.46 of the County Code – Noise Control. With these development standards in place, noise impacts are expected to be less than significant.

The site is not located within an airport land use plan.

Mitigation: None.

References: Application information; Stanislaus County General Plan and Support Documentation.¹

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

Discussion: The site is not included in the vacant sites inventory for the 2016 Stanislaus County Housing Element, which covers the 5th Cycle Regional Housing Needs Allocation (RHNA) for the county and will therefore not impact the County’s ability to meet their RHNA. No population growth will be induced, nor will any existing housing be displaced as a result of this project.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation.¹

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

Discussion: The County has adopted Public Facilities Fees, as well as Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. All adopted public facility fees will be required to be paid at the time of building permit issuance.

This project was circulated to all applicable: school, fire, police, irrigation, public works departments, and districts during the Early Consultation referral period, and no concerns were identified with regard to public services. A referral response was received from Salida Fire indicating that all construction must comply with current adopted Fire Code, including the payment of fire service impact mitigation fees, on-site water supply and infrastructure for fire protection, and emergency vehicle access. Additionally, the applicant is required to form or annex into a Community Services District to provide for operational services.

As stated earlier, the project site is located in the LAFCO adopted Sphere of Influence for the City of Modesto. No connection to the City is currently proposed or available. As part of a referral response, the City requested a Will Serve letter and an Outside Service Agreement for the water connection to City water, and connection fees paid to the City prior to any connection to the City’s utility mains when they become available, which will be applied as a development standard.

This project was circulated to all applicable school, fire, police, irrigation, and public works departments and districts during the Early Consultation referral period and no concerns were identified with regard to public services.

Mitigation: None.

References: Referral response from the City of Modesto, dated February 10, 2021; referral response from Salida fire Protection District, dated January 21, 2021; Stanislaus County General Plan and Support Documentation.¹

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

Discussion: This project will not increase demands for recreational facilities, as such impacts typically are associated with residential development.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation.¹

XVII. TRANSPORTATION-- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			X	
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?			X	

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
d) Result in inadequate emergency access?			X	

Discussion: A referral response was received from Stanislaus County Public Works, the California Department of Transportation (Caltrans), and the City of Modesto indicating that potential traffic and transportation impacts should be further evaluated. Accordingly, a Traffic Impact Analysis (TIA) was prepared by KD Anderson & Associates, Inc., dated February 19, 2021.

The Traffic Impact Analysis (TIA) evaluated the potential project impacts associated with the proposed project. The project would have two points of access. An existing driveway on Kiernan Avenue roughly 1,750 feet east of Tully Road is available, and a new driveway at the southern end of the project’s Tully Road frontage roughly 600 feet from Kiernan Avenue is proposed. The Kiernan Avenue access will be limited to right turns only. Full access is proposed on Tully Road, recognizing that the City of Modesto will provide direction on access controls and that long-term plans for ultimate Tully Road/Kiernan Avenue improvements under City design standards would limit this access to right turns only.

The TIA estimated that the project would generate a total of approximately 1,488 daily trips, with 210 trips in the a.m. peak hour and 189 trips in the p.m. peak hour. Similarly, while truck traffic will vary with the individual user, trucks are expected to comprise 5% of the peak hour trip generation. This estimate assumed 100% occupancy by light industrial users, and the forecast would be lower if the specific characteristics of the Jackrabbit Manufacturing operation, a designer and fabricator or agricultural equipment, were assumed. Truck trips are currently expected to be about one to two semi-trucks per day for steel delivery, about zero to two semi-trucks per day for large parts delivery, about one to two box trucks per day for parts delivery, and about two to four van deliveries per day from FedEx or UPS. During the harvest season, customer trips could be up to 25 per day. During the off-season, this would be reduced to about zero to two per day. With each truck generating two trips (one inbound and one outbound), truck activity could total 20 daily trips in the off-season and 70 daily trips in the harvest season. Altogether, if 200 employees are at the site, then Jackrabbit Manufacturing likely generates about 420 daily trips in the off season and 470 daily trips during harvest season.

The TIA’s evaluation of existing conditions indicates that all intersections in the study area operate LOS C or better during peak hours and satisfy the minimum requirements for locations in Stanislaus County within the City of Modesto Sphere of Influence (i.e., LOS D). Projected peak hour queues can be accommodated within available storage at intersections. The addition of project traffic to the study area street system does not result in any location operating with a Levels of Service that exceed the minimum LOS D standard.

A review of the existing plus project volumes found that the addition of project traffic to the study area street system does not result in any location operating with a Levels of Service that exceed the minimum LOS D standard.

The Project TIA presents an evaluation of future cumulative conditions. Cumulative conditions are typically comprised of existing traffic plus traffic generated by other known future developments. Approved projects that remain to be developed within the study area were identified by City of Modesto and County staff. These projects include an approved 96,000 square feet industrial building adjoining the proposed project that would share access with the proposed project as well as a church on Tully Road and the Woodglen Residential area between Carver Road and Tully Road. Development of these projects would not result in conditions in excess of adopted standards for LOS or queuing. While the addition of trips from the proposed project increase the length of delays, applicable LOS and queuing standards will continue to be satisfied.

The project proposes to make use on an existing 30-foot encroachment on SR 219 (Kiernan Avenue) located roughly 1,750 feet east of Tully Road. This driveway is currently used by an existing industrial use and RV Storage. The RV Storage will be replaced by an approved 96,000 square feet industrial building, as noted in the discussion of Approved projects. That project was conditioned by Stanislaus County to install a raised “pork chop” island in the driveway in order to enforce the existing right turn only limitation. While separate deceleration and acceleration lanes are not provided, the paved shoulder along SR 219 in this area is 12 feet. This area can be used by trucks assuming that the pavement section is adequate for truck traffic, thus mitigating for the absence of dedicated turn lanes. Installing the right turn only driveway median will change the situation slightly. As is evident at the Tunson Road encroachment on the north side of SR 219 directly opposite this location, additional widening is needed to accommodate the turning requirements of trucks outside of the median area. Incorporation of a similar design that is sized to handle the applicable design vehicle is recommended. However, it is likely

that this feature could require widening the encroachment beyond the existing 30 feet, and if so, and a modification to the existing encroachment permit or a new permit may be required.

The project also proposes access to Tully Road in a location at the southern property limit roughly 600 feet beyond Kiernan Avenue. A Two-Way Left-Turn (TWLT) lane exists in this area. The driveway is 40 feet wide and proposes 50-foot return radii. Because this portion of Tully Road is within the City's Sphere of influence Stanislaus County generally defers to the City of Modesto for guidance on access design. In this case, the ultimate plan for Tully Road/Kiernan Avenue improvements is guided by standard plan detail No. 361 which indicates the length of turn lanes and transitions. That detail indicates that the combination of northbound left turn lanes and their transition areas will extend for roughly 600 feet. While right turn only access onto Tully Road will ultimately be required, the feasibility of full access on an interim basis has been assessed. Overall, full access will be feasible in the near term because there is room for concurrent northbound and southbound left turns in the TWLT lane.

The development standards required by Public Work's include a limitation of parking, loading, or the unloading of vehicles within the County right-of-way; installation of any signs and/or marking, if determined to be needed by the Department of Public Works; obtainment of encroachment permits; and the recordation of a drainage and access easement. Additionally, prior to the issuance of any building or grading permit associated with this project, a grading, drainage, and erosion/sediment control plan for the project site shall be submitted that includes drainage calculations and enough information to verify that runoff from project will not flow onto adjacent properties and Stanislaus County road right-of-way and is in compliance with the current State of California National Pollutant Discharge Elimination System (NPDES) General Construction Permit. All of these requirements will be applied to the project as development standards.

Senate Bill 743 (SB743) requires that the transportation impacts under the California Environmental Quality Act (CEQA) evaluate impacts by using Vehicle Miles Traveled (VMT) as a metric. Stanislaus County has currently not adopted any significance thresholds for VMT, and projects are treated on a case-by-case basis for evaluation under CEQA. However, the State of California - Office of Planning and Research (OPR) has issued guidelines regarding VMT significance under CEQA. One of the guidelines, presented in the December 2018 document Technical Advisory on Evaluating Transportation Impacts in CEQA, states that locally serving retail would generally redistribute trips from other local uses, rather than generate new trips. With the implementation of SB 743 and the use of VMT as the applicable metric, CEQA analysis no longer considers change to operating Level of Service as a "significance" criteria. However, the TIA asserts that the following can be used for determining consistency with the General Plan on Stanislaus County facilities: A significant project inconsistency is defined to occur at a signalized or un-signalized intersection if the addition of project traffic causes an intersection operating at an acceptable level (LOS D or better) to degrade to an unacceptable level (LOS E or worse); or an increase in control delay of more than five (5.0) seconds at an approach/movement at a signalized or un-signalized intersection that currently operates at an unacceptable level.

The TIA was referred to the City of Modesto, Public Works, and Caltrans for review. No concerns regarding the TIA methodology or findings were raised by Public Works and Caltrans responded with a request for an encroachment permit, if applicable, which will be added as a development standard. No response has been received from the City to date.

The TIA found that the addition of project trips does not result in any location operating with Level of Service that exceeds the LOS D minimum, and while it will increase the length of queues occurring during peak periods in key turn lanes, projected queue lengths are not expected to exceed available storage. Additionally, the project trips are not expected to warrant a new traffic signal. Impacts associated with Transportation are expected to have a less-than significant impact with development standards in place.

Mitigation: None.

References: Referral response from the City of Modesto, dated February 10, 2021; referral response from Caltrans, dated January 27, 2021, and email response dated April 5, 2021; referral response from Public Works, dated January 11, 2021, and revised on April 19, 2021; Traffic Impact Analysis (TIA) prepared by KD Anderson & Associates, Inc., dated February 19, 2021; Stanislaus County General Plan and Support Documentation.¹

XVIII. TRIBAL CULTURAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California native American tribe, and that is:			X	
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or			X	
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set for the in subdivision (c) of Public Resource Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.			X	

Discussion: As this project is a General Plan Amendment it was referred to the tribes listed with the Native American Heritage Commission (NAHC), in accordance with SB 18. No tribes responded with a request for consultation or with any project comments. Tribal notification of the project was not referred to any tribes in conjunction with AB 52 requirements, as Stanislaus County has not received any requests for consultation from the tribes listed with the NAHC.

A records search conducted by the Central California Information Center (CCIC) stated that no historical, cultural, or archeological resources have been reported for the site and that the site has a low sensitivity for the discovery of such resources. Additionally, a development standard regarding the discovery of cultural resources during the construction process will be added to the project. Accordingly, impacts to tribal cultural resources is considered to be less-than significant.

Mitigation: None.

References: Central California Information Center Report for the project site, dated August 10, 2018; Stanislaus County General Plan and Support Documentation.¹

XIX. UTILITIES AND SERVICE SYSTEMS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	

c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	

Discussion: Limitations on providing services have not been identified. The project proposes to share access, and to connect to the existing public water system and stormwater basin, located on the adjacent site to the east, which is zoned P-D (131). The proposed building will be served by an on-site septic system. A reciprocal access agreement will be recorded for the adjacent parcel. While the project does not currently propose to connect to the City of Modesto for water, a referral response received from the City stated that a Will Serve letter and an Outside Service Agreement shall be obtained from the City for the water connection to City water, and connection fees paid to the City prior to any connection to the City's utility mains. A referral response from the Department of Environmental Resources (DER) stated that the project's on-site wastewater treatment system (OWTS) will be required to meet Measure X septic and Local Agency Management Program (LAMP) standards. LAMP standards include minimum setbacks from wells to prevent negative impacts to groundwater quality. DER also stated that the project will require an amendment to the existing Public Water System. Prior the installation of any water infrastructure for the site, the property owner must obtain concurrence from the State of California Water Resources Control Board (SWRCB), Drinking Water Division, in accordance to CHSC, Section 116527 (SB1263) and submit an application for a water supply permit if necessary with the associated technical report to Stanislaus County DER. If the applicant is required to install a water treatment system, it will be required to be approved by the Regional Water Quality Control Board and the Department of Environmental Resources. Additionally, water supply permits require on going testing. A referral response from the Modesto Irrigation District (MID) is requiring that the Brown Improvement District pipeline be replaced and for an irrigation easement to be recorded. Additionally, the District's existing electrical facilities are to be protected. Although the site is located in the District, the site does not currently receive irrigation water from the District and will be required to contact MID to request a Sign-Off of Irrigation Facilities form for the parcel.

Development standards will be placed on the project to address these issues.

Mitigation: None.

References: Referral response from the City of Modesto, dated February 10, 2021; referral response from the Department of Environmental Resources (DER), dated January 20, 2021; referral response from the Modesto Irrigation District (MID), dated April 9, 2019; Stanislaus County General Plan and Support Documentation.¹

XX. WILDFIRE – If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?			X	
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?			X	
c) Require the installation of maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			X	

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			X	
---	--	--	---	--

Discussion. The Stanislaus County Local Hazard Mitigation Plan identifies risks posed by disasters and identifies ways to minimize damage from those disasters. With the Wildfire Hazard Mitigation Activities of this plan in place, impacts to an adopted emergency response plan or emergency evacuation plan are anticipated to be less than significant. The terrain of the site is relatively flat, and the site has access to a County-maintained road. The site is located in a Local Responsibility Area (LRA) for fire protection and is served by Salida Fire Protection District. The project was referred to the District who responded with comments indicating that all construction must comply with current adopted fire code, including the payment of fire service impact mitigation fees, on-site water supply and infrastructure for fire protection, and emergency vehicle access. These comments will be applied as development standards. Additionally, the applicant is required to form or annex into a Community Services District to provide for operational services. California Building Code establishes minimum standards for the protection of life and property by increasing the ability of a building to resist intrusion of flame and embers. All improvements will be reviewed by the Stanislaus County Fire Prevention Bureau and will be required to meet all state and local fire code requirements.

Wildfire risk and risks associated with postfire land changes are considered to be less than significant.

Mitigation: None.

References: Referral response from the Salida Fire Protection District, dated January 21, 2021; Stanislaus County General Plan and Support Documentation.¹

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

Discussion: Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or the surrounding area. The project site is within the City of Modesto’s LAFCO adopted Sphere of Influence (SOI). The parcel is bordered by Kiernan Avenue to the north and Tully Road to the west, and the adjacent parcel to the east is already developed with industrial uses. Approved projects that remain to be developed in the area include two additional 48,000 square-foot warehouses on the adjacent parcel to the east, a church two parcels south of the project site, and a residential subdivision southwest of the project site between Tully and Carver Road, within the City of Modesto city limits. Development of these projects would not result in conditions in excess of adopted standards for LOS or queuing. While the addition of trips from the proposed project increase the length of delays, applicable LOS and queuing standards

will continue to be satisfied. Developing the adjacent parcel to the south, and the other nearby parcels in the City of Modesto's SOI would require discretionary approval and additional environmental review. Development of parcels outside the SOI would be subject to the A-2 (General Agriculture) zoning ordinance. Rezoning parcels to another designation that would create islands or disregard infilling are not consistent with the General Plan and would likely not be approved. Accordingly, development of the subject parcel would not set a precedent for further development of the surrounding area.

Mitigation: None.

References: Initial Study; Stanislaus County General Plan and Support Documentation.¹

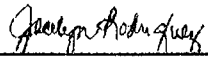
¹Stanislaus County General Plan and Support Documentation adopted in August 23, 2016, as amended. **Housing Element** adopted on April 5, 2016.

Full attachments, including Air Quality & Greenhouse Gas Study and Transportation Impact Analysis available online at: <https://ceqanet.opr.ca.gov/2019039139/4>

FILED

August 20, 2021

DONNA LINDER

STANISLAUS COUNTY
CLERK-RECORDERSTANISLAUS COUNTY
DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT
1010 10th Street, Suite 3400
Modesto, California 95354By: 
Deputy Clerk**NOTICE OF DETERMINATION**

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

Project Title: General Plan Amendment and Rezone Application No. PLN2018-0081 – Libitzky Management Corporation**Applicant Information:** Kevin Perkins, dba Libitzky Holdings, LP, 1475 Powell Street, Suite 201, Emeryville, CA 94608 (510) 995-5182**Project Location:** 1224 Kiernan Avenue (SR 219), at the southeast corner of Tully Road and Kiernan Avenue, in the Modesto area, Stanislaus County. APN 046-001-001.**Description of Project:** Request to amend the General Plan and zoning designation of a 17.16 acre parcel from Urban Transition and A-2-10 (General Agriculture) to Planned Development, to allow the construction of a 300,000 square-foot building for various light industrial uses.**Name of Agency Approving Project:** Stanislaus County Board of Supervisors**Lead Agency Contact Person:** Teresa McDonald, Associate Planner**Telephone:** (209) 525-6330This is to advise that the Stanislaus County Board of Supervisors on **August 17, 2021** has approved the above described project and has made the following determinations regarding the above described project:

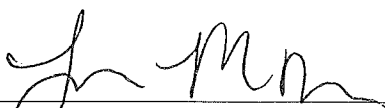
1. The project will not have a significant effect on the environment.
2. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.

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

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

This is to certify that the final EIR with comments and responses and record of project approval, or the Negative Declaration, is available to the General Public at <http://www.stancounty.com/planning/agenda/agenda-min-2021.shtm>.

August 18, 2021
 Dated


 Teresa McDonald
 Associate Planner

**EXECUTIVE OFFICER’S AGENDA REPORT
MAY 24, 2023**

TO: LAFCO Commissioners
 FROM: Sara Lytle-Pinhey, Executive Officer *SLP*
SUBJECT: FINAL LAFCO BUDGET FOR FISCAL YEAR 2023-2024

RECOMMENDATION

Staff recommends that following the Executive Officer’s report and public testimony regarding the Final LAFCO Budget that the Commission:

1. Adopt Resolution No. 2023-06, approving the Final Budget for Fiscal Year 2023-2024, including a \$7,200 increase from the Proposed Budget as a result of more accurate estimates for retirement contribution rates and legal services.
2. Direct Staff to transmit the adopted Final Budget to the Board of Supervisors, each City, each Independent Special District, and the County Auditor, in accordance with State law.
3. Request that the County Auditor apportion and collect the net operating expenses of the Final Budget from the County and nine cities in accordance with Government Code Sections 56381(b)(2) and 56381(c).

DISCUSSION

At its April 26, 2023 LAFCO meeting, the Commission reviewed and approved the Proposed LAFCO Budget for Fiscal Year (FY) 2023-2024. Following approval of the Proposed Budget, Staff obtained more accurate estimates for two accounts that necessitate adjustments: Retirement (#52000) and Legal Services (#63640). This results in a slight increase to the Salaries and Benefits category by \$3,200 (retirement) and an increase to the Services and Supplies category by \$4,000 (legal services). The overall increase to the Final Budget is \$7,200 or roughly 1% more than the Proposed Budget. The total budget amounts are shown below.

Table 1: LAFCO Final Budget Summary

Expenses	Current Budget FY 2022-2023	Proposed Budget FY 2023-2024	Final Budget FY 2023-2024	Overall % Change (Final v. Current)
Salaries & Benefits	\$510,110	\$554,735	\$557,935	9%
Services & Supplies	82,170	102,555	106,555	30%
Other Charges	1,200	1,200	1,200	0%
Total Expenses	\$593,480	\$658,490	\$665,690	12%
Revenues				
Undesignated Fund Balance	(\$20,000)	(\$20,000)	(\$20,000)	0%
Application & Other Revenues	(20,000)	(20,000)	(20,000)	0%
Agency Contributions	\$553,480	\$618,490	\$625,690	13%

The Commission maintains a General Fund Reserve of 15% of operating expenses. This reserve fund is also recommended to have a minor adjustment, increasing by \$1,000 to maintain the 15% level.

Table 2: Reserve Funds

	Proposed Budget FY 2022-2023	Final Budget FY 2022-2023
General Fund Reserve (15%)	\$ 99,000	\$ 100,000
Accrued Leave Fund (Cash-Out Liability)	107,000	107,000
Long-Term Liability Reserve	100,000	100,000
<i>Total Reserves</i>	\$ 306,000	\$ 307,000

The impact of the \$7,200 increase for the Final Budget results in a corresponding increase to agency contributions. The County contribution absorbs 50% of the increase over the Proposed Budget, with the nine cities dividing up the remainder of the impact based on their proportion of reported revenues. Table 3, below, provides updated estimates for the Fiscal Year 2023-2024 agency contributions.

*Table 3: Estimated Agency Contributions FY 2023-2024**

	State Controller Reported Revenues (FY 20-21)	% of LAFCO Budget	Current FY 22-23 Contrib.	Proposed Budget FY 23-24 Contrib.	Final Budget FY 23-24 Contrib.	Total Change FY 22-23 v FY 23-24	% Increase (Decrease)
Ceres	77,703,979	4.06%	22,939	25,117	\$ 25,410	2,471	10.77%
Hughson	17,040,882	0.89%	3,649	5,508	5,572	1,924	52.73%
Modesto	553,005,013	28.90%	165,215	178,755	180,836	15,621	9.45%
Newman	14,529,882	0.76%	4,852	4,697	4,751	(101)	(2.08%)
Oakdale	41,025,924	2.14%	11,489	13,261	13,416	1,926	16.77%
Patterson	50,416,599	2.63%	16,363	16,297	16,487	123	0.75%
Riverbank	25,741,596	1.35%	6,605	8,321	8,418	1,812	27.44%
Turlock	167,715,241	8.77%	42,848	54,213	54,844	11,996	28.00%
Waterford	9,514,007	0.50%	2,779	3,075	3,111	333	11.97%
All Cities	956,693,123	50%	276,740	309,245	312,845	36,105	13.05%
County Contribution		50%	276,740	309,245	312,845	36,105	13.05%
Total Agency Contributions		100%	\$ 553,480	\$ 618,490	\$ 625,690	\$ 72,210	13.05%

* Estimates are based on the most recent State Controller's Reports. Final amounts will be determined by the County Auditor following adoption by the Commission.

CONCLUSION

The Commission is required to adopt a Final Budget annually by June 15th. Following adoption of the Final Budget, a copy will be transmitted to the County, each City, each Independent Special District, and to the County Auditor. The County Auditor will then allocate and charge LAFCO's net budget to all participating local agencies as outlined under Government Code Section 56381(b) and (c).

Approval of the Final Budget will enable the Commission to perform its core responsibilities effectively, and continue its work to fulfill state mandates, policy development, and current projects.

Attachments: Final Budget Detail Fiscal Year 2023-2024
Draft LAFCO Resolution No. 2023-06

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**Stanislaus LAFCO
FINAL FISCAL YEAR 2023-2024 BUDGET**

Account	FY 22-23 Adopted Budget	Oracle Account Changes	FY 23-24 Proposed Budget	FY 23-24 FINAL BUDGET	Increase or (Decrease): Current FY vs Final	% Change: Current FY vs Final
Salaries and Benefits						
50000+ Salaries and wages	\$ 313,905		\$ 350,000	\$ 350,000	\$ 36,095	11%
52000 Retirement	98,500		99,800	103,000	4,500	5%
52010 FICA	23,175		26,600	26,600	3,425	15%
53000 Group health insurance	61,080		62,900	62,900	1,820	3%
53020 Unemployment insurance	460		460	460	-	0%
53051 Benefits admin fee	200		200	200	-	0%
53081 Long term disability	407		425	425	18	4%
54000 Workers compensation insurance	1,330		1,450	1,450	120	9%
55000 Auto allowance	4,200		4,800	4,800	600	14%
55080 Professional development	2,500		2,500	2,500	-	0%
55130 Deferred comp mgmt/conf	4,353		5,600	5,600	1,247	29%
Total Salaries and Benefits	\$ 510,110		\$ 554,735	\$ 557,935	\$ 47,825	9%
Services and Supplies						
60400 Communications (ITC - Telecom)	\$ 1,065		\$ 1,225	\$ 1,225	\$ 160	15%
61000 Insurance (SDRMA)	4,950		5,235	5,235	285	6%
61030 Fiduciary liability insurance	65		15	15	(50)	-77%
61070 Crime & fidelity insurance	-	(fm. w/ 61030)	40	40	40	new
62200 Memberships (CSDA, CALAFCO)	10,990		11,700	11,700	710	6%
62400 Miscellaneous expense	3,000		5,000	5,000	2,000	67%
62450 Indirect costs (A87 roll forward)	(1,805)	Moved to 62400	-	-	1,805	-100%
62600 Office supplies	1,500		1,500	1,500	-	0%
62730 Postage	1,200		1,200	1,200	-	0%
62750 Other mail room expense	350	Moved to 62400	-	-	(350)	-100%
63000 Professional & special serv	14,940	Now incl. IT	34,025	34,025	19,085	128%
Building maint & supplies	4,500		4,600	4,600	100	2%
Office lease	4,290		4,505	4,505	215	5%
Utilities	1,500		1,600	1,600	100	7%
Janitorial	1,300		1,400	1,400	100	8%
Purchasing	400		420	420	20	5%
HR/Risk Mgt overhead	2,950		3,250	3,250	300	10%
New Oracle ERP	-		1,525	1,525	1,525	new
IT Services (ITC)	-	(fm. 63990)	12,150	12,150	12,150	5%
Video Streaming (ITC)	-	(fm. 63990)	1,000	1,000	1,000	0%
Mtg Recording (Final Cut Media)	-	(fm. 63990)	1,800	1,800	1,800	0%
Licenses: GIS & Adobe (ITC)	-	(fm. 63990)	1,775	1,775	1,775	48%
63090 Auditing & accounting	2,040		14,200	14,200	12,160	596%
County Auditor Services	2,040		2,200	2,200	160	8%
New Independent Auditor (Biennial Audit)	-		12,000	12,000	12,000	new
63400 Engineering services	2,000		2,000	2,000	-	0%
63640 Legal services	12,000		12,000	16,000	4,000	33%
63990 Outside data proc services (IT & GIS Lic)	15,525	Moved to 63000	-	-	(15,525)	-100%
IT Services (ITC)	11,525	Moved to 63000	-	-	(11,525)	-100%
Video Streaming (ITC)	1,000	Moved to 63000	-	-	(1,000)	-100%
Mtg Recording (Final Cut Media)	1,800	Moved to 63000	-	-	(1,800)	-100%
GIS License (ITC)	1,200	Moved to 63000	-	-	(1,200)	-100%
65000 Publications & legal notices	1,200		1,200	1,200	-	0%
65660 Special dept. exp (commissioners)	-	(fm. 65890)	6,415	6,415	6,415	new
65780 Education & training	6,000		6,000	6,000	-	0%
65810 Other supportive services (messenger)	315	Moved to 65660	-	-	(315)	-100%
65890 Commission expense (stipends, training)	6,100	Moved to 65660	-	-	(6,100)	-100%
67040 Other travel expenses (mileage)	600		600	600	-	0%
67200 Salvage disposal	135	(fm. 67201)	200	200	65	48%
Total Services and Supplies	\$ 82,170		\$ 102,555	\$ 106,555	\$ 24,385	30%
Other Charges						
73024 Planning dept services	\$ 1,200		\$ 1,200	\$ 1,200	\$ -	0%
Total Other Charges	\$ 1,200		\$ 1,200	\$ 1,200	\$ -	0%
TOTAL EXPENSES	\$ 593,480		\$ 658,490	\$ 665,690	\$ 72,210	12%
TOTAL REVENUES						
40680+ Agency Contributions	553,480		618,490	625,690	72,210	13%
36414 Application & Other Revenues	20,000		20,000	20,000	-	0%
17000+ Interest Earnings & Refunds	-		-	-	-	nb
Use of Undesig. Fund Balance	\$ 20,000		\$ 20,000	\$ 20,000	\$ -	0%

Stanislaus LAFCO
FINAL FISCAL YEAR 2023-2024 BUDGET
Reserve Funds & Undesignated Fund Balance

Estimated Fund Balance June 30, 2023	\$ 332,987
<i>General Fund Reserve (15%)</i>	(100,000)
<i>Accrued Leave Fund (Cash-Out Liability)</i>	(107,000)
<i>Long-Term Liability Reserve</i>	(100,000)
Undesignated Fund Balance (Est.)	\$ 25,987

**STANISLAUS COUNTY LOCAL AGENCY
FORMATION COMMISSION**

RESOLUTION

DATE: May 24, 2023

NO. 2023-06

SUBJECT: Adoption of the Final LAFCO Budget for Fiscal Year 2023-2024

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

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

THE FOLLOWING RESOLUTION WAS ADOPTED:

WHEREAS, Government Code Section 56381(a) requires the Commission to adopt annually, following noticed public hearings, a proposed budget by May 1st and a final budget by June 15th;

WHEREAS, the Stanislaus Local Agency Formation Commission desires to provide for a budget to fulfill its purposes and functions as set forth by State law;

WHEREAS, pursuant to Government Code Section 56381(a), the proposed budget must be, at a minimum, equal to the previous budget, unless a finding is made that the reduced costs will nevertheless allow the Commission to fulfill the purposes and programs of the Stanislaus Local Agency Formation Commission (LAFCO);

WHEREAS, the Commission conducted a public hearing on April 26, 2023 and approved a Proposed Budget for Fiscal Year 2023-2024, as submitted by the Executive Officer;

WHEREAS, the Commission considered the Final Budget for Fiscal Year 2023-2024 at a duly noticed public hearing on May 24, 2023;

WHEREAS, approval of the Final Budget will enable the Commission to perform its core responsibilities effectively and accomplish its work program;

NOW, THEREFORE, BE IT RESOLVED that the Commission:

1. Finds that the Final Budget for Fiscal Year 2023-2024 will allow the Stanislaus Local Agency Formation Commission to fulfill the purposes and programs of the Cortese-Knox-Hertzberg Local Government Reorganization Act.
2. Adopts the Final Budget for Fiscal Year 2023-2024, with total operating expenses of \$665,690, as outlined in the attachment.
3. Directs Staff to transmit the adopted Final Budget for Fiscal Year 2023-2024 to the Board of Supervisors, each City, each Independent Special District, and the County Auditor, pursuant to Government Code Section 56381(a).

4. Requests that the County Auditor apportion and collect the net operating expenses of the Commission's Final Budget for Fiscal Year 2023-2024 in the amount of \$625,690 from the County and each of the nine cities no later than July 1, 2023 for the amount each entity owes in accordance with Government Code Sections 56381(b)(2) and 56381(c).
5. Authorizes the Executive Officer and the County Auditor to determine the method of collection if a city or the County does not remit its required payment within 60 days, as outlined in 56381(c).

ATTEST:

Sara Lytle-Pinhey
Executive Officer

Attachment: Final Budget for Fiscal Year 2023-2024

**Stanislaus LAFCO
FINAL FISCAL YEAR 2023-2024 BUDGET**

Account	FY 23-24 FINAL BUDGET
Salaries and Benefits	
50000+ Salaries and wages	\$ 350,000
52000 Retirement	103,000
52010 FICA	26,600
53000 Group health insurance	62,900
53020 Unemployment insurance	460
53051 Benefits admin fee	200
53081 Long term disability	425
54000 Workers compensation insurance	1,450
55000 Auto allowance	4,800
55080 Professional development	2,500
55130 Deferred comp mgmt/conf	5,600
Total Salaries and Benefits	\$ 557,935
Services and Supplies	
60400 Communications (ITC - Telecom)	\$ 1,225
61000 Insurance (SDRMA)	5,235
61030 Fiduciary liability insurance	15
61070 Crime & fidelity insurance	40
62200 Memberships (CSDA, CALAFCO)	11,700
62400 Miscellaneous expense	5,000
62600 Office supplies	1,500
62730 Postage	1,200
63000 Professional & special serv	34,025
Building maint & supplies	4,600
Office lease	4,505
Utilities	1,600
Janitorial	1,400
Purchasing	420
HR/Risk Mgt overhead	3,250
<i>New</i> Oracle ERP	1,525
IT Services (ITC)	12,150
Video Streaming (ITC)	1,000
Mtg Recording (Final Cut Media)	1,800
Licenses: GIS & Adobe (ITC)	1,775
63090 Auditing & accounting	14,200
County Auditor Services	2,200
<i>New</i> Independent Auditor (Biennial Audit)	12,000
63400 Engineering services	2,000
63640 Legal services	16,000
65000 Publications & legal notices	1,200
65660 Special dept. exp (commissioners)	6,415
65780 Education & training	6,000
67040 Other travel expenses (mileage)	600
67200 Salvage disposal	200
Total Services and Supplies	\$ 106,555
Other Charges	
73024 Planning dept services	\$ 1,200
Total Other Charges	\$ 1,200
TOTAL EXPENSES	\$ 665,690
TOTAL REVENUES	\$ 645,690
40680+ Agency Contributions	625,690
36414 Application & Other Revenues	20,000
Use of Undesig. Fund Balance	\$ 20,000

Stanislaus LAFCO
FINAL FISCAL YEAR 2023-2024 BUDGET
Reserve Funds & Undesignated Fund Balance

Estimated Fund Balance June 30, 2023	\$ 332,987
<i>General Fund Reserve (15%)</i>	(100,000)
<i>Accrued Leave Fund (Cash-Out Liability)</i>	(107,000)
<i>Long-Term Liability Reserve</i>	(100,000)
Undesignated Fund Balance (Estimated)	\$ 25,987

1010 TENTH STREET, 3RD FLOOR
MODESTO, CA 95354



PHONE: (209) 525-7660
FAX: (209) 525-7643
www.stanislauslafco.org

MEMORANDUM

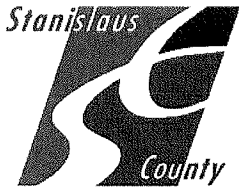
DATE: May 24, 2023
TO: LAFCO Commissioners
FROM: Sara Lytle-Pinhey, Executive Officer *SLP*
SUBJECT: Ad-Hoc Advisory Committee Update

The Commission will receive a verbal update regarding the Ad-Hoc Advisory Committee's meeting with the Stanislaus County Chief Executive Office – Human Relations Division (County HR) on April 27, 2023.

Attached to this memo for the Commission's information is a letter from County HR as a follow-up to the Ad-Hoc Advisory Committee meeting.

Attachment: Letter dated May 5, 2023 from the Stanislaus County Chief Executive Office – Human Relations Division.

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CHIEF EXECUTIVE OFFICE

Jody L. Hayes
CHIEF EXECUTIVE OFFICER

Patrice M. Dietrich
ASSISTANT EXECUTIVE OFFICER/
CHIEF OPERATIONS OFFICER

Tina M. Rocha
ASSISTANT EXECUTIVE OFFICER

Ruben Imperial
ASSISTANT EXECUTIVE OFFICER

May 05, 2023

Sara Lytle-Pinhey
Executive Officer
Stanislaus Local Agency Formation Commission

RE: Follow Up: Compensation and classification of the LAFCO Executive Officer position

Dear Ms. Lytle-Pinhey,

The Chief Executive Office – Human Relations Division has reviewed its findings concerning the compensation and classification study data for the LAFCO Executive Officer (Manager IV) position per the request of the LAFCO ad hoc committee. After careful review and consideration, CEO-HR presented its findings to the County Personnel Director and maintains its recommendation to create a new classification of “Executive Officer – LAFCO,” to be compensated in the “E” salary band with department head benefits. It is our intention to expeditiously bring our recommendation to the Board of Supervisors for consideration after an amendment to the existing MOU between the County and LAFCO is drafted to reflect the proposed personnel changes. Should the Board of Supervisors approve the recommendation, I will coordinate closely with you to get the proposed changes properly executed.

Thank you for your assistance and patience working through the County compensation and classification process. We look forward to continuing to support and service the human relations functions for LAFCO. Please feel free to reach out to me directly with any questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "Bernard Licata".

Bernard Licata (May 5, 2023 12:59 PDT)

Bernard Licata

Sr. Management Consultant
Stanislaus County CEO-HR



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