



**STANISLAUS LAFCO  
LOCAL AGENCY FORMATION COMMISSION**

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

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**AGENDA**  
**Wednesday, September 25, 2024**  
**6:00 P.M.**  
**Joint Chambers—Basement Level**  
**1010 10<sup>th</sup> Street, Modesto, California 95354**

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

**1. CALL TO ORDER**

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

**2. PUBLIC COMMENT PERIOD**

This is the period in which persons may comment on items that are not listed on the regular agenda. 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.

C. "In the News."

**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 JULY 24, 2024, LAFCO MEETING**  
(Staff Recommendation: Accept the Minutes.)

B. **PROPOSED LAFCO MEETING CALENDAR 2025**  
(Staff Recommendation: Accept the 2025 Meeting Calendar.)

C. **CALAFCO PROPOSED BYLAWS AMENDMENT**  
(Staff Recommendation: Direct the Executive Officer to submit a “yes” vote on behalf of Stanislaus LAFCO to CALAFCO.)

D. **MUNICIPAL SERVICE REVIEW NO. 2024-05 AND SPHERE OF INFLUENCE UPDATE NO. 2024-05 – EAST AND WEST STANISLAUS RESOURCE CONSERVATION DISTRICTS:** The Commission will consider the adoption of a Municipal Service Review (MSR) and Sphere of Influence (SOI) Update for the East and West Stanislaus Resource Conservation Districts. This item is exempt from the California Environmental Quality Act (CEQA) review pursuant to sections 15306 and 15061(b)(3). (Staff Recommendation: Approve the update and adopt Resolution No. 2024-10.)

**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.

None.

**7. OTHER BUSINESS**

A. **DISCUSSION & DIRECTION REGARDING POLICY 15 – OUT-OF-BOUNDARY SERVICE CONTRACTS OR AGREEMENTS** (Staff Recommendation: Receive the informational report and provide direction to Staff as needed.)

**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 October 23, 2024.

B. Adjournment

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**LAFCO Disclosure Requirements & Notices**

**Disclosure of Campaign Contributions:** Government Code Section 84308 requires that a LAFCO Commissioner disqualify themselves from voting on an application involving an “entitlement for use” (such as a change of organization, reorganization or sphere of influence) if, within the last 12 months, the Commissioner has received \$250 or more in campaign contributions from the applicant, participant or a representative of either. The law requires any applicant or other participant in a LAFCO proceeding to disclose the amount and name of the recipient Commissioner on the official record of the proceeding. The law also prohibits an applicant or other participant from making a contribution of \$250 or more to a LAFCO Commissioner while a proceeding is pending and for 12 months afterward.

**Disclosure of Political Expenditures and Contributions Regarding LAFCO Proceedings:** Any person or combination of persons who directly or indirectly contributes a total of \$1,000 or more in support of or opposition to a LAFCO proposal must comply with the disclosure requirements of the Political Reform Act (Section 84250). These requirements contain provisions for making disclosures of contributions and expenditures at specific intervals. More information on the scope of the required disclosures is available from the Fair Political Practices Commission ([www.fppc.ca.gov](http://www.fppc.ca.gov) or 1-866-ASK-FPPC).

**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 209-525-7660. 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:** Proceedings before the Local Agency Formation Commission are conducted in English and translation to other languages is not provided. Please make arrangements for an interpreter if necessary.

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## **IN THE NEWS**

### **Newspaper Articles**

- The Modesto Bee, July 22, 2024, “Stanislaus County to require environmental study on Salida plan. Warehouse project delayed.”
- The Westside Connect, July 31, 2024, “Ag districts to fund water projects, and more, in several disadvantaged communities.”
- The Ceres Courier, August 7, 2024, “Hughson seeks comments on Housing Element”
- The Riverbank News, August 7, 2024, “Council, planners meet for housing talks”
- The Modesto Bee, August 8, 2024, “South and West Modesto need more housing. Here’s what two projects could look like.”
- The Modesto Bee, August 28, 2024, “Projects to improve some Stanislaus County islands begin next fall. One supervisor wants sooner.”
- The Modesto Bee, September 11, 2024, “Riverbank residents will vote on housing expansion in 2026. Here’s what’s planned to West.”

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**IN THE NEWS – The Modesto Bee, July 22, 2024**

## **Stanislaus County to require environmental study on Salida plan. Warehouse project delayed.**

By Ken Carlson

**Update:** Stanislaus County supervisors approved the consent item Tuesday morning to perform a long-awaited environmental study on the Salida Community Plan and assess the feasibility of Salida becoming a city. Salida resident Leonard Powell asked the board in writing to postpone the item because community input is essential for choosing a firm for the Salida incorporation analysis.

Stanislaus County is proposing an environmental impact report on the entire Salida Community Plan before a large distribution center project on Kiernan Avenue is allowed to proceed.

Tuesday morning, the county Board of Supervisors is set to approve a \$900,000 agreement with Sacramento-based Ascent Environmental Inc. to conduct a comprehensive environmental study on the 3,400-acre Salida development plan, which received county approval amid controversy in 2007.

The Sacramento firm also would perform a feasibility study on city incorporation of Salida.

The studies would create a 15-month delay for Scannell Properties' 145-acre development, which calls for up to \$2.5 million square feet of warehouse, distribution and manufacturing space at the northwest corner of Dale Road and Kiernan, just north of Modesto. In early May, Scannell submitted requests to the county for a general plan amendment and rezone for the seven industrial buildings.

"The county will foot the bill (for the EIR) and then recover the cost as the (Salida) plan is developed," Supervisor Terry Withrow said last week.

Withrow, whose district includes Salida, added: "We would love to have the Scannell project as the first development (in the Salida plan) and hope it jump-starts development in the entire area."

In February, a county public notice said an environmental study would focus on the Scannell project, but Salida residents cited an understanding that a comprehensive EIR on the entire Salida plan was required before individual projects could develop.

County planning is recommending the agreement with Ascent Environmental, without seeking a request for proposals from consultants, because the firm has conducted some environmental work for the Scannell project. "It is not time- or cost-effective to bring in another consultant that will be duplicating work already being performed," a county staff report said.

The cost for the environmental assessment, infrastructure plans and a fee program is estimated at \$899,000, plus \$150,000 for county staff time. To cover the costs, the county will pull \$682,785 from the general fund, \$291,220 from the Salida Planning fund balance and \$75,000 from the Salida Incorporation Study fund balance.

The Salida Community Plan is ambitious, including 2,000 acres for generating more than 27,000 jobs, along with land designated for 5,000 homes. About 1,260 acres are designated for industrial development, 490 acres for business parks and 280 acres of commercial uses.

## **IN THE NEWS – The Modesto Bee, July 22, 2024- Continued**

The plan stretching from the Sisk Road, near the Highway 99 and Kiernan Avenue interchange, to Dale Road, mostly north of Kiernan Avenue, would place business park and industrial development next to Gregori High School.

Salida residents and other voters never had a chance to vote on the Salida Community Plan. In summer 2007, proponents clad in “Salida Now” T-shirts were collecting signatures to put the plan on the ballot

when the Board of Supervisors suddenly voted 3-2 to approve the initiative.

Katherine Borges, an advocate for incorporating Salida as a city, said the Board of Supervisors’ item on Tuesday’s agenda should be tabled because it hasn’t gone before the Salida Municipal Advisory Council. The advisory council is scheduled to hear a presentation by county planners on the community plan Tuesday at 7 p.m.

“The key for Salida to incorporate is they need to give us taxes from the businesses in the Salida Community Plan area,” Borges said.

Borges asserted that a previous study related to city incorporation used a faulty method of assessing the costs of providing county services to Salida. She said she hoped the new assessment would not be based on that “fuzzy math.” It’s generally understood that Salida lacks the tax base for funding city services, but development of the Salida growth plan would generate large amounts of revenue for services.

If Salida were to become the county’s 10th municipality, it would contract with the county Sheriff’s Department to protect the community’s 14,000 residents rather than create its own police department, Borges said.

**IN THE NEWS – The Westside Connect, July 31, 2024**

## **Ag districts to fund water projects, and more, in several disadvantaged communities**

Four large agricultural water districts have kicked in an initial \$580,000 to pay for water projects in several communities dotting the vast farming areas of western Fresno County. The funding amount will remain the same until the districts revisit the program in three years.

The four districts – Central California Irrigation District, Firebaugh Canal Water District and the Columbia and San Luis canal companies – are members of the San Joaquin River Exchange Contractors Water Authority, which covers 240,000 acres from about Newman down to Firebaugh mostly in Fresno County.

Together they have funded the new Community Infrastructure Program, which will focus primarily on projects benefiting the disadvantaged communities of Mendota, Firebaugh, Gustine, Dos Palos, Los Banos and Newman. However, nonprofits, community organizations and local governments may apply for funding as well.

“We just found this to be a good opportunity for us to begin to support and empower our local communities to these types of financial investments,” said Chris White, executive director of the Exchange Contractors Authority.

The program is not an obligation under the state’s Sustainable Groundwater Management Act (SGMA,) which requires overpumped subbasins to bring groundwater levels to sustainability by 2040. The authority has its own domestic well mitigation program as part of its SGMA plan.

The authority can only fund projects under this program that it is authorized by law to spend money on. That means projects must involve water resources development, management and conservation, renewable energy and electric power infrastructure, recreational facility development, sewage treatment infrastructure and flood protection works.

“If you have projects in those areas, we’re looking to be able to help fund some of these projects,” said White.

Some of the nearby communities have expressed interest in projects, according to White. He said authority staff have been working closely with the local communities and that a notice was sent to cities in the area about the opportunity.

Representatives from the local cities did not respond to repeated requests for comment.

Those interested in applying may do so at <https://www.sjrecwa.net/community/>.

SJV Water is a nonprofit, independent online news publication covering water in the San Joaquin Valley. Lois Henry is the CEO/Editor of SJV Water. She can be reached at [lois.henry@sjvwater.org](mailto:lois.henry@sjvwater.org). The website is [www.sjvwater.org](http://www.sjvwater.org).



**IN THE NEWS – The Ceres Courier, August 7, 2024**

## **Hughson seeks comments on Housing Element**

By Jeff Benziger

The city of Hughson has produced its draft 2023-2031 Housing Element to its General Plan and is seeking public comment until Aug. 27.

Every city in California is required by the state to produce and regularly update a General Plan. One of the elements of that plan is about housing to guide how a city will grow in seven years.

The state requires cities to plan for residential growth in all income levels – low-, very low-, low-, moderate-, and above-moderate income – based on a RHNA, or Regional Housing Needs Assessment.

Hughson estimates that it will need to build 284 new units to accommodate very-low-income households and rehabilitate three existing units. For low-income category residents, Hughson will need to generate 196 units and rehab three. For those in the moderate-income category, Hughson has a target of 122 units while here is a need to build 279 units for above-moderate income families.

A total of 881 new units need to be built. Hughson already is seeing housing develop with KB Homes developing its 56-acre Homes Orchards at Parkwood development. Once the project is fully built out within four to five years, Hughson will have 299 additional homes and an estimated 900 to 1,000 new residents.

Hughson has doubled in population since 2000 and today has 7,518 residents.

The new homes are being constructed south of Hatch Road and east of Santa Fe Avenue.

The public can submit comments about the Housing Element by visiting <https://hughson.generalplan.org/>

**IN THE NEWS – The Riverbank News, August 7, 2024**

## **Council, planners meet for housing talks**

By Ric McGinnis

Members of the Riverbank City Council met with the Planning Commission members for a joint public hearing this past week to begin the process of updating the city's Housing Element.

The session was hosted in the Riverbank Community Center, on Wednesday, July 31. The idea behind the joint hearing was to solicit input from residents on how the city should add to its available housing in coming years.

The work focuses on the Housing Element of the city's General Plan, to update it to comply with state law. It will become the sixth cycle planning period of the General Plan. The one in place now took effect June 30, 2023 and runs through Dec. 31, 2031.

'Adjustments to Housing Policies, Programs and Needs' will be included as part of the process.

The presentation was designed in both English and Spanish, and included live translators for anyone in attendance who needed translation services.

The workshop began with a detailed PowerPoint display, in both languages, outlining the update process.

It started by defining what a housing element is, a required element of the city's General Plan. It includes a sites inventory to meet the Regional Housing Needs Allocation, along with policies and programs necessary to accomplish needed changes.

Officials noted the Housing Element assesses and addresses constraints to housing development here, guides policies and identifies opportunities to meet the city's housing needs over coming years.

The update process is expected to be completed by February of next year.

Members of the crowd were able to ask questions following the main presentation at the public hearing, as the council and planners begin the process of acquiring the required public input before updating the current document.

IN THE NEWS – The Modesto Bee, August 8, 2024

## South and West Modesto need more housing. Here's what two projects could look like

By John Holland

The draft Southwest Modesto Plan, which could soon go before the City Council, outlines how to improve life for current residents while adding a modest amount of housing.

The document covers all of west Modesto, which is generally the Paradise Road and Maze Boulevard corridors, and the south Modesto blocks right along Crows Landing Road.

The plan does not commit the city to any specific projects but does suggest two sites for infill housing that encourages walking.



One would be a two-story building with four to eight rental units at the southwest corner of Madison Street and California Avenue. It is a block west of Modesto High School and three blocks north of MaxxValue Foods and other businesses.

The other project would be at the northeast corner of Crows Landing and Hatch Road. It could have up to 29 townhomes in three-story buildings, some of them above new ground-floor retail. Mi Tierra Supermarket is right across the street. Cardenas Market is two blocks to the south.

The owners of the two properties have not announced any development plans. The Madison Street site is a dirt lot. The other has a few small businesses.

**IN THE NEWS – The Modesto Bee, August 8, 2024- Continued**



**'THESE AREAS ARE HOPPING,' MODESTO MAYOR SAYS**

The draft was endorsed on a 3-0 vote Monday, Aug. 5, by the Economic Development Committee of the City Council. The full seven-member council could take it up in a few weeks.

The plan says residents generally have low incomes but are well-served by schools, parks and bus lines. Most houses are rentals and older than the citywide average, but the streets can be pleasant where sidewalks and shade trees are in place.

The plan was written on a \$216,000 contract by PlaceWorks, a consulting firm based in Berkeley. It held several meetings with residents as part of research starting in early 2023.

The plan notes a lack of some goods and services, notably a bank in west Modesto, but said residents can still find much of what they need.

"These areas are hopping with economic development," said Mayor Sue Zwahlen, one of the committee members. "There is shopping. There is activity. There is so much going on."

The committee also includes Eric Alvarez and Chris Ricci. All three members acknowledged that some blocks still lack sidewalks, lighting and other infrastructure. They have not been annexed to Modesto but instead are served by Stanislaus County government.

Alvarez grew up in the plan area and now represents its annexed portions on the council. "I was one of those kids who walked through the mud puddles," he said.



## **IN THE NEWS – The Modesto Bee, August 8, 2024- Continued**

The west Modesto area has about 26,000 residents. It is roughly bounded by Highway 99, the Tuolumne River, Carpenter Road and Maze.

Crows Landing Road has neighborhoods on each side, but they are mostly unincorporated and not in the city plan.

The county has an estimated \$707 million in infrastructure needs in such pockets, some of them near smaller cities. County supervisors voted in 2022 to direct \$50 million in federal pandemic relief to the effort. They kicked in \$15 million more last year.

### **AN EASIER WALK TO MODESTO HIGH**

The Southwest Modesto Plan reflects a movement in the city and beyond to ease walking and bicycling.

The most dramatic could be the city project just completed near Modesto High, where H Street becomes Paradise Road. Students returning Aug. 13 will find two traffic lanes instead of four, and crosswalks much more visible than before.

Crows Landing Road got similar attention a few years back between Pecos and Whitmore avenues. The city and county installed raised medians, flashing crosswalk beacons and other measures and bike lanes. They had earlier abandoned a plan to widen this street from four to six lanes to aid truck traffic.

Even with the upgrades, this streetscape can be unappealing because almost all of the businesses sit behind large parking lots. The plan urges a mix of homes and businesses right up to the sidewalk, and the same on Paradise Road.

The plan meshes with a council vote last year for mixed-use projects on other underused commercial strips. It involves Sisk Road, McHenry Avenue, Oakdale Road and Yosemite Boulevard.

Such projects would provide most of the 11,248 housing units that Modesto aims to build through 2031 in a document required by the state.

### **MORE DETAILS ON LIFE IN SOUTH AND WEST MODESTO**

The Southwest Modesto Plan includes these findings about the area:

- Residents have a median household income of \$49,052 a year, compared with \$68,368 in the county overall.
- Only 46% of plan area residents own their homes, versus 60% countywide.
- Latinos make up 68% of the plan area and 46% of the county.
- The plan area has 13 schools besides Modesto High, but no post-secondary education within its border. Both campuses of Modesto Junior College are a short drive away.
- West Modesto has not had a bank since the 2019 closure of the Bank of America branch on Paradise, which drew a protest.
- Such services came to south Modesto with last year's opening of the Self-Help Federal Credit Union on Crows Landing.
- Several neighborhood parks serve residents, as does a three-mile stretch of Tuolumne River Regional Park. The city secured a pair of \$8.5 million state grants for major upgrades to the parks named for Cesar Chavez and the Rev. Martin Luther King Jr.

## Projects to improve some Stanislaus County islands begin next fall. One supervisor wants sooner.

By Ken Carlson

Stanislaus County supervisors received an update Tuesday on spending \$55.8 million in federal funds on improvements for county unincorporated islands. County staff said project construction will start next year.

The long-neglected unincorporated pockets suffer from narrow roads, no sidewalks and streetlights, poor drainage and ponding on roadways, and some are in need of water and wastewater hookups.

County leaders dedicated almost half of the \$107 million American Rescue Plan Act funding allocation for Stanislaus to community infrastructure in county pockets in each supervisorial district.

Supervisor Channce Condit expressed concern that Bret Harte neighborhood improvements, set to begin in Fall 2025, are last on the construction schedule. The island projects are expected to go out to bid in October or November.

Condit said it's a sensitive issue for his district, including Ceres and south Modesto, because of recent allegations raised by state Sen. Marie Alvarado-Gil.

"We did have a state senator make some pretty significant allegations regarding certain funding that would go into (Bret Harte improvements)," Condit said, adding the allegations had spread mistrust in that community.

Alvarado-Gil in May accused Condit of violating county ethics and conflict-of-interest policies in connection with the approval of \$5 million in state funding for infrastructure improvements in south Modesto. Alvarado-Gil suggested that Channce Condit leveraged family connections in seeking state funding.

The supervisor is the son of Chad Condit, who was chief of staff for Alvarado-Gil before he was fired by the senator in December. The Condit family has denied any wrongdoing.

County Counsel Tom Boze has said there was nothing wrong with the application for the state funding and the county can use the money.

Condit asked county staff to reconsider the timeline for starting Bret Harte construction. He also favored starting the annexation process for the Parklawn and Bret Harte areas soon after improvements are completed.

With the upgrades, about one-fourth of the Bret Harte area will be prepped for annexation to Modesto, but state laws don't currently allow piecemeal annexation of neighborhoods. Public Works Director David Leamon said getting Local Agency Formation Commission approval for an annexation takes six to nine months.

The updates for specific county island projects were as follows:

- Topeka-Santa Fe Project, Riverbank (District 1). Storm drain improvements, sidewalks, ramps, water and sewer facilities, streetlights and road reconstruction. \$8.31 million in funding. In design phase, with construction anticipated in spring 2025.
- Kenwood-Starr area of Turlock (District 2). Storm drain, streetlights, sidewalks, water and sewer, road work. \$4.72 million in funding. In design phase and set for construction in spring 2025.

## **IN THE NEWS – The Modesto Bee, August 28, 2024- Continued**

- Riverdale Park Tract near Modesto. (District 3). Storm drain, sidewalks, water and sewer, lighting and road construction. \$12 million in funds. In design, with construction anticipated in summer 2025.
- Colorado Rouse area of Modesto (District 4). Storm drain, sidewalks, water and sewer, street lights, road work. \$10 million in funds. In design, with construction to start summer 2025.
- Herndon Project in Ceres (District 4). Storm drain, sidewalks, water and sewer, lighting and road reconstruction. \$4.2 million in funds. Construction to start spring 2025.
- Bret Harte project in Modesto (District 5). Storm drain, sidewalks, streetlights, road reconstruction. \$10 million in funds. In design, with construction to start fall 2025.
- Parklawn Project, south Modesto (District 5). Storm drain, sidewalks, streetlights and road reconstruction. \$6.9 million in funds. In design, with construction to start in fall 2025.

**IN THE NEWS – The Modesto Bee, September 11, 2024**

## **Riverbank residents will vote on housing expansion in 2026. Here's what's planned to west.**

By John Holland

Riverbank voters will wait until November 2026 to consider whether the city should expand to the west.

The City Council voted unanimously Tuesday night to accept a ballot petition from opponents of the 2,400-home River Walk project. It would stretch Riverbank to McHenry Avenue, north of Modesto.

Supporters say River Walk would provide badly needed houses and apartments for a range of ages. Critics argue that the site is prime farmland and that Riverbank has plenty of approved home sites within its current boundaries.

The deadline for the November 2024 ballot was a month ago, so the measure will be part of the next regular election two years hence. Council members balked at holding a special election sooner because of the \$50,000-plus cost.

The measure would not affect River Walk directly. Rather, voters will decide whether to give themselves veto power over future council approvals of westward growth plans.

The leaders in the signature drive include Garry Pearson, who lives in Riverbank and also farms in the area. "This is an extremely important matter to the city and to our future," he told the council Tuesday.

### **HOMES WERE ANNOUNCED THREE YEARS AGO**

River Walk was proposed in 2021 but is still going through the process. A draft environmental impact report was released in January, detailing possible effects on farmland, traffic, water and other concerns. A consultant is now working on a final report addressing the public comments. The timeline has not been announced.

The project would go first to the Riverbank Planning Commission for a recommendation on how the City Council should vote. It also would need consent from the Stanislaus Local Agency Formation Commission, which rules on annexations.

River Walk could get past these hurdles before city residents decide in November 2026 on the veto-power measure. But other steps could come later, such as approval of home designs for each neighborhood.

The ballot language said the measure would apply to any council decisions on "a comprehensive development plan, specific plan or other plan or zoning designation that authorizes or facilitates conversion of agricultural land or open space to urban uses ..."

Placing the initiative on the ballot was one of three options under state law. The council also could have enacted the measure immediately, without voter approval, or ordered a staff report on the effects of limiting development. No member suggested doing either of these.

### **FIRST BALLOT DRIVE FELL SHORT**

This was the second signature drive by the River Walk opponents, a group called Voters for Farmland. The first failed in January after too many invalid names were found on the petition submitted to county Clerk-Recorder Donna Linder.



## **IN THE NEWS – The Modesto Bee, September 11, 2024- Continued**

State law requires signatures from at least 10% of the registered voters in Riverbank, or 1,305. The second petition drew 1,544, City Clerk Gabriela Hernandez told the council Tuesday.

The measure would apply to most home projects beyond the current western limit, about halfway between Coffee and Oakdale roads. It would exempt those for farm workers, as well as projects aimed at meeting a state mandate for low-income housing.

River Walk would take up about two-thirds of a 1,522-acre annexation bounded by McHenry Avenue, Patterson Road and the Stanislaus River. The rest would be deferred for future development decisions.

The proposal involves land owned by numerous farmers in this zone. It includes:

- 1,550 low-density homes, up to eight per acre, on a total of 467 acres
- 702 medium-density homes, up to 16 per acre, on a total of 79 acres
- 180 high-density homes, averaging 18 per acre, on a total of 10 acres
- 72 acres of mixed use
- 69 acres of open space near the river
- 177 acres of parkland and other open space.

### **ROADS, WATER AND OTHER ISSUES GET STUDY**

River Walk proponents have said the project would not worsen traffic or burden the city's water system or other services. They also note that LAFCO would require preservation of a like amount of farmland elsewhere to make up for the loss.

Opponents have said the River Wall site has soil especially well-suited to groundwater recharge during storms. They also noted that Riverbank has more than 6,000 home sites in already-annexed areas. Most of the current building is near the Crossroads shopping center in the southwest corner of town.

Mayor Richard O'Brien has said that he has a general dislike for land-use planning through the ballot box. Before voting Tuesday to place the 2026 measure, he said he recently encountered a signature gatherer who falsely claimed that Riverbank's sewage treatment system was overburdened.

"I would like to see it go forward to the voters and have a balanced amount of information," O'Brien said.



# STANISLAUS LOCAL AGENCY FORMATION COMMISSION MINUTES July 24, 2024

## 1. CALL TO ORDER

*Due to the absence of the Chair and Vice-Chair, Commissioner O'Brien agreed to serve as Acting Chair.*

Chair O'Brien called the meeting to order at 6:01 p.m.

- A. Pledge of Allegiance to Flag. Chair O'Brien led in the pledge of allegiance to the flag.

*Commissioner Withrow arrived at 6:02 p.m.*

- B. Introduction of Commissioners and Staff. Chair O'Brien led in the introduction of the Commissioners and Staff.

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

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

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

## 2. PUBLIC COMMENT

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

## 3. CORRESPONDENCE

- A. Specific Correspondence.

None.

- B. Informational Correspondence.

- 1. 2024/2025 CALAFCO Board of Director Nomination Packets.

**4. DECLARATION OF CONFLICTS AND DISQUALIFICATIONS**

None.

**5. CONSENT ITEMS**

A. **MINUTES OF THE MAY 22, 2024 LAFCO MEETING**

(Staff Recommendation: Accept the Minutes.)

B. **MUNICIPAL SERVICE REVIEW NO. 2024-04 AND SPHERE OF INFLUENCE UPDATE NO. 2024-04 – EASTSIDE WATER DISTRICT:**

The Commission will consider the adoption of a Municipal Service Review (MSR) and Sphere of Influence (SOI) Update for the Eastside Water District. This item is exempt from the California Environmental Quality Act (CEQA) review pursuant to sections 15306 and 15061(b)(3). (Staff Recommendation: Approve the update and adopt Resolution No. 2024-08.)

*Motion by Commissioner Bublak, seconded by Commissioner Withrow, 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. **POLICIES AND PROCEDURES UPDATE.** The Commission will consider a proposed update to the Commission's Policies and Procedures, including amendments to Policy 15, Rule 45, Rule 49, Appendix C, and Section 9. The amendments are minor in nature and reflect corrections and updates to various sections of State law, including the Political Reform Act. The update is a continuing administrative or maintenance activity and is not a "project" for the purposes of the California Environmental Quality Act (CEQA) pursuant to Section 15378(b)(2). (Staff Recommendation: Approve the Policies and Procedures Update and adopt Resolution No. 2024-09.)

Sara Lytle-Pinhey, Executive Officer, presented the item with a recommendation to approve the Policies and Procedures update.

Chair O'Brien opened the Public Hearing at 6:10 p.m.

No one spoke.

Chair O'Brien closed the Public Hearing at 6:10 p.m.

*Motion by Commissioner Withrow, seconded by Commissioner Berryhill and carried with a 4-0 vote to approve the Policies and Procedures update and adopt Resolution No. 2024-09, 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**

Commissioner Withrow apologized for his tardiness. Commissioner Berryhill notes that it is harvest season and to watch out for farm equipment.

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

None.

**10. EXECUTIVE OFFICER'S REPORT**

The Executive Officer informed the Commission of the following:

- Staff approved an out of boundary application from the City of Turlock for the Best Western Orchard Inn and Grizzly Rock Café
- Staff assisted two special districts with maps for their upcoming elections.
- Pre-application meetings have been held for upcoming annexations from Hughson, Waterford and Modesto.
- There are no Public Hearings scheduled for August. Staff suggests canceling the August meeting.

**11. ADJOURNMENT**

- A. Chair O'Brien adjourned the meeting at 6:13 p.m.

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Sara Lytle-Pinhey, Executive Officer

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**MEMORANDUM**

DATE: September 25, 2024  
TO: LAFCO Commissioners  
FROM: Jennifer Vieira, Commission Clerk  
**SUBJECT: Proposed LAFCO Meeting Calendar for 2025**

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**RECOMMENDATION**

Staff recommends that the Commission accept the proposed 2025 LAFCO Meeting Calendar

**BACKGROUND**


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

Attachment: Proposed LAFCO 2025 Meeting Calendar


## LAFCO CALENDAR FOR 2025

### REGULAR MEETING TIME: 6:00 P.M.

| JANUARY   |    |    |    |    |    |    | FEBRUARY |    |    |    |    |    |    | MARCH    |    |    |    |    |    |    | APRIL    |    |    |    |    |    |    |
|-----------|----|----|----|----|----|----|----------|----|----|----|----|----|----|----------|----|----|----|----|----|----|----------|----|----|----|----|----|----|
| Su        | M  | Tu | W  | Th | Fr | Sa | Su       | M  | Tu | W  | Th | Fr | Sa | Su       | M  | Tu | W  | Th | Fr | Sa | Su       | M  | Tu | W  | Th | Fr | Sa |
|           |    |    | 1  | 2  | 3  | 4  |          |    |    |    |    |    | 1  |          |    |    |    |    |    | 1  |          |    | 1  | 2  | 3  | 4  | 5  |
| 5         | 6  | 7  | 8  | 9  | 10 | 11 | 2        | 3  | 4  | 5  | 6  | 7  | 8  | 2        | 3  | 4  | 5  | 6  | 7  | 8  | 6        | 7  | 8  | 9  | 10 | 11 | 12 |
| 12        | 13 | 14 | 15 | 16 | 17 | 18 | 9        | 10 | 11 | 12 | 13 | 14 | 15 | 9        | 10 | 11 | 12 | 13 | 14 | 15 | 13       | 14 | 15 | 16 | 17 | 18 | 19 |
| 19        | 20 | 21 | 22 | 23 | 24 | 25 | 16       | 17 | 18 | 19 | 20 | 21 | 22 | 16       | 17 | 18 | 19 | 20 | 21 | 22 | 20       | 21 | 22 | 23 | 24 | 25 | 26 |
| 26        | 27 | 28 | 29 | 30 | 31 |    | 23       | 24 | 25 | 26 | 27 | 28 |    | 23       | 24 | 25 | 26 | 27 | 28 | 29 | 27       | 28 | 29 | 30 |    |    |    |
|           |    |    |    |    |    |    |          |    |    |    |    |    |    | 30       | 31 |    |    |    |    |    |          |    |    |    |    |    |    |
| MAY       |    |    |    |    |    |    | JUNE     |    |    |    |    |    |    | JULY     |    |    |    |    |    |    | AUGUST   |    |    |    |    |    |    |
| Su        | M  | Tu | W  | Th | Fr | Sa | Su       | M  | Tu | W  | Th | Fr | Sa | Su       | M  | Tu | W  | Th | Fr | Sa | Su       | M  | Tu | W  | Th | Fr | Sa |
|           |    |    |    | 1  | 2  | 3  | 1        | 2  | 3  | 4  | 5  | 6  | 7  |          |    | 1  | 2  | 3  | 4  | 5  |          |    |    |    |    | 1  | 2  |
| 4         | 5  | 6  | 7  | 8  | 9  | 10 | 8        | 9  | 10 | 11 | 12 | 13 | 14 | 6        | 7  | 8  | 9  | 10 | 11 | 12 | 3        | 4  | 5  | 6  | 7  | 8  | 9  |
| 11        | 12 | 13 | 14 | 15 | 16 | 17 | 15       | 16 | 17 | 18 | 19 | 20 | 21 | 13       | 14 | 15 | 16 | 17 | 18 | 19 | 10       | 11 | 12 | 13 | 14 | 15 | 16 |
| 18        | 19 | 20 | 21 | 22 | 23 | 24 | 22       | 23 | 24 | 25 | 26 | 27 | 28 | 20       | 21 | 22 | 23 | 24 | 25 | 26 | 17       | 18 | 19 | 20 | 21 | 22 | 23 |
| 25        | 26 | 27 | 28 | 29 | 30 | 31 | 29       | 30 |    |    |    |    |    | 27       | 28 | 29 | 30 | 31 |    |    | 24       | 25 | 26 | 27 | 28 | 29 | 30 |
|           |    |    |    |    |    |    |          |    |    |    |    |    |    |          |    |    |    |    |    |    | 31       |    |    |    |    |    |    |
| SEPTEMBER |    |    |    |    |    |    | OCTOBER  |    |    |    |    |    |    | NOVEMBER |    |    |    |    |    |    | DECEMBER |    |    |    |    |    |    |
| Su        | M  | Tu | W  | Th | Fr | Sa | Su       | M  | Tu | W  | Th | Fr | Sa | Su       | M  | Tu | W  | Th | Fr | Sa | Su       | M  | Tu | W  | Th | Fr | Sa |
|           | 1  | 2  | 3  | 4  | 5  | 6  |          |    |    | 1  | 2  | 3  | 4  |          |    |    |    |    |    | 1  |          | 1  | 2  | 3  | 4  | 5  | 6  |
| 7         | 8  | 9  | 10 | 11 | 12 | 13 | 5        | 6  | 7  | 8  | 9  | 10 | 11 | 2        | 3  | 4  | 5  | 6  | 7  | 8  | 7        | 8  | 9  | 10 | 11 | 12 | 13 |
| 14        | 15 | 16 | 17 | 18 | 19 | 20 | 12       | 13 | 14 | 15 | 16 | 17 | 18 | 9        | 10 | 11 | 12 | 13 | 14 | 15 | 14       | 15 | 16 | 17 | 18 | 19 | 20 |
| 21        | 22 | 23 | 24 | 25 | 26 | 27 | 19       | 20 | 21 | 22 | 23 | 24 | 25 | 16       | 17 | 18 | 19 | 20 | 21 | 22 | 21       | 22 | 23 | 24 | 25 | 26 | 27 |
| 28        | 29 | 30 |    |    |    |    | 26       | 27 | 28 | 29 | 30 | 31 |    | 23       | 24 | 25 | 26 | 27 | 28 | 29 | 28       | 29 | 30 | 31 |    |    |    |
|           |    |    |    |    |    |    |          |    |    |    |    |    |    | 30       |    |    |    |    |    |    |          |    |    |    |    |    |    |

 **LAFCO MEETINGS – REGULAR TIME: 6:00 P.M.**  
 (4<sup>TH</sup> WEDNESDAY OF EVERY MONTH, WITH THE EXCEPTION OF NOVEMBER & DECEMBER,  
 WHICH ARE COMBINED AND HELD ON THE 1<sup>ST</sup> WEDNESDAY IN DECEMBER)

 **HOLIDAYS**

 CALAFCO STAFF WORKSHOP – TEMECULA (April 30-May 2, 2025)  
 CALAFCO ANNUAL CONFERENCE – SAN DIEGO (October 22-24, 2025)

\* OCTOBER'S REGULARLY SCHEDULED MEETING IS TENTATIVE, AS THE CALAFCO ANNUAL CONFERENCE OVERLAPS THE MEETING DATE.

**MEMORANDUM**

DATE: September 25, 2024  
TO: LAFCO Commissioners  
FROM: Sara Lytle-Pinhey, Executive Officer *SLP*  
SUBJECT: **CALAFCO PROPOSED BYLAWS AMENDMENT**

---

**RECOMMENDATION**

Direct the Executive Officer to submit a “yes” vote on behalf of Stanislaus LAFCO for the California Association of Local Agency Formation Commission’s (CALAFCO’s) proposed bylaws amendment affecting the CALAFCO Board of Directors attendance requirements.

**DISCUSSION**

The CALAFCO Board of Directors is comprised of members representing local LAFCOs throughout the State. Their meetings are held quarterly; however, an issue has developed recently for the Board regarding declining attendance. In July 2024, the Board voted to move forward with a proposed bylaws amendment that would prohibit two consecutive, unexcused absences from CALAFCO Board meetings. The bylaws amendment is intended to encourage the CALAFCO Board of Directors to remain and active and functioning Board.

A change to CALAFCO’s bylaws is subject to a vote of its members, including Stanislaus LAFCO. Upon approval of this item, the Executive Officer will submit a “yes” vote on behalf of Stanislaus LAFCO to CALAFCO.

Attachment: CALAFCO Board of Directors Attendance Change handout

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## OVERVIEW

### What the Proposal Does

Reduces the number of meetings that a Director may miss before being removed from their position from the current 3 absences (9 months of quarterly meetings) to 2 unexcused absences (6 months of quarterly meetings.)

### The Question Before Each Member LAFCo

The Board of Directors is asking the Member LAFCOs to approve a reduction in the number of meetings that a Director may miss before being removed from the CALAFCO Board of Directors.

Each Member has the opportunity to vote on the change to the Bylaws to enact the recommendation.

The Board has already approved the necessary policy changes required, pending Member approval of the Bylaw amendments.

### Cost to Members

None. This attendance change has no effect on costs.

### What Happens Next

Assuming a majority of the members voting approve the Bylaw change, the new attendance criteria will take effect immediately upon approval so as to be in place when the new Board is seated on October 18, 2024.

### The Board of Director's Recommendation

The Board unanimously recommends a **YES** vote.

## PROPOSAL TO THE MEMBERSHIP

# CALAFCO Board of Directors Attendance Change

The CALAFCO Board of Directors is recommending approval of an Association Bylaws amendment that would reduce the number of Board meetings that a director could miss before being removed from their position from three to two absences. Given the Board's quarterly meeting schedule, this reduces the timeframe from nine months of missed meetings, to six months of missed meetings.

## Background

The CALAFCO Board of Directors is composed of sixteen members who are elected to staggered two-year terms. To address Association business, the Board holds quarterly meetings, generally in the months of January, April, July, and October. Director attendance at quarterly meetings is critical given how few meetings the Board holds within a year.

Currently, the CALAFCO Bylaws provide that a Director may be removed from their position if they do not attend 3 meetings, which equates to 9 months or 75% of a calendar year. However, within the last few years, the Board has seen instances of declining attendance and participation among Directors which threatened the depth and breadth of representation present in Board decision-making, but for which there was no recourse.

The Board desires to become a high functioning Board, and recognizes that regular attendance is critical to that goal. Consequently, the Board is recommending that the number of meeting absences be reduced from 3 meetings (or 9 months) to 2 meetings (or 6 months).

California has a rich diversity of perspectives and needs that vary geographically and demographically. Consequently, it is critically important that Board members consistently attend and engage on Association business or make way for those who will.

## Process

Designated delegates of LAFCO members in good standing as of October 16, 2024, will be provided with a ballot to use when the amendment is considered during the Annual Meeting to be held on October 17, 2024, at the Tenaya Lodge in Fish Camp, California. Delegates will cast their ballot to either approve the Bylaws change or to not approve the Bylaws change. A majority vote of the Member LAFCOs in good standing, which are present and eligible to vote is required for adoption of the amendment.

**CALAFCO**  
**Board of Directors**

**Chair**

MARGIE MOHLER  
Napa LAFCO

**Vice Chair**

ACQUANETTA WARREN  
San Bernardino LAFCO

**Treasurer**

GAY JONES  
Sacramento LAFCO

**Secretary**

BLAKE INSCORE  
Del Norte LAFCO

BILL CONNELLY  
Butte LAFCO

KIMBERLY COX  
San Bernardino LAFCO

RODRIGO ESPINOSA  
Merced LAFCO

YXSTIAN GUTIERREZ  
Riverside LAFCO

KENNETH LEARY  
Napa LAFCO

GORDON MANGEL  
Nevada LAFCO

MICHAEL MCGILL  
Contra Costa LAFCO

DEREK MCGREGOR  
Orange LAFCO

ANITA PAQUE  
Calaveras LAFCO

WENDY ROOT ASKEW  
Monterey LAFCO

JOSH SUSMAN  
Nevada LAFCO

TAMARA WALLACE  
El Dorado LAFCO

# PROPOSED CHANGE TO SECTION 4.4 OF BYLAWS ARTICLE IV (DIRECTORS)

## BYLAWS ARTICLE 4.4

4.4 Resignations and Terminations of Directors. Except as provided below, any Director may resign by giving written notice to the President or the Secretary of the Board. The resignation shall be effective when the notice is given unless it specifies a later time for the resignation to become effective. ~~The Board, in its sole discretion, may declare vacant the position of any Director who misses three (3) consecutive meetings of the Board. Such Director, however, first shall be given prior notice of such pending termination and given the opportunity to offer a reason for such absences.~~ **Additionally, two consecutive unexcused absences from regularly scheduled board meetings, as determined by the Board Chair, constitutes a resignation.**

### Questions and More Information

For questions or more information, please contact Margie Mohler, CALAFCO Chair, Acquanetta Warren, CALAFCO Vice Chair, or CALAFCO Executive Director René LaRoche.

California Association of Local Agency Formation Commissions  
1451 River Park Drive, Suite 185  
Sacramento, CA 95815  
916.442.6536 | [www.calafco.org](http://www.calafco.org) | [info@calafco.org](mailto:info@calafco.org)

**EXECUTIVE OFFICER'S AGENDA REPORT  
SEPTEMBER 25, 2024**

**TO: LAFCO Commissioners**

**FROM: Javier Camarena, Assistant Executive Officer**

**SUBJECT: MSR NO. 2024-05, SOI UPDATE 2024-05: MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE FOR THE EAST AND WEST STANISLAUS RESOURCE CONSERVATION DISTRICTS**

**INTRODUCTION**

This proposal was initiated by the Local Agency Formation Commission in response to State mandates that require the Commission to conduct municipal service reviews and sphere of influence updates for all cities and special districts at least once every five years as needed. The current review covers the East and West Stanislaus Resource Conservation Districts. The previous update for these districts was adopted May 22, 2019.

**DISCUSSION**

Both the East and West Stanislaus Resource Conservation Districts (RCDs) are independent "single purpose" special districts organized under the State Public Resources Code, Division 9 (Sections 9000-9078). Each district has a locally appointed volunteer board of directors made up of landowners in that District. Under the Code, a Resource Conservation District may be formed for the control of runoff, the prevention or control of soil erosion, the development and distribution of water, and improvement of land capabilities, wildlife habitat restoration, forest fuel management, conservation education and much more.

The Municipal Service Review and Sphere of Influence Update process provides an opportunity for the Districts to share accurate and current data, accomplishments and information regarding the services they provide. LAFCO Staff sent the previously approved Municipal Service Review and Sphere of Influence document to each of the RCDs for their comments, revisions and updated information. LAFCO Staff also reviews the Districts' most recent audits, current budget, and previous five years of reports from the State Controller's office. Once this data was collected, a revised Municipal Service Review and Sphere of Influence Update document was drafted.

The proposed Municipal Service Review and Sphere of Influence document is attached to this report as Exhibit 1. The relevant factors as set forth by the Cortese-Knox-Hertzberg Act are discussed for each District. No changes are being proposed for the Districts' Spheres of Influence.

**ENVIRONMENTAL REVIEW RECOMMENDATION**

Pursuant to the California Environmental Quality Act (CEQA), the adoption of a municipal service review is considered to be categorically exempt from the preparation of environmental documentation under a classification related to information gathering (Class 6 - Regulation §15306). Further, LAFCO's concurrent reaffirmation of an existing sphere of influence qualifies for a General Exemption as outlined in CEQA Regulation §15061(b)(3), which states:

*The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.*

As there are no land use changes, boundary changes, or environmental impacts associated with the Municipal Service Review and Sphere of Influence Update, a Notice of Exemption is the appropriate environmental document.

**ALTERNATIVES FOR COMMISSION ACTION**

After consideration of this report and any testimony or additional materials that are submitted, the Commission should consider choosing one of the following options:

- Option 1:** APPROVE the Municipal Service Review and Sphere of Influence Update for the East and West Stanislaus Resource Conservation Districts.
- Option 2:** DENY one or more of the updates.
- Option 3:** If the Commission needs more information, it should CONTINUE this matter to a future meeting (maximum 70 days).

**RECOMMENDED ACTION**

**Approve Option 1.** Based on the information presented, Staff recommends approval of Municipal Service Review and Sphere of Influence Update for the East and West Stanislaus Resource Conservation Districts. Therefore, Staff recommends that the Commission adopt Resolution No. 2024-10, which:

1. Determines that the Municipal Service Review and Sphere of Influence Update qualifies for a General Exemption from further California Environmental Quality Act (CEQA) review based on CEQA Regulations §15306 and §15061(b)(3);
2. Makes determinations related to the Municipal Service Review and Sphere of Influence Update as required by Government Code §56425 and §56430; and,
3. Determines that the Spheres of Influence for the East and West Stanislaus Resource Conservation Districts should be affirmed as they currently exist.

*Attachments:*

*Exhibit 1* - Municipal Service Review and Sphere of Influence Update for the East and West Stanislaus Resource Conservation Districts

*Exhibit 2* - Draft Resolution No. 2024-10 (East & West Stanislaus Resource Conservation District)



# **MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE FOR**



## **RESOURCE CONSERVATION DISTRICTS IN STANISLAUS COUNTY**

*Prepared By:*

*Stanislaus Local Agency Formation Commission  
1010 Tenth Street, Third Floor  
Modesto, CA 95354  
Phone: (209) 525-7660*

*Adopted: \_\_\_\_\_*

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# **STANISLAUS**

## **LOCAL AGENCY FORMATION COMMISSION**

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### **COMMISSIONERS**

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

### **STAFF**

Sara Lytle-Pinhey, Executive Officer  
Javier Camarena, Assistant Executive Officer  
Jennifer Vieira, Commission Clerk  
Shaun Wahid, Commission Counsel

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# **Municipal Service Review and Sphere of Influence Update for the East Stanislaus and West Stanislaus Resource Conservation Districts**

## **Introduction**

The Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000 Act (CKH Act) requires the Local Agency Formation Commission (LAFCO) to update the spheres of influence (SOI) for all applicable jurisdictions in the County. A sphere of influence is defined by Government Code 56076 as "...a plan for the probable physical boundary and service area of a local agency, as determined by the Commission." The Act further requires that a municipal service review (MSR) be conducted prior to or, in conjunction with, the update of a sphere of influence (SOI).

The legislative authority for conducting a municipal service review is provided in Government Code Section 56430 of the CKH Act. The Act states, that "in order to prepare and to update spheres of influence in accordance with Section 56425, the commission shall conduct a service review of the municipal services provided in the county or other appropriate area..." MSRs must have written determinations that address the following factors in order to update a Sphere of Influence. These factors were recently amended to include identification of disadvantaged unincorporated communities within or contiguous to the sphere of influence of an agency.

## **Municipal Service Review Factors to be Addressed**

1. Growth and population projections for the affected area
2. The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence
3. Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged, unincorporated communities within or contiguous to the sphere of influence
4. Financial ability of agencies to provide services
5. Status of, and opportunities for, shared facilities
6. Accountability for community service needs, including governmental structure and operational efficiencies
7. Any other matter related to effective or efficient service delivery, as required by commission policy

State Guidelines and Commission policies encourage cooperation among a variety of stakeholders involved in the preparation of a municipal service review. This MSR will analyze both the East Stanislaus and West Stanislaus Resource Conservation Districts (RCDs), and will also provide a basis for the Districts and LAFCO to evaluate, and if appropriate, make changes to the Sphere of Influence.

## **Sphere of Influence Update Process**

A special district is a government agency that is required to have an adopted and updated sphere of influence. Section 56425(g) of the CKH Act calls for spheres of influence to be reviewed and updated every five years, as necessary. Stanislaus LAFCO processes municipal service reviews and sphere of influence updates concurrently to ensure efficient use of resources. For rural special districts, which do not have the typical municipal-level services to review, this document will be used to determine what type of services each district is expected to provide and the extent to which they are actually able to do so. For these special districts, the spheres will delineate the service capability and expansion capacity of the agency, if applicable.

The previous sphere of influence update for the East Stanislaus and West Stanislaus Resource Conservation Districts was adopted in 2019 and proposed no changes to the Districts' SOIs. The current update serves to comply with Government Code Section 56425 and will reaffirm the SOIs for each district.

## **Sphere of Influence Determinations**

In determining a sphere of influence (SOI) of each local agency, the Commission shall consider and prepare determinations with respect to each of the following factors, pursuant to Government Code Section 56425:

1. The present and planned land uses in the area, including agricultural and open-space lands.
2. The present and probable need for public facilities and services in the area.
3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.
4. The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.
5. For an update of a sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

## **Authority**

In California, RCDs are "single purpose special districts" organized under the State Public Resources Code, Division 9. Each district has a locally elected or appointed volunteer board of directors made up of landowners in that district. Under the Code, a resource conservation district may be formed for the control of runoff, the prevention or control of soil erosion, the development and distribution of water, and improvement of land capabilities, wildlife habitat restoration, forest fuel management, conservation education and much more.

Today's RCDs work in urban areas, as well as with farmers and ranchers on agricultural-related concerns. California's size and geographical diversity, along with an ever-growing population, make natural resources stewardship a great challenge in the Golden State.

## **Municipal Service Review – East Stanislaus RCD**

### **Formation**

In 1996, the East Stanislaus Resource Conservation District (RCD) was formed through the consolidation of the following RCDs: Salida, S.T. & J., and portions of the Ballico and La Paloma RCDs in Stanislaus County. The reorganization provided an increased level of service to the properties included within the East Stanislaus RCD and reduced the duplication of effort by the participating districts.

### **Location and Size**

The District is approximately 63,000 acres in size and its boundary consists of those areas formerly within the Salida, S.T. & J., and portions of the Ballico and La Paloma RCDs. This consists of non-contiguous areas throughout the northcentral portion of the County along the Stanislaus River and along the southern boundary of the County in the East Keyes Road and Montpelier Road area. Previous hand-drawn maps of the East Stanislaus RCD boundary incorrectly labeled the entire easterly half of the County as being within the District's boundary and this was long assumed to be the case. Although the remainder of eastern Stanislaus County may benefit from the RCD's services, the area has not yet been annexed by the District

When the District was formed (LAFCO Resolution 96-04), the Sphere of Influence included all the unincorporated territory east of the San Joaquin River within Stanislaus County, excluding areas within city limits and a neighboring RCD. However, since this time, the Commission has recognized the entirety of Eastern Stanislaus County as representing the District's Sphere of Influence, in anticipation of future annexation (see Map 1 - East Stanislaus RCD Boundary and Sphere of Influence).

### **Sphere of Influence**

The District's Sphere of Influence is approximately 577,000 acres.

### **Purpose**

According to the District's website, "The East Stanislaus RCD supports Stanislaus County residents and farmers by providing education and resources to improve the overall health of our communities, our natural systems and agricultural legacy."

The District assists in the following:

- Works with farmers, ranchers and landowners, providing technical and financial assistance for conservation practices.
- Engages and educates the community about preserving natural resources.
- Works to keep water clean for all who use it
- Helps provide local wildlife an create environments where they can thrive.

### **Governance**

Five District Trustees are appointed by the Stanislaus County Board of Supervisors and represent the landowners within the District. Meetings are held on the fourth Thursday of every

month at 1:00pm, in the USDA Modesto Service Center Conference Room, located at 3800 Cornucopia Way, Suite E, Modesto, and are open to the public.

The Board of Directors volunteer their time to establish priority soil and water resource conservation projects and conduct the business of the District. The District has Memoranda of Understandings (MOUs) with the United States Department of Agriculture (USDA) and State Natural Resources Conservation Service. These MOUs provide a framework for providing technical and financial assistance to the District.

### **Personnel**

The East Stanislaus RCD employs an Executive Director who runs the day-to-day operations of the RCD. The Executive Director reports to the Board of Directors at the monthly board meetings. The District also employs additional personnel as needed such as an Agricultural Conservationist, Irrigation Specialist, Soil Health Coordinator, Conservation Outreach Coordinator, Education Outreach Coordinator, Watershed Coordinator as well as Administrative Assistance, Technicians, Project Managers, Project Assistants, and Interns as needed to support various grants and agreements and dependent on available funding. Additionally, the RCD has an established network of support agencies to accomplish its locally developed plans and priorities.

### **Support Agencies**

The District provides and obtains services from many different entities. It maintains a positive collaborative relationship with numerous local, state and federal agencies including the following: United States Department of Agriculture (USDA), State Natural Resources Conservation Service, Secretary of State California's Resources Agency, City and County of San Francisco, Friends of the Tuolumne, Tuolumne River Preservation Trust, water and irrigation districts, UC Cooperative Extension Service, Western United Dairymen, California Poultry Foundation, California State Resource Conservation District, and the West Stanislaus RCD.

### **Funding Sources**

Funding sources for the District include a combination of in-kind services provided by the Board of Directors, volunteers, USDA and other agencies. Additional financial support includes grants from local, state and federal agencies and non-profit foundations, contracted administrative and technical services, fee-for-service programs, and service fees.

Only the former Ballico RCD portion of the consolidated East Stanislaus RCD has a small, but steady revenue source as it receives a portion of the property tax revenue collected. The other portions of the consolidated District rely on volunteers, in-kind staff services, donations and grants obtained from local, state, and federal agencies and non-profit foundations.

### **Services**

The East Stanislaus Resource Conservation District provides the following services:

- Coordinates with local, state and federal agencies and non-governmental organizations to improve irrigation practices on agricultural lands within the Eastern Stanislaus RCD.

- Assists landowners with installation and management of water conservation and water quality practices to reduce soil erosion, sediment delivery and other non-point source pollution of the impaired lower Stanislaus River, lower Tuolumne River and the middle San Joaquin River in Stanislaus County.
- Seeks out financial and technical support for landowners to voluntarily reduce salt, boron, pesticides, sediment, nutrients and other constituents that contribute to low dissolved oxygen to the impaired San Joaquin River.
- Provides an Information and Education Program to enhance the awareness of its programs to the public, as well as assists local schools and other groups (such as 4-H) in conservation activities.
- The District also provides assistance for soil health to address compaction, water infiltration, carbon sequestration, soil stability and erosion, habitat to improve riparian corridors, pollinator habitat on public and private lands, anadromous fish habitat and threatened or endangered species.
- Maintains a website ([www.eaststanrcd.org](http://www.eaststanrcd.org)) with a description of the District, its programs, and current events.
- Continues to support conservation education activities by seeking volunteers or funding for RCD employees to coordinate with local groups, agencies and schools.
- Maintains relationships with the local news media by providing information and /or interviews as requested. Examples include publishing its Annual Report in local newspapers, as well as providing timely news articles on the District's conservation activities to the local news media.

## **Determinations – East Stanislaus Resource Conservation District**

The following are determinations related to the seven factors required by Section 56430 for a Service Review for the East Stanislaus Resource Conservation District:

### **1. Growth and Population Projections for the Affected Area**

The District serves areas in the eastern half of Stanislaus County, consisting of urban, rural, and agricultural uses. The majority of population growth is expected to occur within the existing cities and unincorporated communities of eastern Stanislaus County.

### **2. The Location and Characteristics of Any Disadvantaged Unincorporated Communities Within or Contiguous to the Sphere of Influence**

As the District's Sphere of Influence encompasses the entirety of the County located east of the San Joaquin River, it includes numerous areas that meet the criteria for a disadvantaged unincorporated community (DUC). These include the Riverdale Park Tract, West Modesto (inclusive of the Robertson Road Neighborhood), Empire, the remainder of the Shackelford area, and the Bret Harte, Airport, Rouse, and Parklawn Neighborhoods, all within the City of Modesto's Sphere of Influence. Other disadvantaged unincorporated communities include the Bystrum Neighborhood (within the Sphere of Influence of the City of Ceres), the Cowan Tract, the Monterey Park Tract, and Keyes.

No additional DUCs have been identified within or contiguous to the current District boundary as defined in Section 56033.5 of the CKH Act.

### **3. Present and Planned Capacity of Public Facilities and Adequacy of Public Services, Including Infrastructure Needs or Deficiencies Related to Sewers, Municipal Water and Industrial Water, and Structural Fire Protection in Any Disadvantaged, Unincorporated Communities Within or Contiguous to the Sphere of Influence**

At the present time, the District has both the ability and the capacity to serve its service area. As the RCD does not provide water, sewer, or fire protection services, the District is not responsible for assuring that these services are adequately provided to communities within the District's boundaries.

### **4. Financial Ability of Agencies to Provide Services**

The District appears to have adequate financial resources to deliver services. As the District is grant funded, the budget is planned based on grants and/or agreements currently in place or anticipated for the upcoming year and personnel is budgeted accordingly. The District has been successful in obtaining grant funding for its programs.

### **5. Status of, and Opportunities for, Shared Facilities**

The District has a long history of developing partnerships with local, state and federal agencies to assist the RCD to accomplish locally developed plans and priorities.

**6. Accountability for Community Service Needs, Including Governmental Structure and Operational Efficiencies**

The District is governed by a five (5) member Board of Directors appointed by the Board of Supervisors. The District has an accessible website, and conforms to the provisions of the Brown Act requiring open meetings. No other relevant issues concerning this factor have been identified.

**7. Any Other Matter Related to Effective or Efficient Service Delivery, as Required by Commission Policy**

None.

## SOI Update – East Stanislaus RCD

The following determinations for the East Stanislaus Resource Conservation District's Sphere of Influence update are made in conformance with Government Code Section 56425 and local Commission policy.

### **Determinations:**

#### **1. Present and Planned Land Uses in the Area, Including Agricultural and Open-Space Lands**

The predominate land use is agriculture, as the District is agriculturally based. The District does not have the authority to make land use decisions, nor does it have authority over present or planned land uses within its boundaries. The responsibility for land use decisions within the District boundaries is retained by the County and individual cities.

#### **2. Present and Probable Need for Public Facilities and Services in the Area**

The East Stanislaus RCD performs a unique and vital service to eastern Stanislaus County. It was established to improve riparian habitats, reduce soil erosion and sedimentation, conserve irrigation water, improve water quality, and provide District growers in eastern Stanislaus County with necessary information on the proper management of their natural resource.

The East Stanislaus RCD is presently meeting the needs of the residents and growers within their boundaries. The District's Long-Range Plan includes specific actions to prepare for present and probable facility and service needs within the District and is prepared to meet the needs of their constituents in the years to come.

The present and future public service needs of the lands within the District are characteristic of agricultural areas. The District provides services that will enhance the use of the land for agricultural purposes. The levels of traditional types of urban (municipal) services do not apply to this agriculturally based district.

#### **3. Present Capacity of Public Facilities and Adequacy of Public Services that the Agency Provides or is Authorized to Provide**

The District provides and/or obtains services from many different entities. It maintains positive collaborative relationships with many entities such as: the United States Department of Agriculture (USDA), Farm Service Agency, State Natural Resources Conservation Service, State of California's Resources Agency, City and County of San Francisco, Friends of the Tuolumne, Tuolumne River Preservation Trust, Water and Irrigation Districts, UC Cooperative Extension Service, Western United Dairymen, California Poultry Foundation, California State Resource Conservation District, and West Stanislaus RCD.

The District has adopted a Long-Range Plan that addresses its commitment towards providing services and facilities (such as the Mobile Irrigation Lab), to conserve, improve, and sustain the natural resources in Eastern Stanislaus County.



**4. The Existence of Any Social or Economic Communities of Interest in the Area if the Commission Determines That They are Relevant to the Agency**

There are no social and economic communities of interest affecting the District's ability to provide services to the communities within the District boundaries.

**5. For an Update of a Sphere of Influence of a City or Special District That Provides Public Facilities or Services Related to Sewers, Municipal and Industrial Water, or Structural Fire Protection, the Present and Probable Need for Those Public Facilities and Services of Any Disadvantaged Unincorporated Communities Within the Existing Sphere of Influence**

As the District does not provide services related to sewers, municipal and industrial water or structural fire protection, this factor is not applicable.

## DISTRICT SUMMARY PROFILE

**District:** EAST STANISLAUS RESOURCE CONSERVATION DISTRICT

**Office Location:** 3800 Cornucopia Way, Suite E, Modesto, CA 95358

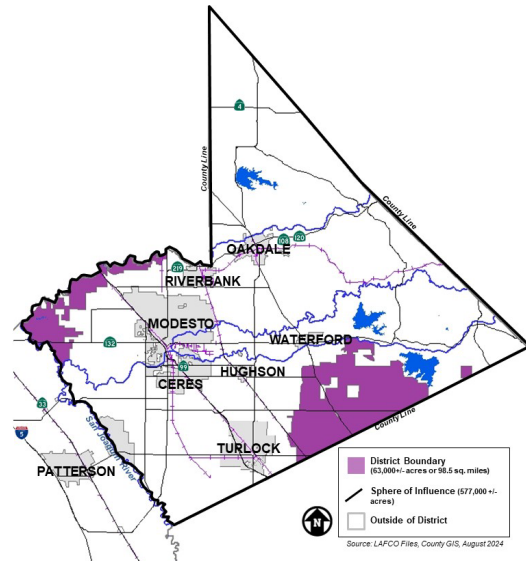
**Service Area:** 577,000± acres  
(District Boundaries / SOI)

**Square Miles:** 901± square miles  
(District Boundaries / SOI)

**Land Use:** Majority Agricultural, with urban and rural areas

**Date of Formation:** April 2, 1996

**Enabling Act:** California Public Resources Code, Division 9, Sections 9000-9978



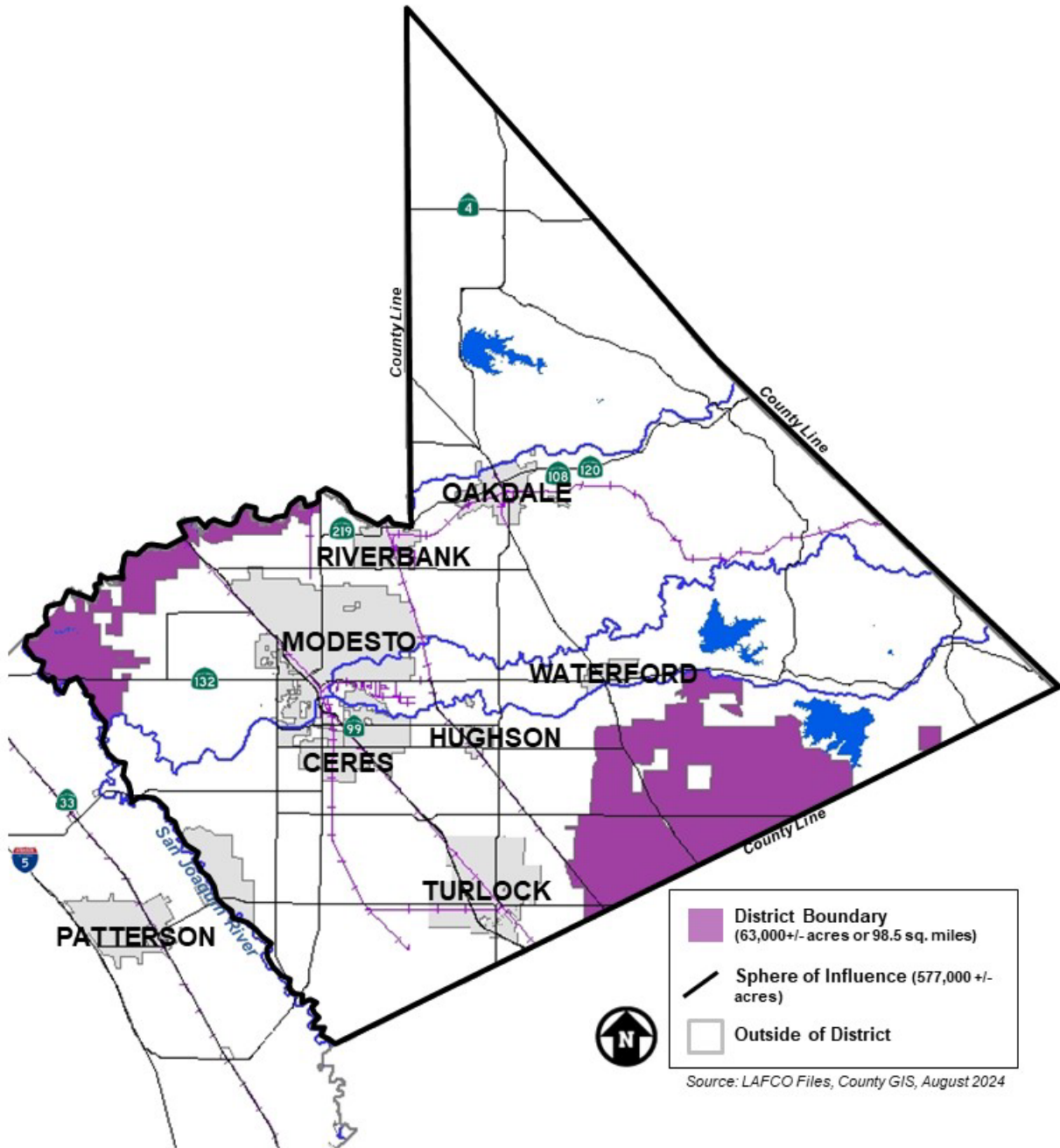
**Governing Body:** 5 District Trustees –  
Must be Landowners within District Boundaries Appointed by the Stanislaus County Board of Supervisors

**Administration:** The District is administered is by a paid Executive Director and Five (5) Trustees, appointed by the Board of Supervisors.

**District Services: (Duties)** Conservation management techniques of water and soil in concert with other public agencies

**Sources:** East Stanislaus RCD, Stanislaus County Board of Supervisors, and Stanislaus LAFCO

# East Stanislaus Resource Conservation District Boundary & Sphere of Influence



## **Municipal Service Review – West Stanislaus RCD**

### **Formation**

The West Stanislaus Resource Conservation District (RCD) was formed through consolidation of the Orestimba (1952) and Patterson (1958) Soil Conservation Districts and through the annexation of adjacent lands in Stanislaus County, west of the San Joaquin River in 1980.

### **Location and Size**

The West Stanislaus RCD includes the area west of the San Joaquin River to the Santa Clara County line and is bordered by San Joaquin County to the north and Merced County to the south. The West Stanislaus Resource Conservation District encompasses approximately 380,000 total acres (or roughly 594 square miles).

### **Sphere of Influence**

The District's Sphere of Influence is approximately 380,000 acres and is coterminous with the District's boundary.

### **Governance**

The District's governing board consists of seven (7) landowners within the District, who are appointed by the Stanislaus County Board of Supervisors. The District holds regular open public meetings on the second Wednesday of each month in their office located at 301 South First Street, in Patterson.

### **Personnel**

The District currently employs one part-time staff member: a District Manager.

### **Funding Sources**

The District receives a limited amount of funds from Stanislaus County property tax revenues. Other funding sources for the District include a combination of in-kind services provided by the Board of Directors, volunteers, USDA and other agencies. Additional financial support includes grants from local, state and federal agencies and non-profit foundations and service fees.

### **Services**

The following are the services provided by the West Stanislaus RCD:

- Provides assistance with installation and management of water conservation and water quality practices to reduce soil erosion, sediment delivery and other non-point source pollution of the San Joaquin River.
- Seeks out financial and technical support for District cooperators to voluntarily reduce salt, boron, selenium, pesticides, sediment and other constituents that contribute to low dissolved oxygen to the San Joaquin River.

- Assists cooperators and irrigation/water districts in implementing water conservation through irrigation and drain water management and systems efficiency evaluations.
- Assists growers to improve irrigation and drain water quality on the Westside, as dictated by federal, state, regulatory agencies and keeps District cooperators abreast of their progress in water quality improvements.
- Works with UC Cooperative staff to find a high school-aged student and fund the student's attendance of "Range Camp", a six day camp at Elkus Ranch where students learn about rangeland management strategy and conservation.
- Has a website that provides basic information on District services and programs (weststanrcd.org)
- Provides local support and facilitation for Patterson CIMIS Station. The District is working with the Department of Water Resources (DWR) to find an appropriate location for a new CIMIS Station on the west side. DWR is responsible for installation, maintenance, and data for the CIMIS Station.
- The District currently contracts with the East Stanislaus Resource Conservation District (ESRCD) for a Resource Technician and has partnered with the ESRCD to apply for grants that benefit countywide implementation.

### **Purpose**

The West Stanislaus RCD was initially established to reduce soil erosion and sedimentation, conserve and preserve irrigation water, improve water quality, and provide District growers with information on the proper management of their natural resources. To meet these goals, the RCD acts as a focal point for landowners and growers to seek information, technical assistance, cost sharing, and administrative assistance on individual and community natural resource conservation concerns.

## **Determinations – West Stanislaus RCD**

The following are determinations related to the seven factors required by Section 56430 for a Service Review for the West Stanislaus Resource Conservation District:

### **1. Growth and Population Projections for the Affected Area**

The District serves the western half of Stanislaus County, consisting of urban, rural, and agricultural uses. The majority of population growth is expected to occur within the existing cities and unincorporated communities of eastern Stanislaus County.

### **2. The Location and Characteristics of Any Disadvantaged Unincorporated Communities Within or Contiguous to the Sphere of Influence**

The District includes a large area encompassing nearly the entire western half of the County, west of the San Joaquin River. This area includes the communities of Westley and Grayson, which are considered disadvantaged unincorporated communities.

### **3. Present and Planned Capacity of Public Facilities and Adequacy of Public Services, Including Infrastructure Needs or Deficiencies Related to Sewers, Municipal Water and Industrial Water, and Structural Fire Protection in Any Disadvantaged, Unincorporated Communities Within or Contiguous to the Sphere of Influence**

At the present time, the District has both the ability and the capacity to serve its service area. As the RCD does not provide water, sewer, or fire protection services, the District is not responsible for assuring that these services are adequately provided to communities within the District's boundaries.

### **4. Financial Ability of Agencies to Provide Services**

The District appears to have adequate financial resources to fund adequate levels of service within the District's boundaries.

### **5. Status of, and Opportunities for, Shared Facilities**

The District has a long history of developing partnerships with local, state and federal agencies to assist the RCD to accomplish locally developed plans and priorities. The West Stanislaus RCD Board and Staff have worked with the East Stanislaus RCD to provide programs that cover the whole county. The District has worked with East Stanislaus RCD to apply funding for pollinator habitat on both public and private lands.

The District has partnered with the Coalition for Urban Rural Environmental Stewardship (CURES) to offer growers free distribution uniformity evaluations, where a technician takes water flow and pressure measurements to find irrigation system inefficiencies.

### **6. Accountability for Community Service Needs, Including Governmental Structure and Operational Efficiencies**

The District is governed by seven (7) landowner "Directors" appointed to 4-year terms by the Board of Supervisors. The District has an accessible website, and conforms to the

provisions of the Brown Act requiring open meetings. The District employs a part-time Secretary who runs the day-to-day operations of the RCD. No other relevant issues concerning this factor have been identified.

**7. Any Other Matter Related to Effective or Efficient Service Delivery, as Required by Commission Policy**

None.

## SOI Update - West Stanislaus RCD

The following determinations for the West Stanislaus Resource Conservation District's Sphere of Influence update are made in conformance with Government Code Section 56425 and local Commission policy.

### **Determinations:**

#### **1. Present and Planned Land Uses in the Area, Including Agricultural and Open-Space Lands**

The predominant land use is agriculture, as the District is agriculturally based. The District does not have the authority to make land use decisions, nor does it have authority over present or planned land uses within their boundaries. The responsibility for land use decisions within the District boundaries is retained by the County and individual cities.

#### **2. Present and Probable Need for Public Facilities and Services in the Area**

The West Stanislaus Resource Conservation District performs a unique and vital service to western Stanislaus County. It was established to reduce soil erosion and sedimentation, conserve and preserve irrigation water, improve water quality, and provide the District growers in western Stanislaus County with necessary information on the proper management of their natural resource.

The West Stanislaus RCD is presently meeting the needs of the residents and growers within their boundaries. The territory is located in the unincorporated portion of western Stanislaus County and as such does not provide traditional urban type services.

The present and future public needs within the District are characteristic of agricultural areas. The District provides services that will enhance the use of the land for agricultural purposes. The levels of traditional types of urban (municipal) services does not apply to this agriculturally based district.

#### **3. Present Capacity of Public Facilities and Adequacy of Public Services that the Agency Provides or is Authorized to Provide**

The District provides and/or obtains services from many different entities. It maintains positive collaborative relationships with the USDA Natural Resources Conservation Service (NRCS), Farm Service Agency (FSA), University of California Cooperative Education (UCCE), Irrigation/Water and Drainage Districts, private landowners, the cities/communities on the west side and the County Public Works Department.

#### **4. The Existence of Any Social or Economic Communities of Interest in the Area if the Commission Determines That They are Relevant to the Agency**

The District's territory and sphere of influence is within unincorporated agricultural areas of the County and therefore, there are no communities of interest in the area.



**5. For an Update of a Sphere of Influence of a City or Special District That Provides Public Facilities or Services Related to Sewers, Municipal and Industrial Water, or Structural Fire Protection, the Present and Probable Need for Those Public Facilities and Services of Any Disadvantaged Unincorporated Communities Within the Existing Sphere of Influence**

As the District does not provide services related to sewers, municipal and industrial water or structural fire protection, this factor is not applicable.

## DISTRICT SUMMARY PROFILE

District: **WEST STANISLAUS RESOURCE CONSERVATION DISTRICT**

Office Location: 301 South First Street, Patterson, CA 95363  
(Mailing: P.O. Box 193, Patterson, CA 95363)

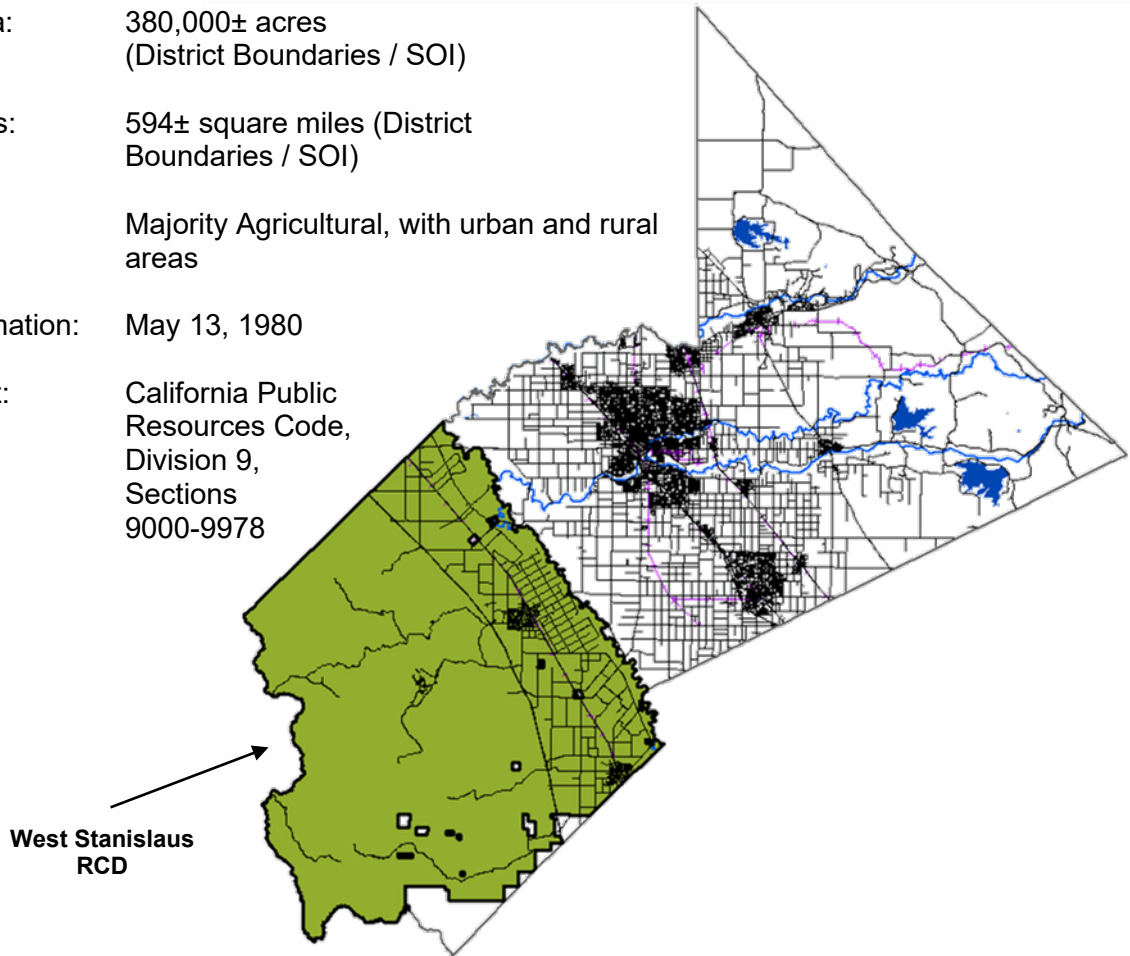
Service Area: 380,000± acres  
(District Boundaries / SOI)

Square Miles: 594± square miles (District Boundaries / SOI)

Land Use: Majority Agricultural, with urban and rural areas

Date of Formation: May 13, 1980

Enabling Act: California Public Resources Code, Division 9, Sections 9000-9978



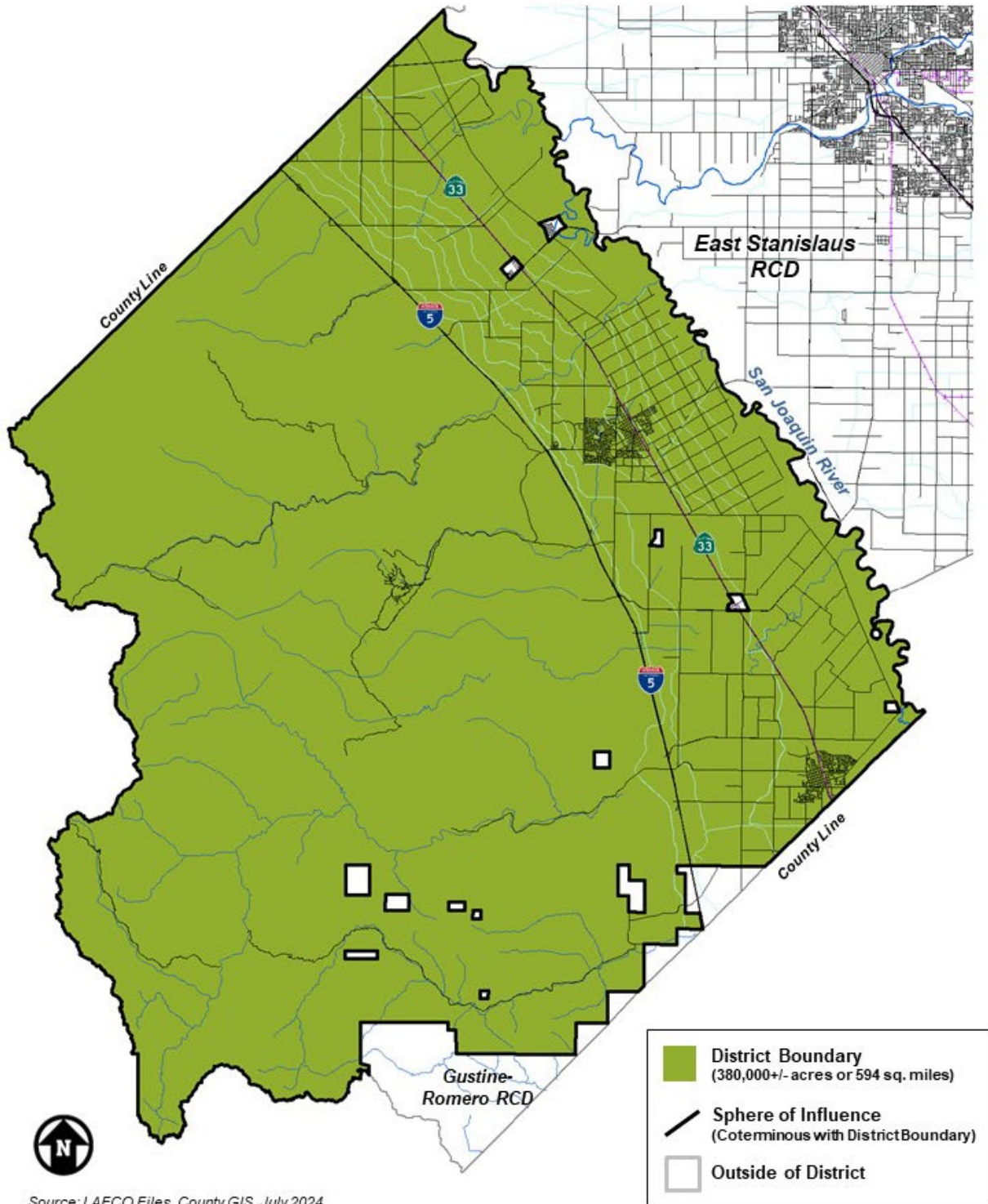
Governing Body: 7 Directors –  
Must be Landowners within District Boundaries Appointed by the Stanislaus County Board of Supervisors

Administration: 1 – Part time District Manager

District Services: Conservation management techniques of water and soil in concert with other public agencies  
(Duties)

Sources: *West Stanislaus RCD, Stanislaus County Board of Supervisors, and Stanislaus LAFCO*

# West Stanislaus Resource Conservation District Boundary & Sphere of Influence



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## REFERENCES

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1. California Association of Resource Conservation Districts (CARCD). *A District Runs Through it - A Guide to Locally Led Conservation Projects*. November 2005.
2. California Association of Resource Conservation Districts (CARCD). Website ([www.carcd.org](http://www.carcd.org)). Accessed July 8, 2024.
3. California State Controller's Office, *Special Districts Financial Data, East Stanislaus Resource Conservation District Revenues & Expenditures 2022*. Website ([www.bythenumbers.sco.ca.gov](http://www.bythenumbers.sco.ca.gov)).
4. East Stanislaus Resource Conservation District. Website ([www.eaststanrcd.org](http://www.eaststanrcd.org)). Accessed July 8, 2024.
5. Stanislaus LAFCO. *Municipal Service Review and Sphere of Influence Update for the East Stanislaus and West Stanislaus Resource Conservation Districts*. May 22, 2024.
6. West Stanislaus Resource Conservation District. *Financial Statements and Independent Auditor's Report*. Year ended December 31, 2022.
7. West Stanislaus Resource Conservation District. Website ([www.weststanrcd.org](http://www.weststanrcd.org)). Accessed July 8, 2024.

**DRAFT**

**STANISLAUS COUNTY LOCAL AGENCY  
FORMATION COMMISSION**

**RESOLUTION**

**DATE:** September 25, 2024

**NO.** 2024-10

**SUBJECT:** Municipal Service Review No. 2024-05 and Sphere of influence Update No 2024-05: East and West Stanislaus Resource Conservation Districts

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**, a Service Review mandated by California Government Code Section 56430 and a Sphere of Influence Update mandated by California Government Code Section 56425, has been conducted for the East and West Stanislaus Resource Conservation Districts, in accordance with the Cortese-Knox-Hertzberg Reorganization Act of 2000;

**WHEREAS**, at the time and in the form and manner provided by law, the Executive Officer has given notice of the September 25, 2024 public hearing by this Commission on this matter;

**WHEREAS**, the subject document is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Sections 15306 and 15061(b)(3) of the State CEQA Guidelines;

**WHEREAS**, Staff has reviewed all existing and available information from the District and has prepared a report including recommendations therein, and related information as presented to and considered by this Commission;

**WHEREAS**, the Commission has duly considered the draft Municipal Service Review and Sphere of Influence Update on the East and West Stanislaus Resource Conservation Districts and the determinations contained therein;

**WHEREAS**, the East and West Stanislaus Resource Conservation Districts were established to provide resource conservation services within their boundaries;

**WHEREAS**, pursuant to Government Code Section 56425(i), the range of services provided by the East and West Stanislaus Resource Conservation Districts are limited to those as identified above, and such range of services shall not be changed unless approved by this Commission; and

**WHEREAS**, no changes to the Districts' Spheres of Influence are proposed or contemplated through this review.

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

1. Certifies that the project is statutorily exempt under the California Environmental Quality Act (CEQA) pursuant to Sections 15306 and 15061(b)(3) of the State CEQA Guidelines.
2. Approves the Service Review prepared in compliance with State law and update of the East and West Stanislaus Resource Conservation Districts' Spheres of Influence, and written determinations prepared by the Staff and contained herein.
3. Determines that except as otherwise stated, no new or different function or class of services shall be provided by the Districts, unless approved by the Commission.
4. Determines, based on presently existing evidence, facts, and circumstances filed and considered by the Commission, that the Spheres of Influence for the East and West Stanislaus Resource Conservation Districts should be affirmed as they currently exist, as more specifically described on the maps contained within the Service Review document.
5. Directs the Executive Officer to circulate this resolution to all affected agencies, including the East and West Stanislaus Resource Conservation Districts.

**ATTEST:** \_\_\_\_\_  
Sara Lytle-Pinhey, Executive Officer

**EXECUTIVE OFFICER'S AGENDA REPORT  
SEPTEMBER 25, 2024**

TO: LAFCO Commissioners

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

**SUBJECT: DISCUSSION & DIRECTION REGARDING POLICY 15 – OUT-OF-BOUNDARY SERVICE CONTRACTS OR AGREEMENTS**

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**RECOMMENDATION**

It is recommended that the Commission receive the following information and provide direction to Staff as needed regarding Commission Policy 15 – Out-of-Boundary Service Contracts or Agreements.

**BACKGROUND**

Government Code section 56133 (attached in full as Exhibit A) requires cities and special districts to first request written approval from the Commission prior to extending services outside their jurisdictional boundaries. The section describes two situations where the Commission may authorize service extensions:

- (1) For proposals *within* a city or district sphere of influence: in anticipation of a later change of organization (e.g. annexation).
- (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 residents in the affected territory.

In order to carry out the requirements of Government Code section 56133, Stanislaus LAFCO has adopted Policy 15 (attached as Exhibit B) that outlines factors for Commission consideration during review of out-of-boundary service extensions. Policy 15 also delegates approval authority to the Executive Officer in limited circumstances.

Stanislaus LAFCO receives approximately 8-10 out-of-boundary service applications per year on average. The majority of these qualify for Executive Officer-level review. However, as these types of applications become more frequent, it is important to review the Commission's current policies related to out-of-boundary service extensions.

**DISCUSSION**

While LAFCO is commonly known for processing annexations to cities and districts, service extension requests have become a frequent application type over the last decade. Out-of-boundary service applications are a request by a city or district to provide service (typically sewer and/or water) outside its boundaries as an alternative to annexation. While annexation is the Commission's preferred method for provision of services, these out-of-boundary requests represent an exception that can be appropriate in certain situations (e.g. where there is an immediate health and safety need or where annexation of the area is not currently feasible).

**Executive Officer Review**

The Commission's adopted Policy 15 currently grants authority to the Executive Officer to review and approve out-of-boundary service extensions "in cases where the service extension is proposed



to remedy a clear health and safety concern for existing development” (emphasis added). Where the Executive Officer recommends denial or where the proposal will serve new development, the application must be forwarded to the Commission for review.

As accessory dwelling units (ADUs) become more common, these can sometimes trigger a need for a property to connect to sewer or water service, potentially requiring an out-of-boundary review at the Commission level as “new development.” Similarly, additions to existing homes or replacement of a home could also trigger Commission-level review, which was likely not the original intent of the section. The Commission may consider expanding the definition of service extensions that can be approved by the Executive Officer to also accommodate these types of requests.

The current delegation of approval authority does not distinguish between types of uses and as such, the Executive Officer also has the ability to approve requests for connections to existing commercial/industrial development where there is an identified health and safety issue. At this time, Staff must rely on its own determination of whether the extension may also be considered growth-inducing when considering potentially referring the application to the Commission.

### **Areawide Approvals**

Policy 15 includes a section allowing the Commission to approve service extensions to entire areas or neighborhoods. This section was significantly updated in 2013, in order to ensure that individual properties in Commission-approved areas did not need to return with additional service requests for infill development. The Commission has approved numerous areawide out-of-boundary service requests to accommodate various unincorporated islands or neighborhoods necessitating water or sewer service, all in anticipation of future annexation. Staff has not identified any issues with the current policies for areawide approvals and anticipates additional applications in unincorporated areas, including those scheduled for improvements and associated service extensions under the County’s American Rescue Plan Act (ARPA) program.

### **State Consolidations**

Recent legislation has granted authority to the State Water Resources Control Board to mandate “consolidations” or connections of failing water or sewer providers with nearby public systems. Although these are intended to serve existing uses to address health and safety issues, the service connections can also require miles of new water or sewer lines extending into previously unserved areas. While LAFCO has limited discretion regarding these approvals, the effectuating of the connection (either through out-of-boundary process or annexation) is still required. LAFCO maintains the ability to condition these approvals, as it often does, to discourage unintended impacts (e.g. growth inducement). Additionally, while the basis of these requests is health and safety, Staff is cautious about using the Executive Officer approval delegation for any request that could be considered growth-inducing or warrant additional Commission discussion.

### **Exemptions**

Government Code section 56133(e) outlines a number of exemptions to the requirement for an out-of-boundary approval, including: any extended service a city or district was providing prior to 2001, transfers of nonpotable water, and agencies with service agreements providing like-for-like services in previously authorized areas. Some LAFCOs have identified issues with agencies interpreting this section independently and “self-exempting” by not consulting with or notifying



LAFCO prior to providing the service. Staff has not yet found this to be an issue in Stanislaus County. Staff regularly monitors various agencies' agendas for potential service extensions that may require LAFCO review. In a few instances, Staff has observed a city or district overlook the LAFCO requirement during their approval process (which is then remedied by a letter from LAFCO to that city or district informing them of the requirement). As a best practice, Staff encourages any city or district who may have questions about whether LAFCO review is required to consult with Staff first. For example, we regularly receive inquiries from cities to verify whether a property may already be in an area-wide approval area or whether the application will require review at a Staff or Commission level.

### **Applications & Fees**

Staff recently made improvements to the application for out-of-boundary service extensions in order to simplify the application process and clarify the information needed in order for the Commission or Executive Officer to make a determination. The fees for out-of-boundary service applications were adopted by the Commission earlier this year during review of the entire fee schedule. The fees are currently as follows:

|                                      |         |
|--------------------------------------|---------|
| Executive Officer Review             | \$ 500  |
| Commission Review                    | \$2,000 |
| Areawide Proposal (Multiple Parcels) | \$2,500 |

Staff regularly reviews these fees to ensure they are reflective of actual time spent.

### **CONCLUSION**

This report is being provided for the Commission's information and as an opportunity for discussion and direction to Staff. The Commission may take any of the following actions:

1. Receive the information and discuss any potential concerns regarding Policy 15.
2. Direct Staff to return with proposed modifications or clarifications to the Policy as needed.

*Attachments:* Exhibit A - Government Code Section 56133  
Exhibit B - Commission Policy 15

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# **EXHIBIT A**

**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) 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 B**

### **Commission Policy 15**

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

*(Amended July 24, 2024)*

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 224.3 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.