

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Planning and Community Development

BOARD AGENDA # *D-1

Urgent

Routine

AGENDA DATE November 2, 2010

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval of the Finding that the City of Modesto's Sphere of Influence Expansion for the Jennings Road Wastewater Treatment Facility is Logical and Orderly

STAFF RECOMMENDATIONS:

1. Approve the finding that the City of Modesto's proposed sphere of influence expansion is logical and orderly; and,
2. Direct the Chief Executive Officer to notify the Local Agency Formation Commission of the County's agreement with the expansion request.

FISCAL IMPACT:

Following the annexation, the City will no longer be required to pay County property tax assessments. The reduction in taxes is approximately \$101,000 per year based on 2009 tax figures.

BOARD ACTION AS FOLLOWS:

No. 2010-686

On motion of Supervisor O'Brien, Seconded by Supervisor Monteith
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Monteith, DeMartini, and Chairman Grover

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

DISCUSSION:

California Government Code Section 56425 requires that at least 30 days prior to submitting an application to the Local Agency Formation Commission (LAFCO) for an expansion of a sphere of influence, that representatives of the city meet with county representatives to discuss the proposed sphere and its boundaries. These discussions are intended to help the city and county reach agreement on proposed boundaries, development standards, and zoning requirements within the sphere. They are further intended to ensure that development within the sphere reflects the concerns of the city and is accomplished in a manner that promotes the logical and orderly development of areas within the sphere. If an agreement is reached, the agreement is to be forwarded to the LAFCO.

Project Description. The City of Modesto is proposing a General Plan Amendment, Prezone, Annexation and Sphere of Influence (SOI) Amendment for 15 Assessor Parcels totaling approximately 4,690 acres for the existing Wastewater Treatment Plant (WWTP). A portion of the Jennings Wastewater Treatment Plant (three parcels, 103 acres) was annexed into the City on December 30, 1969. This project includes the annexation of the remainder of the existing Treatment Plant, and adjacent City-owned properties.

As a result of these actions, the entire 4,793 acre site will be uniformly zoned P-D (592) following the annexation. P-D (592) will allow the following uses: structures or grounds operated by a government agency, including but not limited to: wastewater treatment and storage facilities, reclaimed water and bio-solids disposal area, agricultural operations, law enforcement firing range, compost facility and other ancillary uses approved by the City Council. As part of the annexation application, the Sphere of Influence would be amended to reflect the change in City boundaries.

Assessment. City staff prepared an Initial Study Environmental Checklist, No. EA/C&ED 2009-19, which concludes that the proposed annexation is within the scope of the City's Wastewater Master Plan Update Master EIR (SCH No. 2006052076), and that pursuant to Section 21157.1(b) of California Environmental Quality Act (CEQA), no new environmental review is required.

The subject site is bounded to the west by the San Joaquin River, and to the north, east and south by agricultural uses. The site is designated as "Agriculture" on the Stanislaus County General Plan and is zoned "General Agriculture" (A-2-40). The historic use of the subject site has been for agriculture and wastewater treatment. All of the properties are owned by the City of Modesto, and there are no active Williamson Act contracts on any of the parcels.

The City staff report to the City Council from July 6, 2010 is included as Attachment 1.

On August 7, 2009, staff from both the City and County met to review the City's proposed sphere expansion and annexation. This included staff from the Chief Executive's Office, and Departments of Planning and Community Development, Public

Works, and Environmental Resources representing the County and staff from the Departments of Community and Economic Development and Public Works representing the City. Discussions revolved around the City's need for expansion around the existing sewer treatment plant.

Two primary issues were identified at the meeting. First, the City's original proposal was to zone the property "Low Density Residential" (R-1). County staff was concerned that an "R-1" zoning designation might allow incompatible uses. The City has since modified their proposal to designate the land as "Planned Development", limiting uses to those specifically associated with the treatment facility.

The second concern was in relation to the roadways and future expansion and maintenance responsibilities. The County identified the need for additional rights-of-way along West Main as it is currently planned to be a five-lane facility. Additionally, the County identified a potential to protect the flexibility in defining future possible alignment alternatives for a "South County Transportation Corridor" extending from Fulkerth or Monte Vista. The City desired an alternative to incorporate pipelines and other utilities in and on any structural improvements that the County may construct (such as the West Main bridge across the San Joaquin River). County and City staff have negotiated a draft Memorandum of Understanding (MOU) that addresses the various roadway concerns and will present the MOU in a separate Board of Supervisors action.

Based on the discussion above, County staff is in agreement that the proposed City of Modesto Sphere of Influence expansion is both logical and orderly. If the Board of Supervisors concurs, it is recommended that the Board of Supervisors direct County staff to notify LAFCO of the County's agreement with this application.

POLICY ISSUES:

The Board should determine if the review and conclusions in the proposed sphere of influence expansion are consistent with its priorities of striving for the Efficient Delivery of Public Services and Effective Partnerships.

STAFFING IMPACT:

There are no staffing impacts associated with this item.

CONTRACT PERSON:

Kirk Ford, Planning and Community Development Director. Telephone: (209) 525-6330

ATTACHMENTS:

1. City of Modesto City Council Staff Report dated July 7, 2010
2. City of Modesto City Council Resolution No. 2010-344
3. Map of Proposed City of Modesto Waste Water Treatment Plant Annexation



**CITY OF MODESTO
COUNCIL AGENDA REPORT**

DATE OF MEETING:

7/6/2010

June 14, 2010

TO: Mayor & City Council

THROUGH: Greg Nyhoff, City Manager

FROM: H. Brent Sinclair, AICP
Director of Community and Economic Development; and
Dennis Turner, Director of Public Works

SUBJECT: ANX-07-001 and PDZ-09-002, Jennings Wastewater Treatment Facility Annexation, Amendment to the Sphere of Influence and prezone to Planned Development Zone, P-P-D(592), agreements with the Westport and Mountain View Fire Districts, and a Memorandum of Understanding with Stanislaus County

CONTACT: David Wage, Associate Planner
dwage@modestogov.com, (209) 577-5302

Gary DeJesus, Deputy Director of Public Works
gdejesus@modestogov.com, (209) 577-6255

DESCRIPTION:

Consider approval of the following actions:

Prezoning the Jennings Wastewater Treatment Plan to Planned Development Zone, P-P-D(592), property located approximately seven miles southwest of the Modesto City Limits on the south side of Keyes Road, west of Vivian Road. (Funding Source: Sewer Fund)

Approving an application to the Stanislaus Local Agency Formation Commission to amend Modesto's Sphere of Influence and annex 4,690 acres of property located approximately seven miles southwest of the Modesto city limits on the south side of Keyes Road, West of Vivian Road. (Funding Source: Sewer Fund)

Approving an agreement between the City of Modesto and the Mt. View Fire Protection District for the provision of services following the annexation of the Jennings Wastewater Treatment Plant. (Funding Source: Sewer Fund)

Approving an agreement between the City of Modesto and the Westport Fire Protection District for the provision of services following the annexation of the Jennings Wastewater Treatment Plant. (Funding Source: Sewer Fund)

Approving a Memorandum of Understanding with the County of Stanislaus regarding the dedication of right-of-way along West Main Street, the future maintenance of Jennings Road and cooperation on future transportation studies for the South County Corridor. (Funding Source: Sewer Fund)

FISCAL IMPACT:

Following the annexation, the City will no longer be required to pay County property tax assessments. The reduction in taxes will represent an annual savings of \$101,000 based on 2009 tax figures. The City has negotiated agreements with the Westport and Mountain View Fire Districts for amounts of \$1,500 and \$6,000 annually to continue fire and life safety services for the facility. As part of a Memorandum of Understanding with the County, the City is required to maintain a 2.8 mile section of Jennings Road from North Main Street to the north property line of city owned property near the Westport Drain channel. The agreements with the fire districts and the maintenance costs for Jennings Road will be paid from the Sewer Fund. The project will have a net positive fiscal impact.

BACKGROUND:

Project Description

A portion of the Jennings Wastewater Treatment Plant (three parcels, 103 acres) was annexed into the City on December 30, 1969. This project includes the annexation of the remainder of the Treatment Plant, 15 parcels totaling 4,690 acres. The area to be annexed is not contiguous with the existing City boundaries and would be annexed pursuant to Government Code 56742, which allows for the annexation of non-contiguous territory used for wastewater facilities. The project does not include new development or the expansion of any onsite facilities. The City's compost facility and the Modesto Police Department firing range are also located on the subject property and would be included in the annexation.

The 103 acres which was annexed into the City in 1969 is zoned Low-Density Residential, R-1. In 1995, the City attempted to annex and prezone 51.1 acres of the Jennings Wastewater Treatment Plant. The Council approved the pre zoning of 51.1 acres to P-P-D(506); however, the annexation was not completed. As part of the subject application, the 51.1 acres previously pre zoned to P-P-D(506) will be amended to a prezone of P-P-D(592). The 103 acres annexed to the City and zoned R-1, will be rezoned to P-D(592). The remainder of the property, 4,638.9 acres will be pre zoned Planned Development Zone, P-P-D(592). As a result of these actions, the entire 4,793 acre site will be uniformly zoned P-D(592) following the annexation. P-D(592) will allow the following uses: Structures or grounds operated by a government agency, including but not limited to: wastewater treatment and storage facilities, reclaimed water and bio-solids disposal area, agricultural operations, law enforcement firing range, compost facility and other ancillary uses approved by the City Council.

As part of the annexation application, the Sphere of Influence would be amended to reflect the change in City boundaries.

Memorandum of Understanding

Prior to scheduling the item for a City Council hearing date, City staff met with County staff to discuss issues regarding Sphere of Influence Boundaries, development standards and zoning requirements, as required by Government Code Section 56425(a). As part of the discussions, County staff expressed a desire to acquire 27 feet of right-of-way on each side of West Main Street to facilitate the future South County Corridor. As part of the Memorandum of Understanding (MOU), the City would offer the County an irrevocable offer of dedication for the right-of-way. In addition, the City would agree to cooperate and participate in future transportation studies for the South County Corridor.

As a condition of annexation, LAFCO typically requires cities to annex the entire street right-of-way that is adjacent to the property being annexed. The MOU includes a provision consistent with this requirement, whereby the City will maintain the 2.8 mile section of Jennings Road north of West Main Street to the north property line of city owned property near Westport Drain channel. This section of Jennings Road is adjacent to the city owned property that will be included in annexation. The proposed maintenance of this section of Jennings Road is consistent with LAFCO requirements.

Fire Protection Districts

There are two Fire Protection Districts (Districts) serving the area to be annexed, the Mountain View Fire Protection District and the Westport Fire Protection District. As a result of meetings and discussions with representatives from each of the Districts and the Modesto Fire Department, it was agreed that the two Districts serving the area should continue to serve the area following the annexation.

The Districts assess taxes based on square-footage of area they serve. The assessments on the Jennings Plant will discontinue following the annexation, since the City will no longer pay property taxes on the subject property. To compensate the Districts for their continued services, the City has reached separate agreements with the Districts to provide an annual reimbursement based on taxes collected in 2009. In 2009, the Westport Fire District agreed to a compensation amount of \$1,500.00, while the Mountain View Fire District agreed to a compensation amount of \$6,000.00. The Agreements would require the City to annually compensate the Districts for the above amounts.

Tax Sharing

The property is subject to the Master Property Tax Sharing Agreement between the City of Modesto and the County of Stanislaus, which became effective April 9, 1996. However, the property to be annexed is owned by the City and property taxes will no longer be collected following the annexation. As noted above, special agreements have been established with two Fire Protection Districts for their continued services.

Plan for Services

Pursuant to State law, staff has prepared a plan for services demonstrating the City's ability and means to serve the project (see Attachment No. 1, Exhibit "C"). The areas of traffic, wastewater, water, storm-water, solid waste, fire protection and police protection are covered by the plan for services.

COMMITTEE RECOMMENDATION:

This matter comes to the Council on recommendation from the Planning Commission. At the July 20, 2009 meeting, the Commission voted in favor of a motion recommending that the Council adopt a resolution of application to the Stanislaus Local Agency Formation Commission to annex the Jennings Plant, amend Modesto's Sphere of Influence. At the September 14, 2009 meeting, the Commission voted in favor of a motion recommending amendment to the Zoning Map to prezone the Jennings Plant to Planned Development Zone, P-P-D(592), as described in the background section above. These recommendations are reflected in the attached ordinance and resolutions.

CEQA/NEPA REQUIREMENTS:

Staff has prepared an Initial Study Environmental Checklist, No. EA/C&ED 2009-19, which concludes that the proposed annexation is within the scope of the Wastewater Master Plan Update Master EIR (SCH No. 2006052076), and that pursuant to Section 21157.1(b) of CEQA, no new environmental review is required.

STRATEGIC PLAN ELEMENT:

There are no policies in the City of Modesto Strategic Plan that are directly related to the proposed project. However, the project is consistent with General Plan Policy III.C.1.e, which calls for the annexation and expansion of the Jennings Plant as appropriate and as needs dictate.

RECOMMENDED COUNCIL ACTION:

Introduction of an Ordinance Amending Sections 33-4-8, 32-4-8, 5-5-8, 4-5-8, 3-5-8, 9-5-8, 10-5-8, 11-5-8, 16-5-8, 15-5-8, 14-5-8, 22-5-8, 23-5-8 of the Zoning Map of the City of Modesto to: prezone from General Agriculture, A-2-20 to Planned Development Zone, P-P-D(592), rezone from Low Density Residential, R-1, to Planned Development Zone, P-D(592) and amend rezoning from Planned Development Zone, P-P-D(506) to Planned Development Zone, P-P-D(592), property located approximately seven miles southwest of the Modesto City Limits on south side of Keyes Road, west of Vivian Road (Owner Initiated – Uninhabited)

Adoption of a resolution approving the filing of an application with the Stanislaus Local Agency Formation Commission to amend Modesto's Sphere of Influence and Annex 4,690 acres of property located approximately seven miles southwest of the Modesto City limits on the south side of Keyes Road, west of Vivian Road (Owner Initiated – Uninhabited)

Adoption of a resolution approving an Agreement between the City of Modesto and the Mt. View Fire Projection District for the provision of services following the annexation of the Jennings Wastewater Treatment Plant Located at 7007 Jennings Road to the City of Modesto; and authorizing the City Manager, or his designee, to execute the Agreement (City of Modesto)

Adoption of a resolution approving an Agreement between the City of Modesto and the Westport Fire Projection District for the provision of services following the annexation of the Jennings Wastewater Treatment Plant Located at 7007 Jennings Road to the City of Modesto; and authorizing the City Manager, or his designee, to execute the Agreement (City of Modesto)

Adoption of a resolution approving a Memorandum of Understanding with the County of Stanislaus regarding the dedication of right-of-way along West Main Street, the future maintenance of Jennings Road and cooperation on future transportation studies for the South County Corridor; and authorizing the City Manager, or his designee, to execute the Agreement.

Adoption of a resolution finding that the following project is within the scope of the project covered by the Wastewater Master Plan Update Master Environmental Impact Report (Sch No. 2006052076): Filing of an application with the Stanislaus Local Agency Formation Commission to amend Modesto's Sphere of Influence and Annex 4,690 Acres, and amending Sections 33-4-8, 32-4-8, 5-5-8, 4-5-8, 3-5-8, 9-5-8, 10-5-8, 11-5-8, 16-5-8, 15-5-8, 14-5-8, 22-5-8, 23-5-8 of the Zoning Map of the City of Modesto to: prezone from General Agriculture, A-2-20 to Planned Development Zone, P-P-D(592), rezone from Low Density Residential, R-1, to Planned Development Zone, P-D(592) and amend rezoning from Planned Development Zone, P-P-D(506) to Planned Development Zone, P-P-D(592), property located approximately seven miles southwest of the Modesto City Limits on south side of Keyes Road, west of Vivian Road (City of Modesto)

Approved by:

H. Brent Sinclair, AICP
Director of Community & Economic Development

Dennis, Turner
Public Works Director

Greg Nyhoff, City Manager

Attachments: City Council Ordinance
City Council Draft Resolutions
Planning Commission Resolution No. 2009-19
Panning Commission Resolution No. 2009-25
Planning Commission Minutes, July, 20, 2009 Item
Planning Commission Minutes, September 14, 2009 Item B
Planning Commission Agenda Report, July 20, 2009, Item A
Planning Commission Agenda Report, September 14, 2009, Item B

**MODESTO CITY COUNCIL
RESOLUTION NO. 2010-344**

RESOLUTION APPROVING FILING OF AN APPLICATION WITH THE STANISLAUS LOCAL AGENCY FORMATION COMMISSION TO AMEND MODESTO'S SPHERE OF INFLUENCE AND ANNEX 4,690 ACRES OF PROPERTY LOCATED APPROXIMATELY SEVEN MILES SOUTHWEST OF THE MODESTO CITY LIMITS ON THE SOUTH SIDE OF KEYES ROAD, WEST OF VIVIAN ROAD (OWNER INITIATED – UNINHABITED)

WHEREAS, the City of Modesto is the owner of approximately 4,793 acres of real property on which the City's Jennings Wastewater Treatment Plant (Jennings Plant) was constructed, located approximately seven miles southwest of the Modesto city limits on the south side of Keyes Road, West of Vivian Road, and

WHEREAS, a portion of the Jennings Plant totaling 102.7 acres was annexed into the City on December 30, 1969, and

WHEREAS, the City desires to annex to the City and include in the Modesto Sphere of Influence, the unincorporated area of the Jennings Plant, and

WHEREAS, the City of Modesto has initiated annexation of the remainder of the Jennings Plant, 15 parcels totaling 4,690 acres ("property"), to the City of Modesto under the Cortese-Knox-Hertzberg Local Reorganization Act of 2000, California Government Code Section 56000, et seq, and

WHEREAS, California Government Code Section 56742 allows the annexation of noncontiguous territory which is used by a city for the reclamation, disposal and storage of treated wastewater, and

WHEREAS, Government Code Section 56428 authorizes any person or local agency to file a written request with the Executive Officer of its Local Agency Formation Commission ("LAFCO") to amend a sphere of influence, and

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

WHEREAS, the City of Modesto Police Department has indicated they are able to
adequately serve the site, and

WHEREAS, it is desired to provide that the proposed annexation be subject to the
following terms and conditions:

- (a) Said property will continue to be included in the Mountain View and Westport Fire Protection Districts.
- (b) Said property will be served by the City of Modesto Police Department.

WHEREAS, the reasons for this proposed sphere of influence amendment and
annexation to the City of Modesto are as follows:

- (a) The City of Modesto as property owner has initiated the project.
- (b) The proposed project is consistent with the Urban Area General Plan.
- (c) The proposed project will allow for the future orderly and efficient expansion of the existing Jennings Plant; and

WHEREAS, pursuant to Government Code Section 56653, a plan for providing
services is set forth in **Exhibit "C"**, **attached** hereto and by this reference incorporated
herein, and

WHEREAS, on July 20, 2009, Planning Commission held a duly noticed public
hearing in the Chambers, Tenth Street Place, 1010 Tenth Street, Modesto, California to
consider the proposed Resolution of Application for an amendment to the City's sphere
of influence and annexation of the Property, and

WHEREAS, after said public hearing, the City of Modesto Planning Commission adopted Resolution No. 2009-19, recommending to the City Council that they adopt the Resolution of Application for an amendment to add the Property to the City's sphere of influence and annexation of the Property to the City of Modesto, and

WHEREAS, said matter was set for public hearing of the City Council to be held on July 6, 2010, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed annexation and sphere of influence amendment, and

WHEREAS, an Initial Study Environmental Checklist (Environmental Assessment No. EA/C&ED 2009-19) was prepared by the City of Modesto that analyzed whether the proposed subsequent project may cause any significant effect on the environment that was not examined in the Wastewater Master Plan Update Master EIR,

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

1. The foregoing recitals are true and correct.
2. That the proposed sphere of influence amendment and annexation are consistent with the Modesto Urban Area General Plan, because they are consistent with General Plan Policy III.C.1.e, which calls for the annexation and expansion of the Jennings Plant as appropriate and as needs dictate.
3. The Property proposed to be annexed to the City of Modesto is uninhabited, and a description of the boundaries of the subject Property is set forth in **Exhibits "A" and "B," attached** hereto and by this reference incorporated herein.
4. An agreement for the sharing of property taxes for the Property was approved by the Master Property Tax Agreement entered into between the County of Stanislaus and City of Modesto which was approved by Council Resolution No. 96-170 on April 9, 1996.

5. The Property is not subject to a Williamson Act Contract pursuant to Government Code Section 51200, et seq.
6. The proposed annexation will allow for the orderly and efficient expansion of the existing Jennings Plant; and
7. The proposed sphere of influence amendment and annexation is within the scope of the Wastewater Master Plan Update Master EIR (SCH No. 2006052076) and has been adequately analyzed by the EIR.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts this Resolution of Application for an amendment to add the Property to the City of Modesto's sphere of influence and for annexation of the Property to the City of Modesto.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that:

1. The City of Modesto as the owner of land within the affected Property has given written consent to the annexation and therefore, pursuant to California Government Code Section 56663 (c)(1), the City Council hereby consents to a waiver of conducting authority proceedings.
2. Pursuant to Government Code Section 56653, the City Council submit the plan for providing services as set forth in **Exhibit "C," attached** hereto and by this reference incorporated herein.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 4th day of August, 2010, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Olsen, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
SUSANA ALCALA WOOD, City Attorney

APPROVED AS TO LEGAL DESCRIPTION

By  _____
Community & Economic Development Department

Exhibit "A"
Written Legal Description

JENNINGS ROAD ANNEXATION

LEGAL DESCRIPTION

All that certain property situate, lying, and being portions of Sections 32, 33, and 34, Township 4 South, Range 8 East, Mount Diablo Base and Meridian, and portions of Sections 2, 3, 4, 5, 9, 10, 11, 14, 15, 16, 22, and 23, Township 5 South, Range 8 East, Mount Diablo Base and Meridian, lying in the County of Stanislaus, State of California, and being more particularly described as follows:

BEGINNING at the intersection of the northeasterly bank of the San Joaquin River with the north line of Section 5, Township 5 South, Range 8 East, said point being 1940.61 feet west of the Northeast corner of said Section 5, measured along the north line of said Section 5, thence the following twenty three (23) courses:

- 1) South 89°59'19" East 120.00 feet, along the north line of said Section 5, to the southwesterly corner of that certain tract of land commonly identified as Assessor's Parcel 17-61-14; thence
- 2) North 31°17'15" East 2196.48 feet, along the northwesterly line of the aforementioned tract of land, to the northerly corner thereof; thence
- 3) South 57°40'55" East 563.69 feet, along the northeasterly line of the aforementioned tract of land, also being along the southwesterly line of Parcel 1, as shown on that certain Parcel Map filed in Book 9 of Parcel Maps, at Page 93, Stanislaus County Records, to the southerly corner of said Parcel 1, also being a point on the northerly line of the Westport Drain; thence
- 4) North 47°46'05" East 175.78 feet, along the northerly line of said Westport Drain, to an angle point in said northerly line; thence
- 5) South 81°49'46" East 965.70 feet, continuing along said northerly line; thence
- 6) North 77°00'15" East 1979.94 feet, continuing along said northerly line; thence
- 7) South 52°48'45" East 1635.36 feet, continuing along said northerly line; thence
- 8) North 84°06'15" East 1220.77 feet, continuing along said northerly line; thence
- 9) South 46°52'45" East 1616.86 feet, continuing along said northerly line; thence
- 10) South 89°33'45" East 2608.68 feet, continuing along said northerly line; thence

- 11) South 80°03'55" East 300.00 feet, continuing along said northerly line; thence
- 12) South 89°33'45" East 1212.42 feet, continuing along said northerly line, to the intersection of said northerly line with the east right-of-way line of Jennings Road, said east right-of-way line being 20.00 feet east, measured at a right angle, of the east line of said Section 2, Township 5 South, Range 8 East; thence
- 13) South 00°26'32" West 2686.49 feet, along the east right-of-way line of said Jennings Road, being parallel with and 20.00 feet east, measured at a right angle, of the east line of said Section 2, to a point on the south right-of-way line of Zeering Road; thence
- 14) South 90°00'00" West 20.00 feet, along the south right-of-way line of said Zeering Road, to a point on the east line of said Section 2; thence
- 15) South 00°26'32" West 2593.63 feet, along the east line of said Section 2, to a point on the north right-of-way line of Monte Vista Avenue, said north right-of-way line being 30.00 feet north, measured at a right angle, of the north line of said Section 11, Township 5 South, Range 8 East; thence
- 16) South 89°29'02" East 2646.38 feet, along the north right-of-way line of said Monte Vista Avenue, being parallel with and 30.00 feet north, measured at a right angle, of the north line of said Section 11, to a point on the northerly extension of the north-south $\frac{1}{4}$ section line of said Section 11; thence
- 17) South 00°27'47" West 5317.77 feet, along said north-south $\frac{1}{4}$ section line, and northerly extension thereof, to the south $\frac{1}{4}$ corner of said Section 11; thence
- 18) South 89°31'26" East 2646.67 feet, along the south line of said Section 11, to the southeast corner of said Section 11; thence
- 19) South 00°07'48" West 2641.61 feet, along the east line of said Section 14, Township 5 South, Range 8 East, to the east $\frac{1}{4}$ corner of said Section 14; thence
- 20) South 00°08'00" West 2642.52 feet, along the east line of said Section 14, to the southeast corner of said Section 14; thence
- 21) South 00°26'51" West 5309.76 feet, along the east line of said Section 23, Township 5 South, Range 8 East, to the southeast corner of said Section 23; thence
- 22) North 89°44'09" West 1759.80 feet, along the south line of said Section 23, to the intersection of the south line of said Section 23 with the northeasterly bank of the aforementioned San Joaquin River; thence

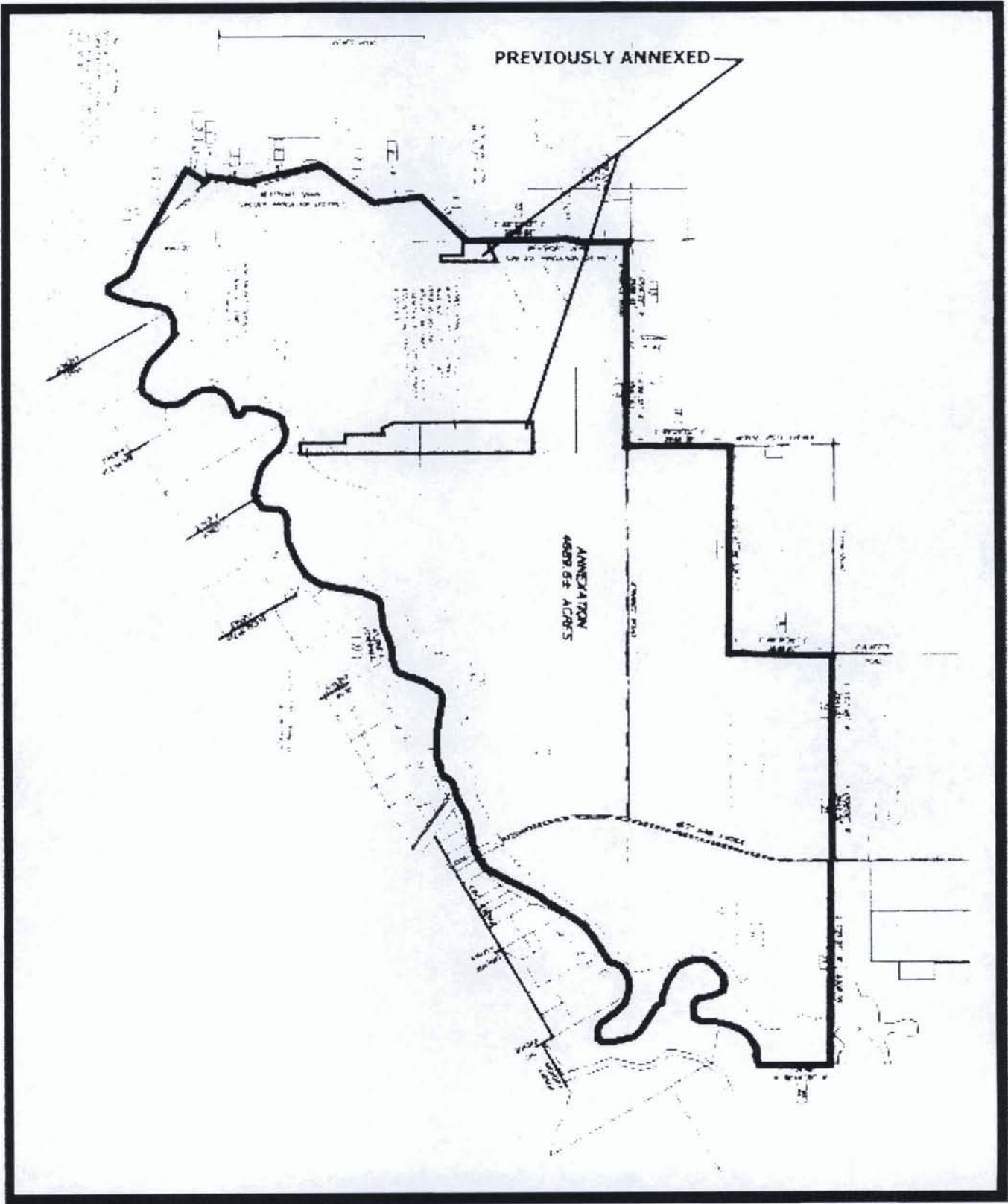
23) Meander downstream in a northwesterly direction along the northeasterly bank of said San Joaquin River 40280 feet, more or less, to the point of beginning.

EXCEPTING THEREFROM all that certain real property annexed to the City of Modesto by the Jennings Addition, filed December 30, 1969, in Volume 2308 of Official Records, at Page 377, Stanislaus County Records.

Containing a total of 4689.6 acres, more or less.

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

Exhibit "B"
Annexation Proposal Map



PROPOSED SITE MAP

Exhibit "C"
Plan for Service

SECONDARY WASTEWATER TREATMENT PLANT REORGANIZATION PLAN FOR PROVIDING SERVICES

Pursuant to Government Code Section 56653, the following Plan for Services to be extended to the affected territory has been prepared for the Secondary Wastewater Treatment Plant Reorganization.

- A. The project site is located east of, and adjacent to, the San Joaquin River. The City of Modesto is proposing to annex 15 City owned parcels totaling approximately 4,690 acres. The City of Modesto's Secondary Wastewater Treatment Facility is located on the subject property. The area proposed to be annexed is not contiguous with the existing City boundaries and would be annexed pursuant to Government Code 56742, which allows for the annexation non-contiguous territory used for wastewater facilities. The annexation does not include the expansion of any onsite facilities. Staff has prepared an Initial Study, Environmental Checklist No. EA/C&ED 2009-19, which concludes that the proposed annexation is within the scope of the Wastewater Master Plan Update Master EIR (SCH No. 2006052076), and that pursuant to Section 21157.1(b) of CEQA, no new environmental review is required. As part of the approval, community facilities and services were analyzed in detail in Initial Study and Finding of Conformance (C&ED No. 2009-19). These services include traffic and circulation, waste water collection, water delivery, storm water drainage, solid waste disposal, schools, parks, fire protection, and police protection. The City of Modesto is a full service city that intends to provide the following services:
1. Traffic and Circulation: The external roadway network is already constructed. The operation of some of the facilities could increase the number of vehicle trips to and from the facility site. The facilities require periodic review and maintenance, but would not generate significant levels of new trips. Overall, any increases in traffic generated by operation and maintenance of these facilities would be minimal, and would not result in noticeable increases in traffic on adjacent streets, and operational impacts are expected to be less than significant.
 2. Waste Water Collection: The area to be annexed is the site of City's Secondary Wastewater Treatment Plant. The build out of the treatment facilities will not generate additional wastewater. The site will be used to expand the wastewater treatment capacity for the Modesto urban area.
 3. Water Delivery: The operation of the Secondary Wastewater Treatment Plant would not result in a substantial increase in the demand for water resources, as the collection system would collect and convey wastewater and would not use any water resources. The advanced treatment facilities proposed for the Secondary Plant would provide water that would be suitable for most uses if any water were needed.

4. Storm Water Drainage: The site is currently regulated under the Stanislaus County Storm water Program. Annexing this property to the City of Modesto will cause all activities occurring at this site to be subject to the Modesto Municipal Code Storm water Ordinance Title 5, Chapter 10.
5. Solid Waste Disposal: The Secondary Treatment Plant does not generate solid waste that needs to be removed offsite. The advanced treatment process at the Secondary Plant generates biosolids, which are discharged to facultative ponds onsite. The City's Ranch land included in the proposed annexation is designed to accommodate the disposal of all generated solid waste.
6. Fire Protection: Upon reorganization, the annexation area will continue to be served by the Mountain View and Westport Fire Protection Districts. The Westport Fire Protection District serves the areas north of West Monte Vista Avenue, and the Mountain View Fire Protection District serves the areas south of West Monte Vista Avenue. Almost all of the structures at the Secondary Plant and Ranch are located north of West Monte Vista Avenue. Response time for fire service calls that emanate from the Secondary Plant and Ranch north of West Monte Vista Avenue range from 8 to 10 minutes during the day and 3 to 4 minutes at night. The fire station that responds to service calls to this portion of the Secondary Plant and Ranch is located at 5160 S. Carpenter Road and is part of the Westport Fire Protection District.

Response times for fire service calls that emanate from the Secondary Plant and Ranch south of W. Monte Vista Avenue range from 8 to 10 minutes during the day and from 3 to 4 minutes at night. The fire station that responds to service calls from this portion of the Secondary Plant and Ranch is located in the town of Crows Landing at the intersection of Crows Landing Road and W. Main Street and is part of the Mountain View Fire Protection District.

The two fire protection districts serving the area currently receive property tax revenues; however, these revenues will be discontinued upon annexation. The Westport Fire Protection District receives \$1,500.00 in property tax revenues each year, while the Mountain View Fire Protection District receives \$6,000.00 each year. The City and the Districts have established separate agreements where the Westport District will invoice the City \$1,500.00 each year to compensate for the lost revenues and the Mountain View District will invoice the City \$6,000.00 each year. In return, the Districts will continue to provide fire and emergency medical services.

7. Police Protection:
In the event of an in progress emergency call or alarm activation at the subject site, the Stanislaus County Sheriff's Department will be dispatched as a first responder. If an investigation is necessary, the Modesto Police Department will handle the investigation.

B. Level and range of services

The City of Modesto is a full service provider of municipal services and intends to provide the complete service for those areas identified above.

C. When services be provided?

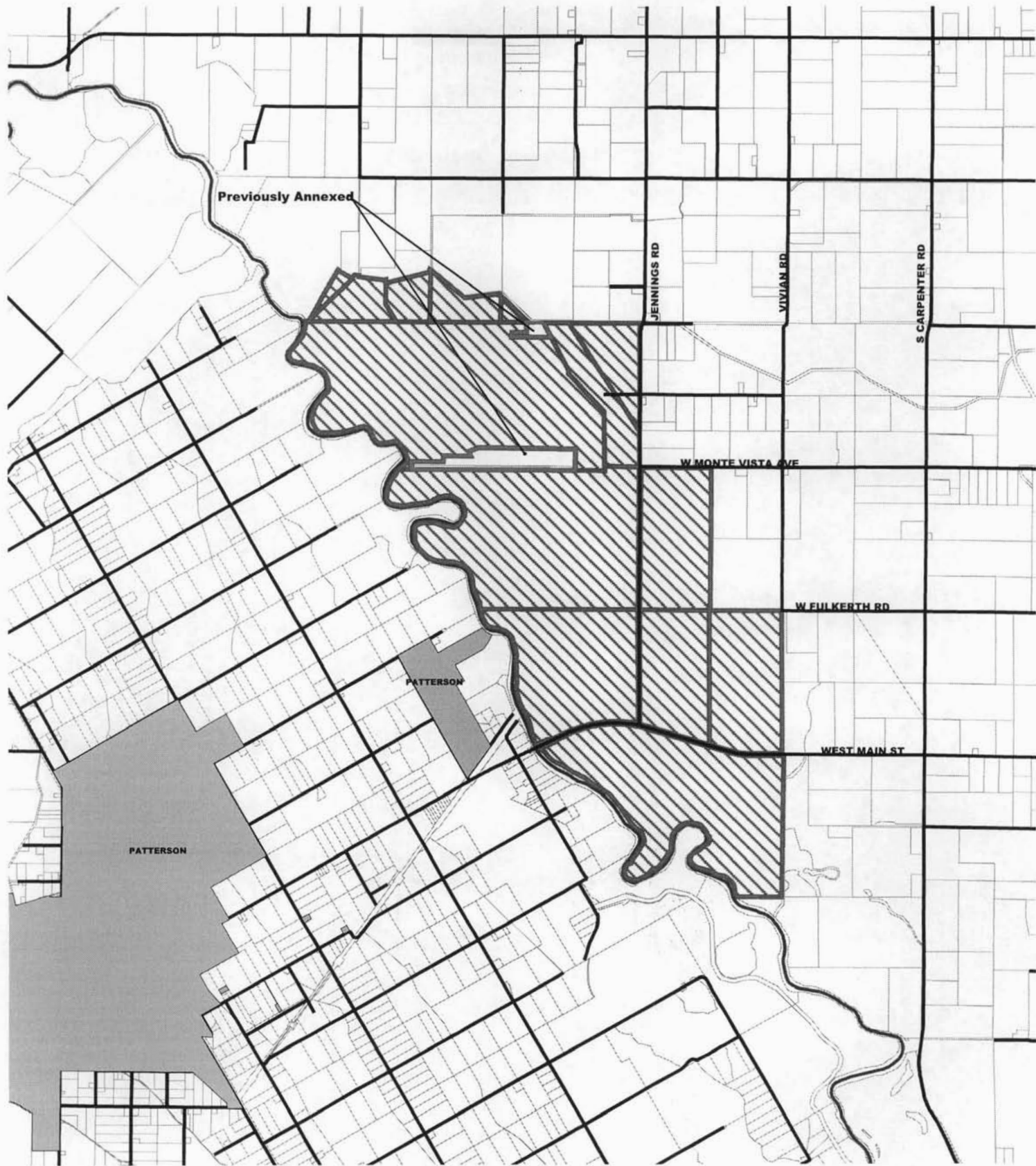
The above-described services can be provided upon the effective date of annexation.

D. Improvements required as a condition of reorganization

No improvements are required as a condition of reorganization.

E. How will services be financed?

Services will be financed through City fees.



**Proposed City of Modesto Waste Water Treatment Plant Annexation
October 2010**

