

**"ANNEXATION"**  
*ANSWERS TO YOUR MOST  
COMMONLY ASKED QUESTIONS*



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- **Measures A and M - what are they and why can't I vote?**

In 1979, the citizens of Modesto passed the Growth Management Initiative Act known as Measure A. This Act requires the City to hold an advisory vote of the citizens of Modesto prior to extending sewer trunks into areas outside the Current Sewer Service Area. Subsequent to Measure A, the voters passed the Modesto Citizens Growth Management Act of 1995, also known as Measure M. Measure M expands the advisory election required by Measure A to apply uniformly to all development, rather than apply to some development. Consistent with this purpose, the required advisory election applies not only to sewer trunk line extensions, but also to all sewer improvements, and not only to the expansion of urban development into the Planned Urbanizing Area of the City's General Plan, but also to all expansion of urban development except non-residential.

Measures A and M were initiated and passed by the voters to give the citizens of Modesto a direct voice in City decisions concerning whether to allow the expansion of urban development. For clarification, “expansion of urban development” means approval or authorization of urban development requiring amendment of the City's General Plan, amendment or approval of a Comprehensive or Specific Plan, approval of zoning or rezoning, or other legislative land-use decision, such as annexation, by the City.

Measures A and M apply indirectly to the incorporation (annexation) of new territory into the City of Modesto, by requiring that an advisory vote of the citizens of Modesto be held prior to extending sewer improvements to new areas with five or more dwelling units. Measure M does not apply to non-residential areas.

- **What is “annexation”?**

Annexation is the term used to describe the “attachment or addition of territory to a city or district”. It often results in a change to a political boundary line between a city and county and may affect the level and responsibility for certain public services being provided to residents, business owners, and property owners within the affected territory.

In California, the annexation of territory to a city or district is governed by the State Government Code. These state laws were established “to encourage orderly community growth and development which is essential to the social, fiscal, and economic well-being of the state”.

In addition, these state laws also established special boards, within each county to review and approve all annexation proposals. These special boards are termed Local

Agency Formation Commissions, or LAFCOs (see “What is LAFCO” below). In order to annex territory to the City of Modesto, the Stanislaus County Local Agency Formation Commission must review and authorize the requested annexation.

- **What is the benefit of annexing to the City of Modesto?**

The motive or desire to annex to any city or district varies from individual to individual. While some people may find little benefit in annexation, generally speaking, when a single property owner requests annexation he or she is motivated by a potential increase in property value. The availability of city utility services is the most common reason that a property's value increases. For instance, an undeveloped parcel of land zoned for commercial activities has a much greater value if public sewer, water, and storm drain systems are available within the public street fronting the property. While some property owners may have no desire to develop their property further at this time, the availability of city services is still generally a benefit. These services, when and if desired gives property owners greater options on how his or her land may be used in the future.

Some owners of existing businesses or residences may also be motivated by the increased safety and shortened response times from a city's police or fire protection services. Generally, response times from a city's police or fire services are shorter when compared to the county law enforcement agency or a rural volunteer fire department's response times.

The following are just a few of the benefits of annexing to the City:

- The Modesto Police Department provides excellent full-service municipal Police enforcement to City residents and businesses. Community oriented policing is provided with an area command center in each quadrant of the City, as well as a “City Hall at the Mall”.
- The Modesto Fire Department also provides excellent full-service municipal Fire protection and Emergency Medical System first responder service to City residents and businesses. The average response time citywide is under five minutes. The fire Insurance Services Office (ISO) rating for the City of Modesto is a Class two (2). A lower ISO rating generally means lower costs for fire insurance.
- The City's Recreation and Neighborhoods Department provides full-service municipal parks and recreation facilities and programs including: neighborhood and community parks with baseball, soccer, tennis, swimming and bicycle trails, golf courses and John Thurman Field. For new areas outside the existing City boundaries, existing neighborhood parks will be brought up to City standards, and/or new parks will be constructed as the area develops.

- **What happens to my farm after I annex? Can I still have animals?**

Upon annexation, planning and zoning authority would be transferred from the County to the City of Modesto. Generally, for rural residents annexing to the City, you may continue the use of land or activity that is legally in existence under the current County Zoning Ordinance at the time of annexation. This continuation of existing legal uses and activities is allowed upon annexation to the City regardless of the zoning of your property or properties adjoining yours. However, any substantial change in character or use of that property may be required to meet current City laws.

- **Will I be required to connect to city utilities if my property is annexed?**

Connection to quality City treated water will be available after annexation, however you may continue to use any existing well(s) indefinitely as long as they meet state health standards.

Connection to City Sewer Service may be an advantage of annexing. If existing City sewer lines are “available” to your property (within 100 feet) you must connect within five years after annexing. Otherwise, connection is not normally required until sewer becomes available (per Modesto Municipal Code, Section 5.6-303). Sewer connection cost varies from property to property and the fee portion may be paid by adding it to your monthly utility bill. For general cost information please contact the City’s Building and Development Services Division at 577-5232.

- **Will my taxes increase if my property is annexed?**

In the State of California, the local property tax rate is set at the rate of one percent (1%) of the assessed valuation of your property. Your property tax rate is not affected by a change in territory and, by law, cannot be reassessed solely because of annexation. Reassessments, or changes to your property tax liability is generally allowed only upon the sale or development of the property regardless of whether the property is in the City or County.

The City of Modesto currently levies a utility users tax of six percent (6%) on cable, phone, electric and gas use which funds general services including police (there is a cap for industrial/commercial users). Refund opportunities are available to senior citizens and permanently disabled persons. Please contact the City of Modesto Finance Department at 577-5395 for details.

Businesses will pay a quarterly business license tax based on the type of business, plus an annual business license fee. Please contact the City of Modesto Finance Department, at 577-5381 for additional information.

- **What is LAFCO?**

From city limits to mosquito abatement districts, Local Agency Formation Commissions (LAFCOs) are independent regulatory commissions created by the California Legislature to control the boundaries of cities and most special districts. LAFCOs regulate boundaries for three reasons:

- 1) To encourage the orderly formation of local governmental agencies.
- 2) To discourage urban sprawl.
- 3) To preserve prime agricultural land.

LAFCOs regulate the boundaries of cities and most special districts. LAFCOs oversee local government boundaries on behalf of the state because they are “closer to the people” and because they are more efficient than having multiple local agencies controlling their own boundaries.

- **What do LAFCOs do?**

LAFCO’s have both regulatory and planning powers. They provide oversight over boundary changes to encourage and provide well-ordered development. Whenever there is a proposal for a change of organization or reorganization (annexation), LAFCO must review the proposal. The Commission holds a public hearing and either approves or denies the proposal. LAFCO may also attach additional terms and conditions to the proposal.

LAFCO’s also plan. They develop and maintain spheres of influence for local governments within their jurisdiction. When LAFCOs review boundary changes, they make sure the changes of organization and reorganizations coincide with the current spheres of influence.

- **Why are boundary changes important?**

Boundaries assign physical space and define the “identities” of local governments. If boundaries change, the “identities” of these local governments change as well. Boundaries also decide which local government can tax an area. If a city’s boundary changes, the residents subject to that city’s taxes also change.

Local governments have corporate powers, or the powers to raise revenue and to provide services only within their defined boundaries. If a boundary changes, a local agency’s applicability of its corporate powers also changes to include the new area.

- **Who runs LAFCO?**

LAFCO is an independent regulatory commission operating at the county-level that receives its powers directly from the Legislature. A LAFCO is not a County agency.

LAFCO has its own governing body that does not fall under the authority of the county board of supervisors.

State law spells out LAFCO's membership. The standard membership for a LAFCO is two county supervisors, two city council members, and one public member. Every LAFCO also has an executive officer that prepares reports for the commissioners. The Stanislaus County LAFCO is composed of the following individuals:

- Supervisor Paul Caruso
- Supervisor Tom Mayfield
- Mayor Pat Kuhn, City of Oakdale
- Councilmember John Lazar, City of Turlock
- Johh Shores, member at large.

For more information concerning the Stanislaus Local Agency Formation Commission, please call 525-7660.

- **Questions**

If you have further questions about annexation, please contact the City of Modesto Community Development Department – Planning Division at 577-5267.