

**PLANNING COMMISSION
RESOLUTION NO. 2025-23**

**RESOLUTION RECOMMENDING TO THE CITY COUNCIL
ADOPTION OF A RESOLUTION APPROVING THE FILING OF AN
APPLICATION TO THE STANISLAUS LOCAL AGENCY FORMATION
COMMISSION FOR THE REORGANIZATION OF APPROXIMATELY
0.66 ACRES LOCATED AT 1604 KANSAS AVENUE FOR ANNEXATION
TO THE CITY OF MODESTO (DHANDA DEVELOPMENT
GROUP—UNINHABITED)**

WHEREAS, the Dhanda Development Group, (“Applicant”), represents the property owners of approximately 0.66 acres of real property located at 1604 Kansas Avenue (“Property”); and

WHEREAS, the City has received a request from the Applicant to initiate reorganization of the Property and adjacent right-of-way on Kansas Avenue, a total of approximately 0.66 acres, for annexation to the City of Modesto under the Cortese-Knox-Hertzberg Local Reorganization Act of 2000, California Government Code Section 56000, et seq.; and

WHEREAS, the Resolution of Application is proposed pursuant to the Cortese-Knox-Hertzberg Local Reorganization Act of 2000, California Government Code Section 56000, et seq.; and

WHEREAS, the Property to be annexed is within Stanislaus County, is contiguous to the existing City limits, and is within the Sphere of Influence of the City of Modesto as adopted by the Stanislaus Local Agency Formation Commission (LAFCO); and

WHEREAS, the Property proposed to be annexed is vacant land and uninhabited as defined by Government Code Section 56079.5 (fewer than 12 registered voters), 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; and

WHEREAS, the Property is covered by the Master Tax Sharing Agreement that address tax sharing entered into between the County of Stanislaus and City of Modesto which was approved on April 9, 1996 and revised on July 12, 2022 and

WHEREAS, the Property is not subject to a Williamson Act contract, pursuant to Government Code Section 51200, et seq; 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, a public hearing was held by the Planning Commission on May 5, 2025, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the Planning Commission certifies it has received and reviewed the Initial Study, Environmental Assessment No. EA/C&ED 2024-10, which concluded that the project is within the scope of the General Plan Master EIR (SCH No. 2014042081) and that pursuant to Section 21157.1 of the Public Resources Code, no new environmental review is required.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission that it hereby finds and determines as follows:

1. The requested reorganization will result in an orderly and logical addition of land to the City.
2. The Property is located within Stanislaus County, within the City's adopted Sphere of Influence, is contiguous to the existing City limits, and can be most efficiently served with City services.
3. The Property proposed to be annexed to the City of Modesto is uninhabited as defined by Government Code Section 56079.5 (fewer than twelve registered voters) 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. The Property is covered by the Master Tax Sharing Agreement for the sharing of property tax, sales tax, business, mil tax, and utility tax for the Property which was entered into between the County of Stanislaus and City of Modesto and which was approved April 9, 1996 and revised on July 12, 2022.
5. An Initial Study was prepared by the City of Modesto that analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report.
6. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.
7. No new or additional mitigation measures or alternatives are required.
8. The subsequent project is within the scope of the project covered by the Master EIR.
9. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

BE IT FURTHER RESOLVED by the Planning Commission of the City of Modesto that it recommends to the City Council approval of a Resolution of Application of reorganization to LAFCO to annex the Property to the City of Modesto, subject to the following conditions:

1. The property owner and developer shall, at their sole expense, defend, indemnify and hold harmless the City of Modesto, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include but is not limited to any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Modesto shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.

BE IT FURTHER RESOLVED by the Planning Commission that it also recommends to the City Council that, 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 the regular meeting of the Planning Commission held on May 5, 2025, by Commissioner Goriel, who moved its adoption, which motion was seconded by Commissioner Russell and carried by the following vote:

Ayes: Arroyo, Goriel, Grewal, Russell, Shanks

Noes: Black

Absent: Hauselman

Recused: None

BY ORDER OF THE PLANNING COMMISSION OF THE CITY OF
MODESTO.

Signed copy on file in CEDD

Jessica Hill, Secretary

Attachments: Exhibit "A" Legal Description
Exhibit "B" Annexation Proposal Map
Exhibit "C" Plan for Services

EXHIBIT "A"

Legal Description: Carpenter-Kansas Reorganization to the City of Modesto

All that real property in the unincorporated area of the County of Stanislaus, State of California, described as follows:

Parcel One (APN 007-039-010)

All that portion of the North half of Lot 10 of the Maze Ranch Subdivision, as per Map filed March 19, 1909 in Volume 4 of Maps, Page 18, Stanislaus County Records, described as follows:

Commencing at the Northeast corner of said Lot 10, said corner being on the South line of Kansas Avenue; running thence North 89° 46' West along the North line of said Lot 10 and being on the South line of Kansas Avenue, a distance of 88.33 feet to the Northwest corner of the land now or formerly owned by Joe Salsi and the True Point of Beginning of this description;

Thence continue North 89° 46' West along the North line of said Lot 10 and being the South line of Said Kansas Avenue, a distance of 43.67 feet to the East Quarter corner of Section 25, Township 3 South, Range 8 East, MDB&M;

Thence South 89° 14' West along East and West Quarter section line (said Quarter line also being the South line of Kansas Avenue) a distance of 106.115 feet to the Northeast corner of the property conveyed to Robert M. Erwin, Et Ux, by Deed recorded April 30, 1952, in Book 1084, Page 952 and as Instrument No. 10109;

Thence South 0° 48' East along the East line of said Erwin property, a distance of 493.15 feet to the Southeast corner thereof and being on the South line of the North half of the aforementioned Lot 10, a distance of 106.115 feet to the East line of Section 25, Township and Range hereinbefore mentioned;

Thence South 89° 46' East a distance of 43.67 feet to the Southwest corner of said land now or formerly owned by Joe Salsi;

Thence North 0° 48' West along the West line of said land now or formerly owned by Salsi, a distance of 493.15 feet to the true Point of Beginning.

Excepting therefrom all that portion conveyed to the State of California as described in Grant Deed recorded December 15, 19601 as Book 1729, Page 187 of Official Records.

Also including the southerly one-half of the right-of-way of Kansas Avenue,
being adjacent to the above description.

EXHIBIT "B"

Carpenter-Kansas Reorganization to the City of Modesto

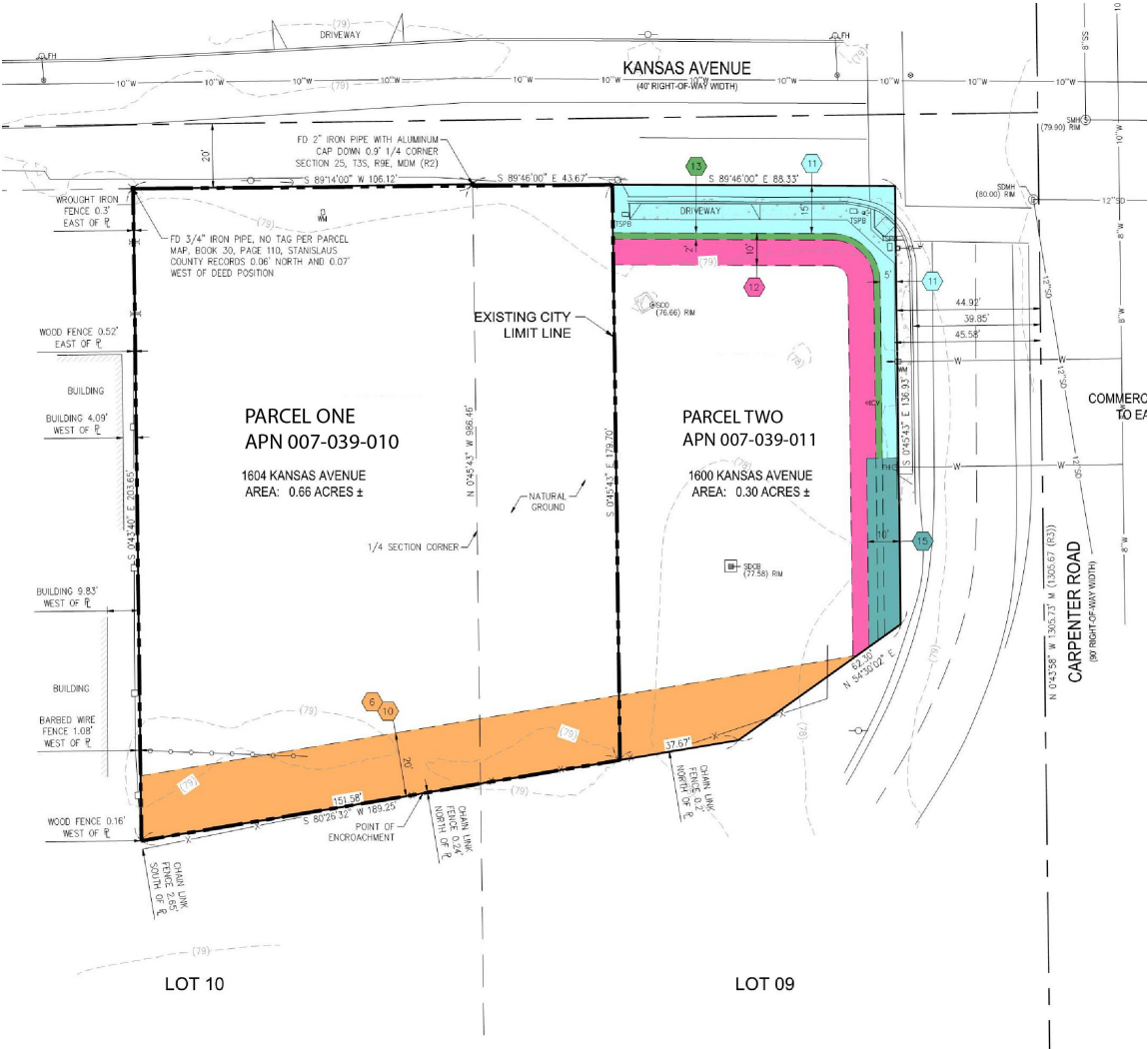


EXHIBIT “C”

CARPENTER-KANSAS 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 Carpenter-Kansas Reorganization.

- A. The project site is part of the Planned Urbanizing Area, as described in the Modesto Urban Area General Plan, adopted March 5, 2019. As part of the approval, community facilities and services were analyzed in detail in Initial Study Environmental Checklist (C&ED No. 2024-10). 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 bulk of the external roadway network is already constructed. The project site is at the southwest corner of Kansas Avenue and Carpenter Road, a signalized intersection with left-turn lanes at all sides. Kansas Avenue is designated as a minor arterial street in the General Plan Circulation Element and is currently two lanes at the frontage of the site. Carpenter Road is a four-lane Principal Arterial Street with a center median. The applicant or developer must dedicate and construct roadway improvements along the project frontages of both Carpenter Road and Kansas Avenue to City standards.
 2. Waste Water Collection: Upon reorganization, the site will annex to Modesto’s Sewer District No. 1. Sewer service will be provided to the subject site from an existing line in Lodi Avenue adjacent to the site. The City does not anticipate a substantial demand for service at this site.
 3. Water Delivery: There is an adequate quantity of water to serve the commercial development expected to occur on the property. The site will be served from existing lines in Flamingo Drive and Whitmore Avenue, adjacent to the site.
 4. Storm Water Drainage: Storm water drainage for this project must be contained on site, as the City does not have a positive storm drain system serving the area. Prior to the issuance of a building

permit for development, the City must approve the storm water drainage system to ensure its adequacy. The storm water drainage system will be constructed by the applicant at the applicant's expense.

5. Solid Waste Disposal: Weekly pickup will be extended to the annexation area upon the effective date of annexation.
 6. Fire Protection: Upon reorganization, Fire Protection will be provided by the City of Modesto Fire Department. Service will be provided from Station No. 4 located at 1505 Blue Gum Avenue one mile to the north, Station No. 2 located at 420 Chicago Avenue 2.4 miles to the southeast, and Station No. 1 at 610 11th Street approximately 2.5 miles to the west.
 7. Police Protection: The Modesto Police Department is able to provide adequate service to the subject site without additional staffing, as the proposed project does not require substantial additional policing.
- 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 can 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. The following improvements will be required as a condition of development:
- Prior to issuance of a building permit, the applicant(s) shall construct roadway improvements to the satisfaction of the City Engineer.
 - Prior to issuance of a building permit for new development, the City must approve the storm water drainage system.
- E. How will services be financed?
Services will be financed through City fees.