

PLANNING COMMISSION
RESOLUTION NO. 2019-05

A 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 12.7 ACRES LOCATED EAST OF MCHENRY AVENUE AND NORTH OF CORALWOOD ROAD, INCLUDING RIGHT OF WAY ON MCHENRY AVENUE, FOR ANNEXATION TO THE CITY OF MODESTO AND SIMULTANEOUS DETACHMENT FROM THE STANISLAUS CONSOLIDATED FIRE PROTECTION DISTRICT (OWNER INITIATED—INHABITED)

WHEREAS, the CTC Investors, LLC (“Applicant”), is the owner of approximately 11.7 acres of real property, located east side of McHenry Avenue and north of Coralwood Road (“Property”); and

WHEREAS, the City has received a request from the Applicant to initiate reorganization of the Property and adjacent right-of-way on McHenry Avenue, a total of 12.7 acres, for annexation to the City of Modesto and simultaneous detachment from the Stanislaus Consolidated Fire Protection District 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 inhabited as defined by Government Code Section 56046 (twelve or more 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 an unincorporated island that meets the special criteria set forth in Government Code Section 56375.3 and qualifies for streamlined processing through LAFCO; and

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

WHEREAS, the proposed Property is covered by the North McHenry Corridor Agreement that addresses tax sharing entered into between the County of Stanislaus and City of Modesto which was approved on December 8, 1998; and

WHEREAS, the annexation area received a Measure M advisory vote approval in November 2015; 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 March 4, 2019, in the 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 2019-19, which concluded that the project is within the scope of the General Plan Master EIR (SCH No. 2007072023) 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 reorganization area is part of the Coffee Claratina Specific Plan approved in 1998 which provided a comprehensive plan consistent with the Modesto Urban Area General Plan Policy III.D. The requested annexation implements the Coffee Claratina Specific Plan by annexing the last area of the Coffee Claratina Specific Plan into the City and is consistent with the General Plan.
2. The requested reorganization will result in an orderly and logical addition of land because it will extend the boundary of the City to eliminate an unincorporated island.
3. 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.
4. The Property proposed to be annexed to the City of Modesto is inhabited as defined by Government Code Section 56046 (twelve or more 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.
5. The Property is an unincorporated island the meet the special criteria set forth in Government Code Section 56375.3 and qualifies for streamlined processing through LAFCO.
6. The Property is covered by the North McHenry Corridor Agreement for the sharing of property tax, sales tax, business and mill tax, and utility tax for the Property was entered into between the County of Stanislaus and City of Modesto which was approved December 8, 1998.

4. 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.
5. 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.
6. No new or additional mitigation measures or alternatives are required.
7. The subsequent project is within the scope of the project covered by the Master EIR.
8. 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.
9. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

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 and simultaneously detach the Property from the Stanislaus Consolidated Fire Protection District, 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 March 4, 2019, by Commissioner Biring, who moved its adoption, which motion was seconded by Commissioner Smith and carried by the following vote:

Ayes: Biring, Escutia-Braaton, Pollard, Smith, Vohra, Morad
Noes: None
Absent: Lucas
Recused: None

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

Original, signed copy on file in CEDD

Steve Mitchell, Secretary

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

EXHIBIT "A"

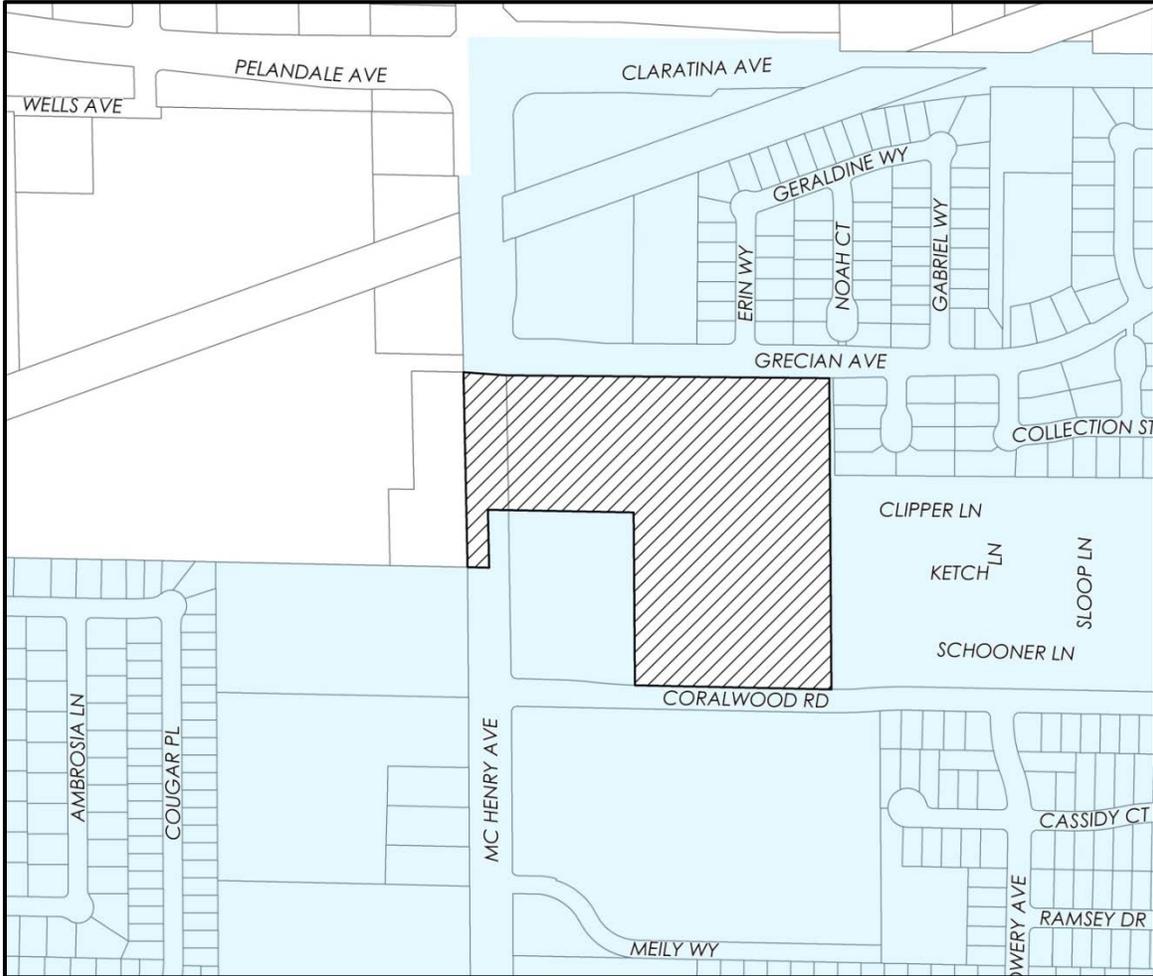
Legal Description: McHenry-Coralwood Annexation

All that portion of the Remainder Parcel of the Parcel Map filed on March 18, 1977 in Volume 24 of Parcel Maps at Page 76, Stanislaus County Records, described as follows: Beginning at the northeast corner of said Remainder Parcel; thence South 0° 25' 30" East 799 feet; thence North 88° 53' 30" West 504.53 feet; thence North 0° 25' 30" West 444.1 feet; thence North 88° 53' 30" West 319.34 feet; thence North 1° 17' 30" West 346.23 feet; thence South 89° 33' 30" East 828.92 feet to the point of beginning. Also including the easterly 345.5 feet of Right of Way of McHenry Avenue and the westerly 500.5 feet of Right of Way of McHenry Avenue, being adjacent to the above-described land.

Containing 12.86 acres, more or less.
APN 052-060-002

EXHIBIT "B"

McHenry-Coralwood Annexation



ANNEXATION AREA
ANX-18-002

-  Annexation Area
-  Modesto Incorporated Area
-  Parcels



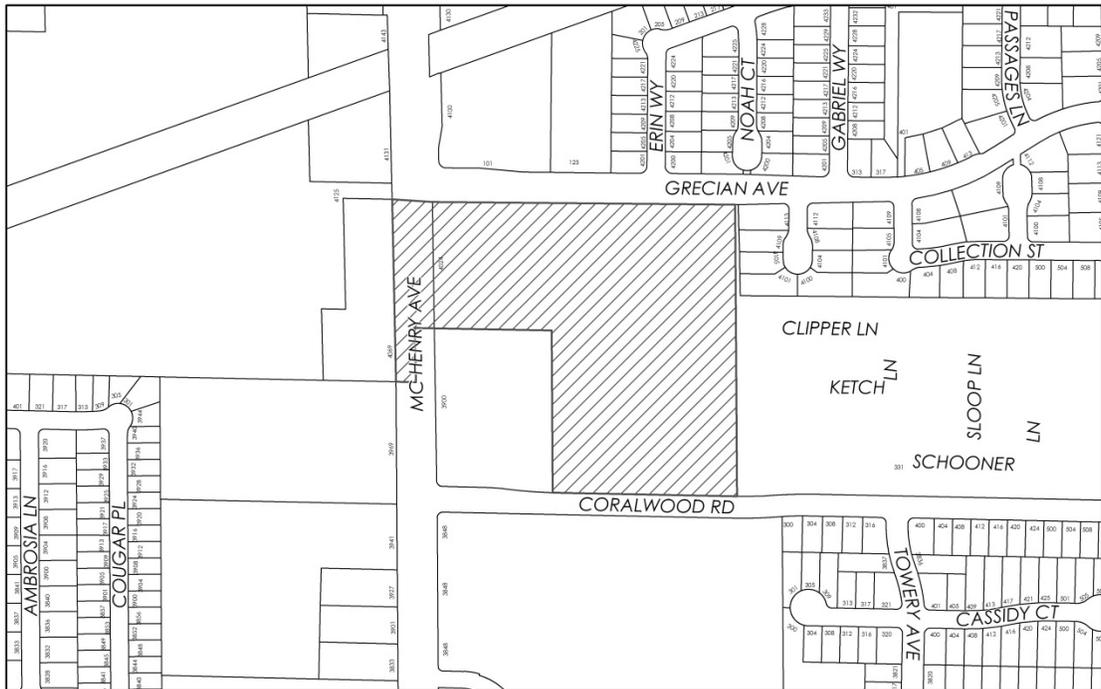
EXHIBIT "C"

**MC HENRY CORALWOOD ANNEXATION TO THE CITY OF MODESTO
PLAN FOR SERVICES**

Background:

The McHenry Coralwood Annexation proposes to annex the Modesto Mobile Home Park located at 4024 McHenry Avenue. The annexation area consists of one parcel with 11.7 acres located on the east side of McHenry Avenue and north of Coralwood Road, as shown on the map below. This is an existing mobile home park with 150 spaces. Including adjacent street right-of-way, the annexation area is 12.7 acres total. The proposed annexation area was rezoned as Specific Plan (P-SP) as part of the Coffee Claratina Specific Plan adopted in 1998

The purpose of the annexation is to connect to city sewer because the private septic system is failing. The parcel is fully developed as a mobile home park and no new development is proposed.



**ANNEXATION AREA
ANX-18-002**



Pursuant to Government Code Section 56653, the following Plan for Services to be extended to the affected territory has been prepared for the McHenry Coralwood Annexation to the City of Modesto:

A. Project Area and Service Agreements

1. Traffic and Circulation: The annexation area is bounded by City of Modesto jurisdiction to the north, east and south and is identified as an unincorporated island. No roadway dedication or improvements are required as a part of the annexation. Transit services are provided by the Modesto Area Express (MAX), which has a bus stop on McHenry Avenue adjacent to the site.
2. Waste Water Collection: Sewer service to the Modesto Mobile Home Park would be provided via the 8-inch sewer line along Coralwood Road that that will connect to a 10-inch sewer line on McHenry Avenue. The lines have adequate capacity to serve the site.
3. Water Delivery: Modesto Mobile Home Park is currently served by a private well and is not connected to the City water system. Future connection to the City water system would be to the existing 10-inch water main on Coralwood Road or the 10-inch water main on McHenry Avenue. There is adequate capacity in either of the two water mains.
4. Storm Water Drainage: Modesto Mobile Home Park addresses its onsite storm drainage with onsite dry wells. Offsite storm drainage drains to offsite catch basins.
5. Solid Waste Disposal: The annexation area is currently serviced by the Bertolotti Disposal Company but will change to Gilton after annexation. No change to the level of service already provided is anticipated.
6. Fire Protection: The annexation area will detach from the Stanislaus Consolidated Fire District and will be served by the City of Modesto Fire Department after annexation. Two stations are located less than two miles from the annexation area. Station No. 7 is located at 1800 Mable Avenue is approximately 1.9 miles east of the annexation area. Station No. 11 is located at 4225 Carver Road is approximately 1.75 miles to the west. No adverse impacts to staffing or response times would be anticipated with the annexation.
7. Police Protection: Upon annexation, the area will be served by the City of Modesto Police Department. The Police Department has not expressed any concerns with impacts to staffing or response times upon annexation.

B. Level and Range of Services

The City of Modesto is a full service provider of municipal services. The City will provide full services to the area upon annexation.

C. When Can Services Be Provided?

The services described above will be provided or available upon the effective date of annexation.

D. Improvements Required as a Condition of Annexation

No improvements are required as a condition of annexation.

E. How Will Services be Financed?

Services will be financed through applicable utility and service fees and permit fees provided by property, as well as by property tax revenues and general fund resources.