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**SAN JOAQUIN  
LOCAL AGENCY FORMATION COMMISSION**

**LAFCo**

44 N SAN JOAQUIN STREET      SUITE 374      STOCKTON, CA 95202

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**AGENDA**

Thursday, March 9, 2023 9:00 A. M.

BOARD OF SUPERVISORS CHAMBERS  
44 NORTH SAN JOAQUIN STREET, 6<sup>TH</sup> FLOOR  
STOCKTON, CALIFORNIA

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Call to Order  
Announce Date and Time of Meeting for the Record  
Roll Call  
Pledge of Allegiance

**CONSENT ITEMS**

1. MEETING MINUTES OF FEBRUARY 9, 2023  
*(Action by All Members)*  
Approve Summary Minutes of the February Regular Meeting.
  
2. OUT-OF-AGENCY SERVICE REQUEST  
*(Action by Regular Members)*  
Request from the City of Stockton to provide out-of-agency sewer water supply outside the City boundary under Government Code §56133 to 744 Merced Avenue, 2933 Howe Street and 441 N. Anteros Avenue in Stockton, CA.
  
3. APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT (PSA) FOR MOUNTAIN HOUSE SPECIAL COUNCIL.  
*(Action of Regular Members)*  
Approval of a PSA with White Brenner LP for special counsel services pertaining to Mountain House Community Services District proposals.

**PUBLIC HEARING**

4. COLLEGE PARK III MACHADON REORGANIZATION TO THE MOUNTAIN HOUSE COMMUNITY SERVICES DISTRICT (MHCSO) (LAFCo 29-22)  
*(Action by Regular Members)*  
Request to annex three (3) parcels totaling 136.09 acres to MHCSO with concurrent detachment from Tracy Rural Fire District , and San Joaquin Conservation District.
  
5. TRACY HILLS II REORGANIZATION TO THE CITY OF TRACY (LAFCo 03-23)  
*(Action by Regular Members Only)*

Request to annex 35.72 acres to the City of Tracy with concurrent detachment from the San Joaquin Conservation District

6. CITY OF ESCALON FINAL MUNICIPAL SERVICE REVIEW (MSR) AND SPHERE OF INFLUENCE (SOI) UPDATE (LAFCO 30-22)

*(Action by Regular Members)*

The Commission will review and take action on the staff recommendation to adopt the City of Escalon's MSR and SOI expansion of 59 acres.

**PUBLIC COMMENTS**

6. Persons wishing to address the Commission on matters not otherwise on the agenda.

**EXECUTIVE OFFICER COMMENTS**

7. Comments from the Executive Officer

**COMMISSIONER COMMENTS**

8. Comments, Reports, or Questions from the LAFCO Commissioners

**ADJOURNMENT**

# **LAFCo**

44 N. SAN JOAQUIN STREET SUITE 374 STOCKTON, CA 95202

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**SUMMARY MINUTES  
February 9, 2023**

BOARD OF SUPERVISORS CHAMBERS  
44 NORTH SAN JOAQUIN STREET, 6<sup>TH</sup> FLOOR  
STOCKTON, CALIFORNIA

Chairman Patti called the meeting to order at 9:02 a.m.

MEMBERS PRESENT: Commissioners Breitenbucher, Johnson, Lincoln, Villapudua,  
and Chairman Patti

MEMBERS ABSENT: None

ALTERNATE MEMBERS PRESENT: Commissioner Diallo

ALTERNATE MEMBERS ABSENT: Commissioner Ding

OTHERS PRESENT: J.D. Hightower, Executive Officer, Rod Attebery, Legal  
Counsel; and Mitzi Stites, Commission Clerk

## **CONSENT ITEMS**

Chairman Patti opened the floor for Commissioner Comments.

Commissioner Johnson asked to pull Agenda Item No. 2, Summary of Minutes for January 12, 2023 Commission Meeting from the Consent Calendar. He requested a separate vote for that, as he was not in attendance for the January 12, 2023 meeting.

Chairman Patti closed the floor to Commissioner Comments.

Chairman Patti opened the floor for Public Comments.

Chairman Patti closed Public Comments.

A motion was made by Commissioner Breitenbucher and seconded by Commissioner Villapudua to approve the Consent Calendar, with the exception of Agenda Item No. 2, Summary of Minutes of January 12, 2023.

The motion for approval of the Summary Minutes of January 5, 2022 meeting was passed by a unanimous vote of the Commission.

The motion for approval to adopt Resolution 1508 regarding out-of-agency service request to property located at 718 W. Yetter Road in Stockton was passed by a unanimous vote of the regular voting members of the Commission

The motion for approval to adopt Resolution No. 1509 authorizing the San Joaquin Local Agency Formation Commission to conduct meetings using teleconferencing pursuant to Government Code 45953 as amended by AB 361 for the period of February 9, 2023 to February 28, 2023, was passed by a unanimous vote of the regular voting members of the Commission.

The motion for approval to adopt Resolution No. 1510, the continuation of the RSG Contract in regards to Mountain House Community Services District Incorporation was passed by a unanimous vote of the regular voting members of the Commission

A motion was made by Commissioner Breitenbucher and seconded by Commissioner Villapudua to approve the Summary of Minutes for January 12, 2023.

The motion for approval of the Summary Minutes of January 12, 2022 meeting was passed by the Commission with Commissioner Johnson abstaining.

### **ACTION ITEMS**

6. **RECRUITMENT FOR AN ALTERNATE PUBLIC MEMBER COMMISSIONER**  
*(Action by All Members)*

Request to the Commission to initiate the recruitment process for a Public Member to serve on the Commission.

Mr. Hightower, Executive Office, asked for direction from the Commission, to proceed to move forward with the recruitment to fill the vacancy of the Alternate Public Member. Mr. Hightower explained that if directed, LAFCo Staff would send Press Releases to the newspapers and place on LAFCo Website, If staff receives more than three applicants, Mr. Hightower, Executive Officer, requested that there be an Ad Hoc Committee set up to screen the applicants and narrow the field down. Interviews would take place in April with the new Public member starting at the next LAFCo Meeting.

Chairman Patti opened the floor for Commissioner Comments.

There were none.

Chairman Patti opened the floor for Public Comments

No one came forward.

The Commission under direction of Chairman Patti requested that LAFCo Staff proceed with the recruitment for a new Alternate Public Member.

### **SPECIAL MATTERS**

#### 6. MID-FISCAL YEAR BUDGET REPORT

Mr. J.D. Hightower, Executive Officer, presented an overview of the mid-fiscal year budget. Mr. Hightower stated that although LAFCo has already reached our projected 2022-2023 revenues, There were a few additional expenses that have occurred the first half of the Fiscal Year that will require LAFCo to transfer funds from out contingency fund.

Chairman Patti opened the floor for Commissioners comments.

Commissioner Johnson inquired if LAFCo is already over in salaries, why is there a \$125,169 savings in benefits.

Mr. Hightower, Executive Officer, stated that the saving in benefits was due to the fact that the Analyst was part time and did not receive any benefits to this point. LAFCo has reclassified the Commission Clerk Position to Analyst/ Clerk starting mid-February 2023, a full time position with benefits.

Commissioner Patti opened the floor to Public Comments.

No comments were made.

### **PUBLIC COMMENTS**

7. Persons wishing to address the Commission on matters not otherwise on the agenda.

No one came forward

### **EXECUTIVE OFFICER COMMENTS**

8. Comments from the Executive Officer

Mr. Hightower, Executive Officer, stated that there would be three projects coming before the Commission in March. College Park III Reorganization to Mountain House Community Services District, Tracy Hills II Reorganization to the City of Tracy and the City of Escalon Municipal Service Review and Sphere of Influence Update.

### **COMMISSIONER COMMENTS**

9. Comments, Reports, or Questions from the LAFCO Commissioners.

Commissioner Breitenbucher thanked Chairman Patti for a keeping the meeting moving forward.

## **CLOSED SESSION**

10. Open Session Disclosure Regarding Closed Session Items pursuant to Government Code Section 54957.7

11. CLOSED SESSION

A. Conference with Legal Counsel-Existing Litigation pursuant to Government Code Section 54956.9(a)

Name of Case: Tracy Rural County Fire Protection District with the City of Tracy as named Real Party of Interest v. San Joaquin LAFCo (San Joaquin County Superior Court Case No. 2019-9687)

12. Open Session Report on Closed Session pursuant to Government Code Section 54957.1

Chairman Patti inquired if the Commissioners required a Closed Session. Mr. Attebery, Legal Counsel, stated that there is no need to meet. LAFCo's appeal was denied and therefore LAFCo will need to adhere to the decision of the lower court. This case is not a published case therefore; it only effects San Joaquin LAFCo and Tracy Rural.

No Closed Session was requested.

Meeting adjourned at 9:40 a.m.

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**SAN JOAQUIN**

**LOCAL AGENCY FORMATION COMMISSION**

**AGENDA ITEM NO. 2**

**LAFCo**

44 N. SAN JOAQUIN STREET      SUITE 374      STOCKTON, CA 95202

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**EXECUTIVE OFFICER'S REPORT**

March 9, 2023

TO:            LAFCo Commissioners

FROM:        Jeffery Hightower, Executive Officer

SUBJECT:     **CITY OF STOCKTON OUT-OF-AGENCY SERVICE REQUESTS**

**Recommendation**

It is recommended that the Commission approve the requests from the City of Stockton to provide out-of-agency sewer service under the Government Code §56133 to property located at 744 Merced Avenue, 2933 Howe Street and 441 N. Anteros Avenue in Stockton.

**Background**

Government Code Section §56133 states that the Commission may authorize a city or special 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 and that prior to providing new or extended service, the city or district must first receive approval from LAFCo. The Commission adopted a policy that conditions their approval for out-of-agency service requiring the recordation of an agreement with the landowner consenting to annexation of their property when annexation becomes feasible.

The City of Stockton submitted request for approval to extend sanitary sewer services to single-family residences outside the city limits but within the City's sphere of influence. A vicinity map is attached showing the location of the out-of-agency request. Connections to City sewer lines are available to the property and the property owner has paid the appropriate connection fees to the City. The request for out-of-agency service are in compliance with the Government Code §56133 and Commission policies. Please note that the blue line shows the sewer line and the circle reflect the connection locations. Staff recommends approval of the attached Resolution 1511 approving out-of-agency services.

Attachment:    Resolution No. 23-1511  
                      Vicinity Maps





**Resolution No. 23-1511**

**BEFORE THE SAN JOAQUIN LOCAL AGENCY FORMATION COMMISSION  
APPROVING AN OUT-OF-AGENCY SANITARY SEWER SERVICE FROM THE  
CITY OF STOCKTON TO 744 MERCED AVENUE, 293 HOWE STREET AND  
441 N. ANTEROS AVENUE IN STOCKTON**

WHEREAS, the above-reference requests have been filed with the Executive Officer of the San Joaquin Local Agency Formation Commission pursuant to §56133 of the California Government Code.

NOW THEREFORE, the San Joaquin Local Agency Formation Commission DOES HEREBY RESOLVE, DETERMINE, AND ORDER as follows:

Section 1. Said out-of-agency service request is hereby approved.

Section 2. The proposal is found to be Categorical Exempt from CEQA.

Section 3. The proposal is subject to the following conditions:

- a. Prior to connection to the city sewer or water, the City of Stockton shall record a covenant and agreement with the property owners to annex to the City of Stockton in a form acceptable to the Executive Officer.
- b. This approval and conditions apply to current and future property owners.

PASSED AND ADOPTED this 9<sup>th</sup> day of March 2023 by the following roll call vote:

AYES:

NOES:

ABSTAIN:

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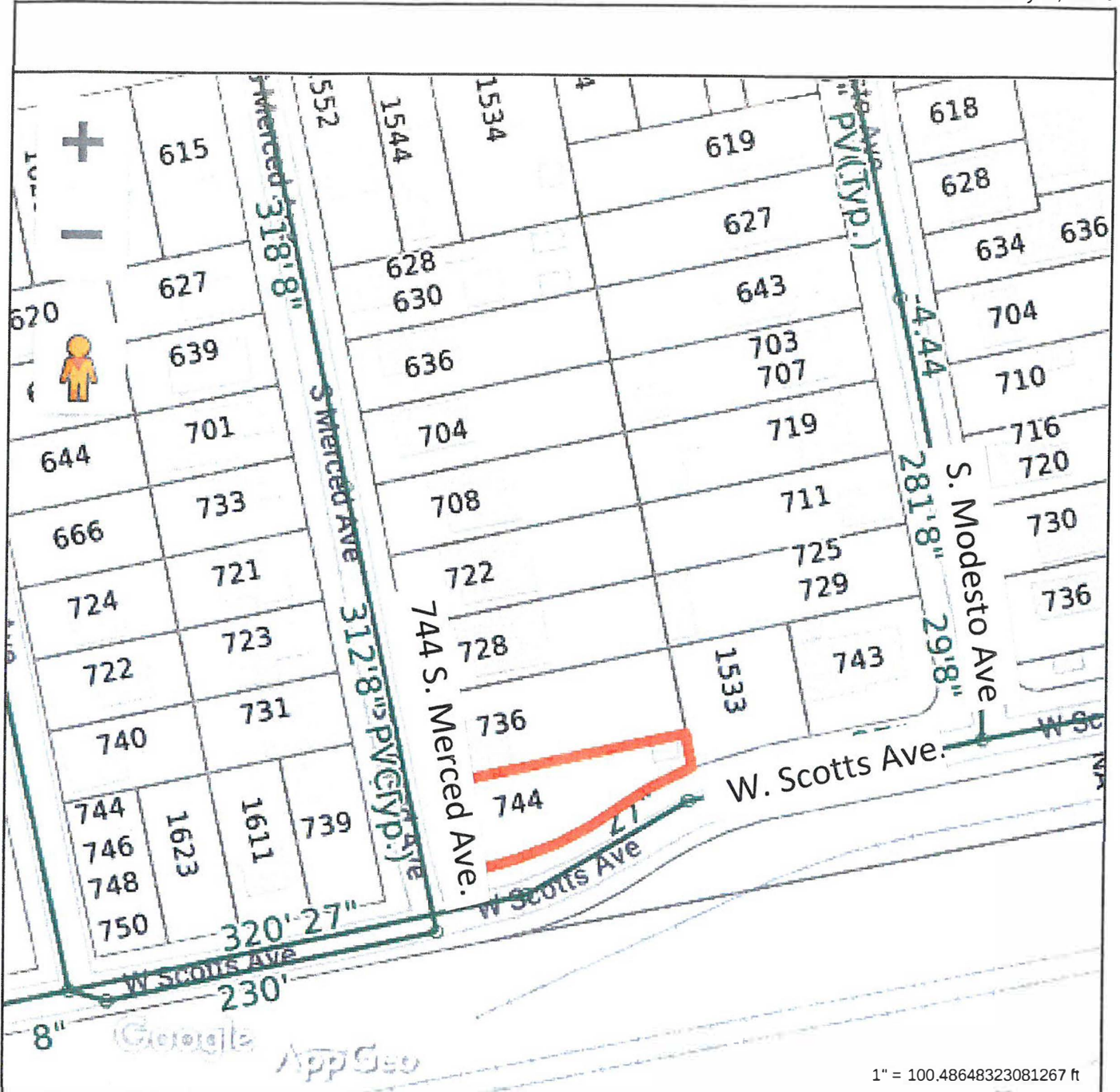
TOM PATTI, CHAIRPERSON  
SAN JOAQUIN LOCAL AGENCY  
FORMATION COMMISSION

ATTEST:

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MITZI STITES, COMMISSION CLERK  
SAN JOAQUIN LOCAL AGENCY  
FORMATION COMMISSION





Property Information

Property ID 14516019-68951  
 Location 744 S MERCED AV  
 Owner J L EASTERS HOMELESS VET PROGRAM

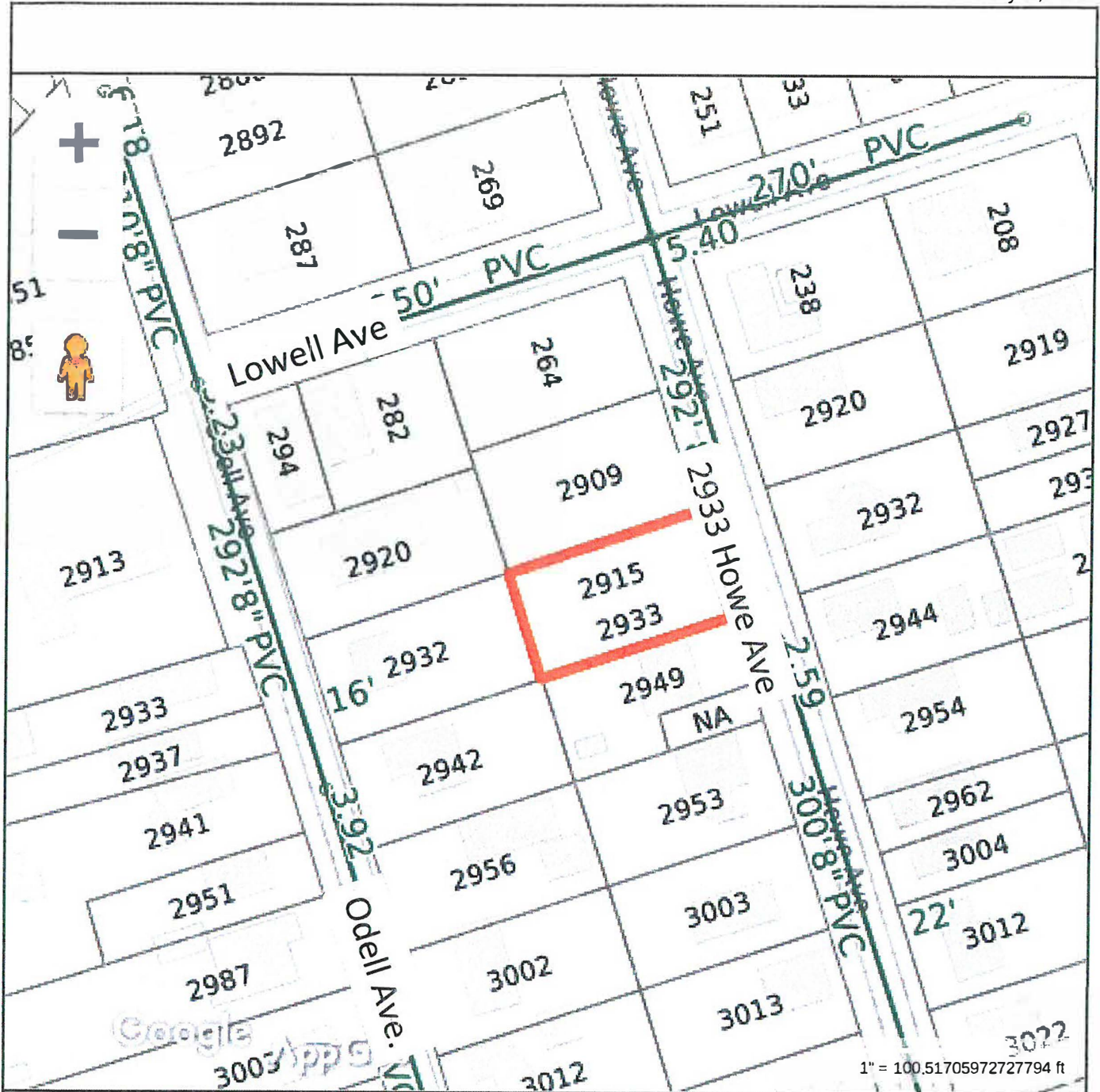


MAP FOR REFERENCE ONLY  
 NOT A LEGAL DOCUMENT

City of Stockton, CA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 01/30/2023  
 Data updated 01/10/2023

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.



1" = 100.51705972727794 ft

Property Information

Property ID 17503105-78102  
 Location 2933 HOWE AV  
 Owner NAIDU UMA DEVI ETAL

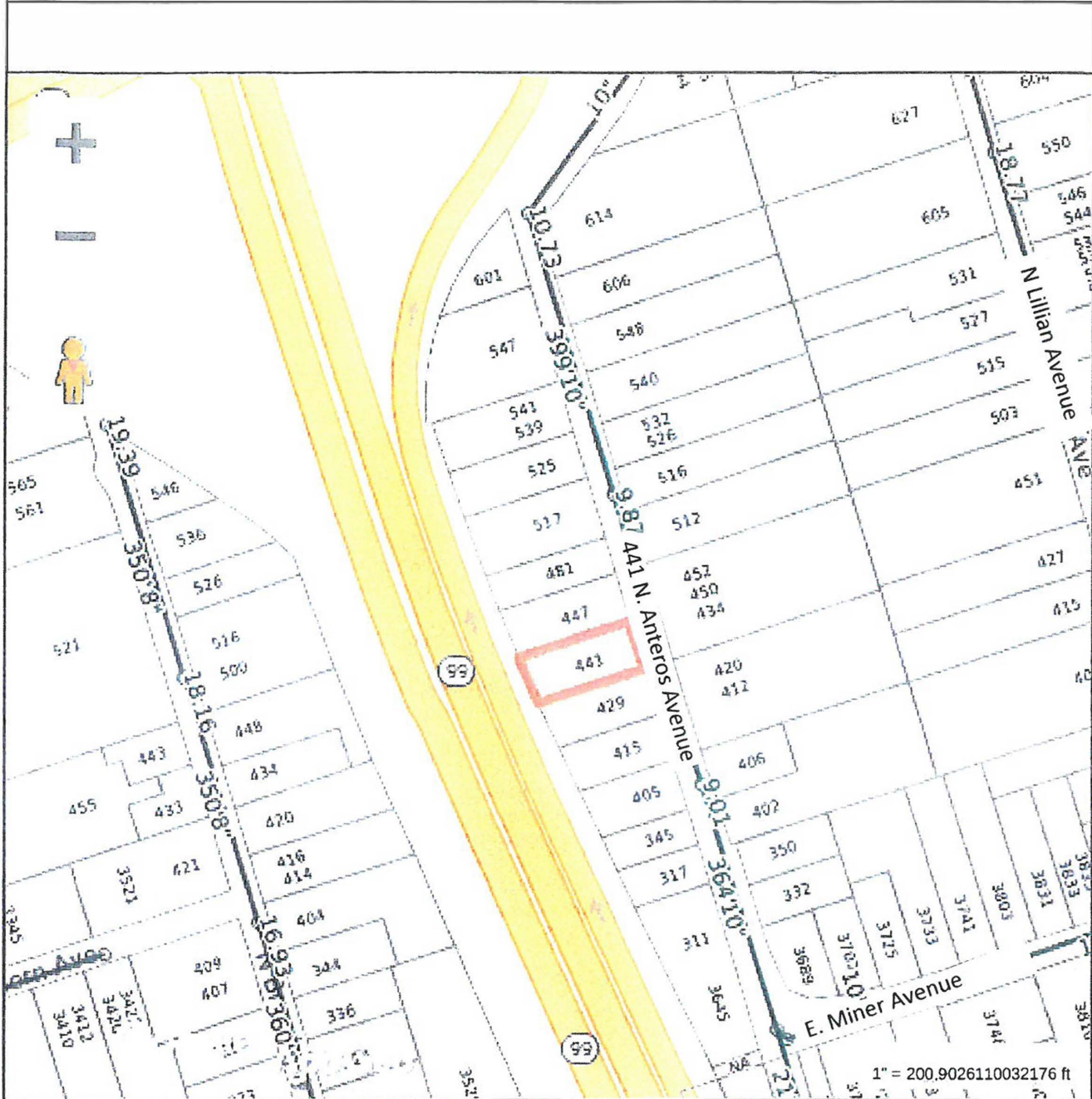


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Geometry updated 02/03/2023  
 Data updated 02/03/2023

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.



Property Information

Property ID 14338033-118300  
 Location 441 N ANTEROS AV  
 Owner LOS ALTOS LLC



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Geometry updated 02/03/2023  
 Data updated 02/03/2023

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# **LAFCo**

44 SAN JOAQUIN STREET SUITE 374 STOCKTON, CA 95202 209-468-3198

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**CHAIR**  
**TOM PATTI**  
COUNTY BOARD OF  
SUPERVISORS

## **Executive Officer's Report**

March 9, 2023

**VICE CHAIR**  
**KEVIN LINCOLN**  
STOCKTON CITY COUNCIL

**TO: LAFCo Commissioners**

**FROM: J.D. Hightower, Executive Officer**

**DAVID BREITENBUCHER**  
MANTECA CITY COUNCIL

**SUBJECT: Motion approval of a professional services agreement with White Brenner LP (WBLP) for special counsel services on matters pertaining specifically to Mountain House Community Services District (MHCS D).**

**MIGUEL VILLAPUDUA**  
COUNTY BOARD OF  
SUPERVISORS

**PETER JOHNSON**  
PUBLIC MEMBER

LAFCo's general counsel firm Nuemiller and Beardslee (N&B) is conflicted on matters specific to MHCS D. As such, staff contacted Douglas White with WBLP to act as LAFCo's special counsel on MHCS D matters.

**ALTERNATE MEMBERS**

**STEVEN J. DING**  
COUNTY BOARD OF  
SUPERVISORS

Based in Sacramento, WBLP acts as both general and special counsel to a wide array of cities and special districts in the Central Valley. WBLP does not have any conflicts with MHCS D. The firm's fee rate will be consistent with the rate structure of N&B.

**VACANT**  
PUBLIC MEMBER

**MINNIE DIALLO**  
LATHROP CITY COUNCIL

MHCS D has reviewed the professional qualifications of WBLP and agrees that there are no conflicts with the firm. WBLP will act as special counsel for the more routine type of requests for MHCS D while Paula de Sousa with Best, Best and Kreiger (BB&K) is the LAFCo special counsel for MHCS D incorporation.

**EXECUTIVE OFFICER**

**J.D. HIGHTOWER**

**ANALYST / COMMISSION CLERK**

**MITZI STITES**

Attachment – Proposal by White Brenner LP

**COUNSEL**

**ROD ATTEBERY**





# LAFCo

44 N SAN JOAQUIN STREET SUITE 374 STOCKTON, CA 95202

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## EXECUTIVE OFFICER'S REPORT

**PROJECT:** COLLEGE PARK III MACHADO THE REORGANIZATION OF 135.59 ACRES ANNEXING TO THE MOUNTAIN HOUSE COMMUNITY SERVICES DISTRICT AND SIMULTANEOUS DETACHMENT FROM THE TRACY RURAL FIRE DISTRICT AND SAN JOAQUIN RESOURCE CONSERVATION DISTRICT.

**PROPOSAL:** Annexation of 135.59 acres to Mountain House Community Services District (MHCS D) and concurrent detachment from Tracy Rural Fire District, San Joaquin Resource Conservation District.

**APPLICANT:** MHCS D

**LOCATION:** The northern boundary of the property is formed by Grant Line Road, the eastern boundary by Mountain House Parkway, the southern boundary is formed by the future extension of Von Sost en Road, and the western boundary is formed by Corinthian Way and E. Nasergholi Avenue.

**PURPOSE:** The purpose of the project is the development within the MHCS D of:

- 255 Low-Density Residential lots (5,000 sq. ft. to 7,000 sq. ft.) on 62.7 acres;
- 31 Medium Density Residential Lots (3,500 sq. ft.) on 3.6 acres;
- 2 lots comprising 18.2 acres of Office Commercial future development; and
- 3 lots comprising 21.5 acres of Limited Industrial future development.

The proposed development is consistent with the zoning designations and subdivision maps of the Mountain House Master Plan. Development plans are consistent with the land use density and intensity evaluated within the Mountain House Environmental Impact Report (SCH# 2003102074).

**PROCESS:** Proposed annexation area is uninhabited and has consent of the landowners.

## RECOMMENDATION

It is recommended that the Commission approve Resolution No. 1512 approving the annexation of the College Park III Reorganization to MHCSD and detachment from the Tracy Rural Fire District and San Joaquin Resource Conservation District.

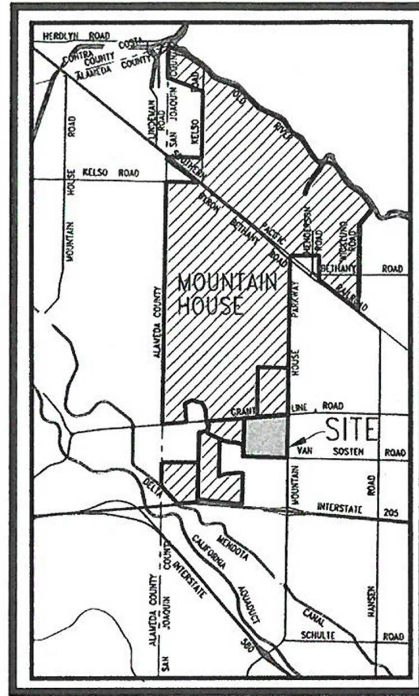


Figure 1 -- Location Map

## **BACKGROUND**

In 1994, the County Board of Supervisors adopted the Mountain House Master Plan. The Mountain House Master Plan is intended to be an incorporated city with a population of approximately 44,000 residents, covering 4,784 acres or approximately 7.5 square miles, to be developed over a 30-year period. In 1996, LAFCo approved the formation of the MHCSD, an independent special district, and authorized the district to provide an array of services including police (current contract with San Joaquin Sheriffs), fire (current contract with French Camp Fire), library services, water, sewer, garbage, public recreation, road maintenance, street lights, graffiti abatement, CC&R (Master Restrictions) enforcement, telecommunication services, converting utilities to underground, transportation services, flood control protection, wildlife habitat mitigation, pest and weed abatement, and dissemination of information. LAFCo adopted the district's Sphere of Influence (SOI) to coincide with the master plan boundaries. (Exhibit C: MHCSD Master Plan). The Master Plan was designed to ensure that adequate services are provided in a cost effective manner to accommodate new growth.

On July 13, 2022, the MHCSD Board of Directors approved an application submittal to LAFCo to annex three (3) parcels totaling 135.59 acres to the District. The parcels are within the MHCSD SOI. All three (3) parcels are currently vacant. The urban development will include a mix of uses with job creating and residential land uses. After annexation it is proposed that a 286 detached single family dwelling unit subdivision (255 Low Density +31 Medium Density) will be constructed. The commercial and industrial land uses will be constructed to District standards upon approval of a site development plan. To facilitate the construction of job creating land uses within the commercial and industrial designated properties, CKH Section 56375(C)(e), directs that no land use amendments to these properties may take place for at least 2 years after the filing of the notice of completion.

The annexed property will be improved to District and Master Plan standards with storm water treatment and retention basins, frontage improvements, and offsite sanitary sewer, water services and other required improvements for urban development.

## **ENVIRONMENTAL**

In 2006, the Board of Supervisors approved the Mountain House College Park Specific Plan III ("Specific Plan III"), to implement the Master Plan, and for which an Environmental Impact Report was certified. The reorganization proposed by this application is expressly addressed in the Specific Plan III EIR (SCH# 2003102074). Also in 2006 San Joaquin County approved Tentative Subdivision Maps for the Machado Property based on finding that the map is consistent with Specific Plan III and did not result in any impacts beyond those evaluated in the Specific Plan III EIR. As the economic collapse occurred shortly thereafter, development of Specific Plan III slowed considerably and construction did not occur on the Machado Property. Nevertheless, certain Specific Plan III backbone infrastructure, including roadway and utility lines, were installed by surrounding developers and mitigation measures were implemented. In 2018, the County approved a six-year extension for the Tentative Subdivision Maps for the Machado Property, which are now valid until November 6, 2024.

As a responsible agency LAFCo staff finds that the proposed reorganization is exempt from further environmental impact evaluation and analysis pursuant to Government Code Section 65457. Any residential development project that is undertaken to implement and is consistent with a specific plan for which an environmental impact report has been certified after January 1, 1980 is exempt. Residential development of the property was evaluated within the Final Environmental Impact Report for College Park at Mountain House Specific Plan III (SCH #2003102074) and adopted Specific Plan III for MHCS D

## **FACTORS**

Government Code Section 56668.3 (annexation to special districts) states that if a proposed change of organization consists of an annexation to a special district, the Commission shall consider the following factors:

*(1) Whether the proposed annexation will be for the interest of landowners or present or future inhabitants within the district and within the territory proposed to be annexed to the district.*

The landowner has applied for annexation into MHCS D in order to receive water and sewer services to develop the property. Annexation of the parcel does not impact the provision of services to inhabitants within MHCS D as they will continue to receive services at their present levels. The annexation will provide capital improvements to the Mountain House community. The developers will be responsible for the costs to install the necessary infrastructure to provide services to the property as well as make payment to the District for associated maintenance and on-going services for the new residents, business owners and workers.

*(2) Any factors which may be considered by the Commission as provided in §56668 (annexation to a city). The following factors from §56668 which are appropriate for this annexation include: Effect of the proposal on maintaining the physical and economic integrity of agricultural lands as defined by Section 56016*

The parcels are mapped and classified by the State Department of Conservation as Farmland of Local Importance. This classification in San Joaquin County includes all

farmable land not meeting the definitions of "Prime Farmland," "Farmland of Statewide Importance," and "Unique Farmland." This includes land that is or has been used for irrigated pasture, dryland farming, confined livestock or dairy facilities, aquaculture, poultry facilities, and dry grazing. It also includes soils previously designated by soil characteristics as "Prime Farmland," "Farmland of Statewide Importance," and "Unique Farmland" that has since become idle.

At the time that the Environmental Impact Report for Specific Plan III was prepared, the Project area was designated as by the California Department of Conservation, Farmland Mapping and Monitoring Program as "prime farmland. The Project area has not been cultivated with agricultural crops for over five years and has been zoned for urban development since 2005. The parcels proposed for annexation are undeveloped and uninhabited. These parcels were evaluated for proposed the land use intensity and density by the Specific Plan III EIR (SCH #2003102074) and the project will implement all identified mitigation measures of such. As a result, development of the Project is consistent with the policies and priorities identified in Section 56377 of the CKH because it will result in the planned, orderly, and efficient development of non-prime agricultural lands.

The parcels are classified as Agricultural under the San Joaquin Multi-Species Habitat Conservation Plan administered by the San Joaquin Council of Governments (SJCOG). Participation in the plan is voluntary and provides coverage for incidental takings under the Endangered Species Act. The fee for conversion of agricultural lands under the plan is currently \$19,255 .per acre. SJCOG in turn uses the fees collected to acquire conservation easements from willing land owners.

*Definiteness and certainty of the boundaries*

The proposed annexation includes two small parcels (APN 135-060-066 and 067) that were created for street right-of-way (0.15 and 0.35 acres respectively) and one main parcel, 135.59 (APN 209-060-065) 135.59 acres are all whole tax assessor parcels consistent with Commission policy. The resulting boundaries will provide a clear boundary on both sides of Grant Line Road between Central Parkway and Mountain House Parkway.

*The proposal's consistency with county general and specific plans*

The Board of Directors of the MHCSD has determined that the annexing the parcels is consistent with it's Specific Plan III Planning Area. (Exhibit E: MHCSD Resolution of Application)

*The ability of the District to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change. (Exhibit F: Plan for Services)*

The property owners will pay all MHCSD fees upon annexation that will assist in paying for needed capital improvements in accordance with the College Park III Specific Plan. The proposed development of 286 single family detached dwelling units (255 Low-Density Residential and 31 Medium Density Residential) and future commercial and light industrial uses will also pay all fees in accordance with MHCSD policies. Additionally, the project also includes required improvements to support those land uses including storm water treatment and retention basins, landscaping, street frontage improvements, and offsite sanitary sewer, water services and other required improvements. The revenues from fees, property tax and future sales tax are expected to provide sufficient revenues to MHCSD to cover the on-going service and maintenance costs.

**WATER**

The property is annexed to the Byron-Bethany Irrigation District (BBID). MHCS D obtains its raw water supply under contract from BBID for up to 9,813 acre-feet per year. Raw water is delivered to the District's s Water Treatment Plant (WTP). Currently 15 MGD of raw water is treated and made potable for distribution to MHCS D. As of 2020, the total water demand (including system losses) was 4,672 acre-feet per year, meaning that there is currently 5,141 acre-feet per year available to meet demands of new development in MHCS D. By 2040, demand within MHCS D is expected to increase to 9,595 acre-feet with buildout of currently undeveloped areas, including the annexation area. Additionally, even though MHCS D has sufficient water supplies to meet planned growth through 2040, it also has the ability to purchase additional raw water supplies from BBID if BBID has available water. As a result, MHCS D has a projected water supply surplus of 2,788 acre feet per year available to meet planned development through 2040, including the growth identified for the Annexation Area.

The Mountain House Specific Plan III identifies the potable water demand factors that were used to design the MHCS D water treatment and delivery system for this annexation. By applying the water demand factors to the 286 dwelling units and expected future commercial and light industrial land uses the total anticipated daily water demand for the Annexation Area are calculated at 0.23 MGD. MHCS D Public Works Department has indicated that this treatment and storage infrastructure is adequate to meet this increased demand.

Delivering the water supply are both existing and planned potable water main network. A detailed analysis on the improvements, both existing and to be constructed by the project, to the water supply network of wells, storage tanks and lines is presented in the Annexation Plan.

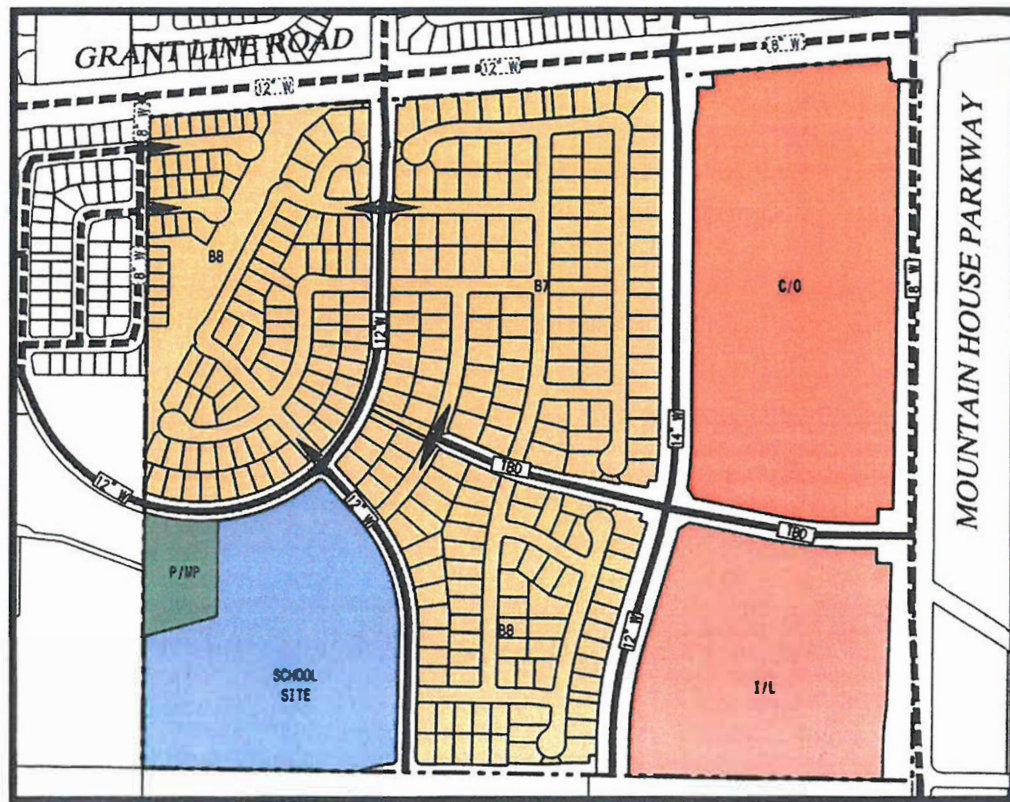


Figure 2 Existing and Proposed Potable Water System

## SANITARY SEWER SERVICE

The Mountain House Waste Water Treatment Plant (WWTP) has a design capacity to treat 5.4 MGD Average Dry Weather Flow (ADWF). The total anticipated daily wastewater generation estimates for Average Daily Flow from the Annexation Area are calculated at 0.16 MGD. The current Annual Average Day Flow at the WWTP (as of 2021) is 1.25 MGD. The MHCSD Public Works Department has indicated that the that the excess capacity at the WWTP is sufficient to meet the anticipated flows from the Annexation Area

Collection of the flows to the treatment plant will via both existing and planned lines. A detailed analysis on the waste water collection and treatment facilities is presented in the Annexation Plan.

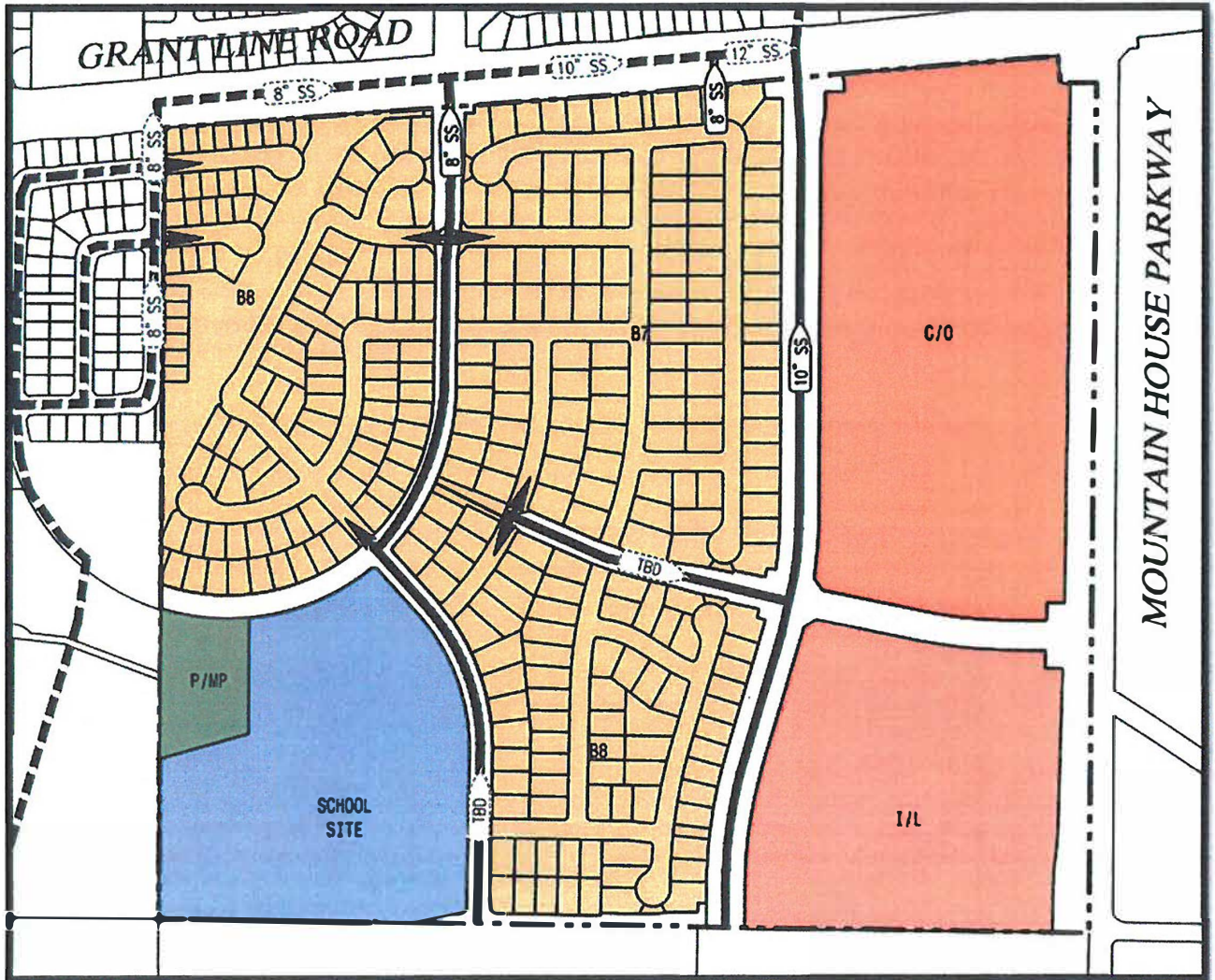


Figure 3 Existing and Proposed Sanitary Sewer System

## DRAINAGE

Storm drainage facilities and improvements, as well as flood protection services, are reflected Storm Water Master Plan adopted in 2008. Accordingly, the District will utilize storm water main pipelines designed to contain a 100-year storm event for this area. Storm lines around the perimeter of the site on Grant Line Road and Mountain House Parkway have already been constructed in accordance with the Master Plan. Within each neighborhood runoff will be collected in underground pipes for collection in larger trunk lines and eventual

discharge to storm water basins and Old River utilizing best management practices (BMPs). Additional details are presented in the Annexation Plan.

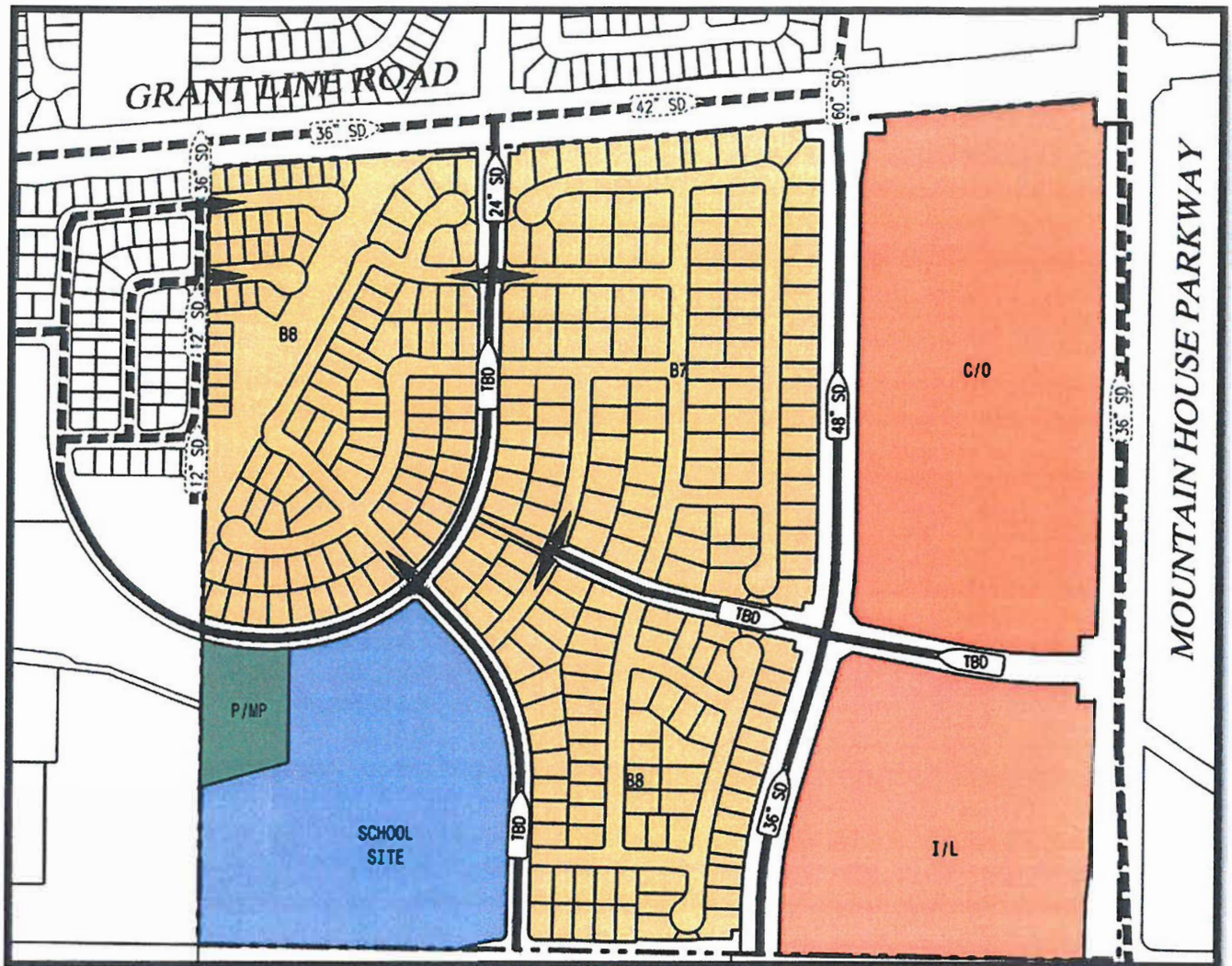


Figure 4 Existing and Proposed Storm Drain System

### POLICE SERVICE

Police Services in Mountain House are provided primarily by the San Joaquin County Sheriff's Office and the California Highway Patrol for traffic enforcement.

The San Joaquin County Sheriff's Office (SO) provides law enforcement services to the Mountain House community by contract with MHCSD. The contract calls for the SO to provide six full time equivalent (FTE) deputies to serve a population of over 15,000 residents (0.4 sworn officers per 1,000 residents). Through its contract with the San Joaquin County Sheriff's Department for law enforcement, the MHCSD provides the Mountain House community with six fulltime (Full-Time Equivalents or FTEs) deputies. Mountain House is designated by the Sheriff's Department as Beat 8. The Sheriff's Office also provides additional deputy support to Mountain House through its assignment of one fulltime deputy for the western part of the county defined as Beat 8.

The SO also provides an administrative command structure, investigative services, technical support (evidence gathering, video/picture logging), community-oriented policing, a citizen's academy, and incarceration services at the County Jail.

Specific to Mountain House, the CHP irresponsible to enforce traffic laws, as outlined in the California Vehicle Code, investigate traffic accidents, investigate vehicle thefts that occur from a roadway and respond to parking and other traffic complaints. MHCSO contracts with the CHP for services to supplement those provided by the SJCOSO.

In 2022, response times ranged from 5.4-minutes for Priority 1 calls (immediate dispatch, crime in progress including assault, homicide, kidnapping, robbery, home invasion, bomb threat, etc.); to 9.6-minutes for Priority 2 calls (family disturbance, suspicious person, theft of property, etc.) and 27.6-minutes for Priority 3 calls (delay in reporting crime, property theft or damage, mail theft, noise complaints, etc.). These response times are expected to be maintained to serve the Project.

The SJCOSO operates a satellite office located at the MHCSO Town Hall, 251 E. Main. As the community grows, a separate law enforcement headquarters building is planned to be constructed adjacent to Town Center Community Park near Byron Road. No date for construction has been established; its timing is dependent on the needs of law enforcement and the community.

## **FIRE SERVICE**

The proposed site is within the Tracy Rural Fire District and will be detached from the district upon annexation. Fire protection and emergency medical services (EMS) are provided by MHCSO under contract with French Camp McKinley Fire Protection District (FCMFPD), also referred to as the Mountain House Fire Department (MHFD). FCMFPD allows for coordinated fire and EMS services. MHFD operates out of Mountain House Fire Station 1 (aka Station 16-1) at 911 Tradition Ln. A second fire station (Station 16-2) will be added once new development occurs north of Byron Highway, expected to be completed in 2024.

The Mountain House Fire Department The station has a staffing level of five personnel, 24 hours per day, seven days per week, which include one Captain (Duty Officer), one Lieutenant, two engineers or certified driver operator, and one firefighter. Station No. 16-1 houses two Type 1 Fire Engines, one Ladder Truck, and one Type 6 Quick Response Vehicle.

The distance and response time to the Annexation Area from Station 16-1 at 911 Tradition is 1.2 miles, with an approximate 2 ½ minute non-emergency travel time. The distance and response time to the Annexation Area from the future Station 16-2 (Central Parkway and Stockyard) is 2.2 miles, with an approximate 5-minute non-emergency travel time. (See Attached Letter from FCMFPD)

As of 2021, Mountain House Fire Department responded to approximately 700 calls for service per year, which are dispatched through the Valley Regional Emergency Communications Center (VRECC). Average response time within the Mountain House community is 6-minutes 32-seconds for all calls, and 9-minutes 39-seconds for ninety percent of all calls. These response times are considered appropriate by Mountain House and will not be affected by the proposed annexation of the Project.

The contract with the FCMFPD provides for staffing additional fire stations and engine companies as the need occurs.

For this annexation request by MHCSO, the Tracy Rural Fire District (TRFD) has stated that the annexation will have financial impact to their District (See Attachment ). Annexation of the College Park III Machado property to MHCSO will result in a loss of annual property tax revenue and assessments to Tracy Rural in the amount of \$1,073.72. TRFD has stated that



a detachment fee equal to 10 years of lost property tax revenue via a single payment of \$10,073.72 will mitigate the revenue impact to the District (see attached letter).

MHCSO opposes the payment of the detachment fee to TRFD as a condition of this annexation (please see Attachment). The annexation application states MHCSO position that, "To offset these property tax revenues, MHCSO previously re-purchased Fire Station No. 1 from TRFPD for \$2.97 million plus closing costs and considers this payment adequate to offset any adverse impacts to TRFD."

The LAFCo policy regarding the payment of detachment fees is within Change of Organization Policies and Procedures (Including Annexations and Reorganizations), as amended, General Standards for Annexation and Detachment, Standard 12. This standard states that:

*LAFCo will consider any significant adverse effects upon other service recipients or other agencies serving the area and may condition any approval to mitigate such impacts. Significant adverse effects shall include the effect of proposals that negatively impact special districts' budgets or services or require the continuation of services without the provision of adequate funding. LAFCo will not approve detachments from special districts or annexations that fail to provide adequate mitigation of the adverse impact on the district. LAFCo may determine an appropriate temporary mitigation, if any, and impose that temporary mitigation to the extent it is within its powers. If the needed mitigation is not within LAFCo's authority and approval would, in the opinion of the Commission, seriously impair the District's operation, the Commission may choose to deny the application.*

The \$1,073.72 in property taxes that TRFD derived from the annexation area is 0.0098% of TRFD revenues according to MHCSO. In accordance with LAFCo policy, the \$1073.72 loss of property tax revenue has a de minimis impact on TRFD budget. The loss of the property tax will not require TRFD to continue providing services without adequate funding in that upon annexation MHCSO via contract with French Camp McKinley Fire District will provide fire protection service. There is not a stated reason for temporary mitigation in this case as the contract between MHCSO and FCFD is in good standing with both parties at this time desiring to continue the contractual arrangement past the For these reasons, it is staff's recommendation that the standard detachment fee requirement be waived because of the unique business circumstances between MHCSO and TRFD.

### ***Financial Ability to Provide Service***

The applicant will be responsible for financing and constructing the necessary facilities for development. All infrastructure improvements shall be constructed to MHCSO standards and with construction-related inspections at appropriate intervals. Upon completion of improvements, the improvements will be turned over to the District for acceptance.

### ***The comments of any affected local agency or other public agency. (Exhibit H:***

#### ***Referral Comments)***

County Public Works: No comment.

Environmental Health: Any existing wells or septic system to be abandoned shall be destroyed by permit and inspection by the Environmental Health Department.

***The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the San Joaquin Council of Governments.***

SJCOG adopted the most recent Regional Housing Needs Plan on September 22, 2022. The Regional Housing Needs Allocation (“RHNA”) within the plan was adopted in conjunction with its 2022 Sustainable Communities Strategy and Regional Transportation Plan (“SCS/RTP”). Through an iterative process with the State Department of Housing and Community Development (“HCD”), SJCOG is assigned a countywide housing allocation by household income level. SJCOG then distributed this total by an agreed upon formula to the incorporated cities and the unincorporated area of the county. Since the allocation is to the unincorporated county in total, Mountain House is not given a specific allocation for this 6<sup>th</sup> cycle of the RHNA process. The RHNA allocations by jurisdiction is shown in the table below. This allocation is for the 8-year period from 2023 to 2031:

Jurisdiction	Total RHNA Allocation	Very-Low Income Units	Low Income Units	Lower Income (Very-Low & Low-Income)	Moderate Income Units	Above-Moderate Income Units	Higher-Income (Moderate & Above-Moderate-Income)
Escalon	367	90	56	146	66	155	221
Lathrop	8,402	2,386	1,498	3,884	1,342	3,176	4,518
Lodi	3,909	941	591	1,533	706	1,671	2,377
Manteca	8,306	2,246	1,409	3,654	1,381	3,270	4,651
Ripon	1,424	347	218	565	255	604	859
Stockton	12,673	2,465	1,548	4,014	2,572	6,088	8,660
Tracy	8,830	2,994	1,879	4,873	1,175	2,782	3,957
Unincorporated County Areas	8,808	1,824	1,145	2,969	1,734	4,105	5,839
<b>Total San Joaquin County</b>	<b>52,719</b>	<b>13,293</b>	<b>8,344</b>	<b>21,637</b>	<b>9,231</b>	<b>21,851</b>	<b>31,082</b>

Currently the adopted cycle 6 RHNA numbers have been allocated to all jurisdictions within San Joaquin County. The implementing policies for the cities and county, the respective Housing Elements need to be updated and certified by January 1, 2024.

The currently adopted San Joaquin County Housing Element was approved for the previous cycle 5 RHNA allocation. To achieve compliance with Cycle 5 RHNA the planned residential lands in Specific Plan III that are part of the Project area are designated as R/M (second unit mandate) and R/VL (second unit mandate) and are intended to facilitate achievement of the Cycle 5 RHNA for San Joaquin County and consistent with the Cycle 5 Housing Element.

According to Cycle 5 Housing Element Table 7-57, below, R/M and R/VL designations are considered above moderate income affordability in Mountain House. However, the conditions of approval for development of residential lands within the Project require the construction of a minimum of 29-second unit dwellings. A minimum of one-third of all second unit dwellings constructed (10 dwelling units) on residential lands within the Project will be affordable to very low- or low-income households. As a result, annexation of the Project to MHCS D will help San Joaquin County fulfill its Cycle 5 RHNA goals.

San Joaquin County has until January 1, 2024 to update and gain HCD certification of the Cycle 6 Housing Element showing how 8,808 dwelling units (2,969 below market rate units + 5,839 market rate units) will be produced. It is anticipated that Mountain House will incorporate during the next year and the Mountain House General Plan will be adopted, including the required Housing Element. The required Mountain Housing Element will be reviewed and certified by HCD.

**White Brenner** <sup>LLP</sup>

**Proposal to Provide Special Counsel Services  
- Local Agency Formation Commission**

**February 15, 2023**

Presented By:

White Brenner LLP

1414 K Street, 3<sup>rd</sup> Floor  
Sacramento, CA 95814

Telephone: 916.468.0950  
Fax: 916.468.0951

- State Water Resources Control Board (SWRCB) Water Right Proceedings (representing public agencies in hearing to defend permits that are still pending licensing)
- As mentioned above, the Firm has extensive experience with the entitlement process and buildout of development projects involving LAFCO approval. The Firm's clients include municipalities in the Central Valley, who have undergone significant growth through Sphere of Influence modifications and annexations. The Firm's role may cover every part of development projects before and after LAFCO approval, including CEQA review and findings, entitlement approvals, development agreements, negotiating conflicts between developers, fees and public facilities financing, tax sharing agreements, LAFCO application materials, agricultural preservation plans, and LAFCO protest proceedings and elections. The Firm's partners and associates have specialized expertise in land use and development, and consequently clients rely on the Firm to assist and advise at all stages of the development process. Below are some representative development projects involving LAFCO approvals, with examples of active roles delegated to the City Attorney:
  - City of Patterson; West Patterson Business Park Master Development Plan (2003)
    - 814 acres reserved for industrial and commercial uses.
    - Negotiated an amendment to a governing Cooperation Agreement between City and County on allowed land uses, revenue sharing, and financial obligations for certain public improvements.
  - City of Patterson; Villages of Patterson (2006)
    - 692 acres; 3,100 dwelling units; 623,800 square feet of commercial and industrial uses.
    - Negotiations with multiple landowners to enter into Operating Memorandum, after project came to halt due to 2008 recession. Operating Memorandum established terms for affordable housing, reimbursement for entitlement costs and improvements, and process for continued buildout.
  - City of Patterson; Arambel Business Park / West Patterson Business Park Expansion Project (2012)
    - 948 acres reserved for industrial and commercial uses.
    - Development Agreement negotiations regarding timing of public improvements, financing terms, and public benefits.
  - City of Patterson; Zacharias & Baldwin Ranch South Master Plan (2022)
    - 1,296 acres; 5,091 dwelling units; 7,765,000 square feet of industrial and commercial uses.

- Project management and drafting of entitlement approvals; negotiation of impact fees, financing terms, and public improvement obligations between different developers.
- City of Oakdale; Crane Crossing Specific Plan (2013)
  - 262 acres; 1,039 dwelling units; 710,507 square feet of commercial uses.
  - Continued work on agreements with participating developers and public facilities financing plans.
- City of Oakdale; Sierra Pointe Specific Plan (2013)
  - 297 acres; 901 dwelling units; 1,118,069 square feet of mixed-use and commercial uses.
  - Review compliance with LAFCO agricultural preservation policies; Development Agreement negotiations.
- City of Oakdale; East F Street Specific Plan
  - 192 acres; 611 dwelling units; 476,606 square feet of mixed-use and commercial uses.
  - Review of entitlement approvals involving Specific Plan amendment and Supplemental EIR. Firm also led the drafting and adoption of entitlement and infrastructure fees in the Specific Plan area.
- City of Newman; Northwest Newman Master Plan (2017)
  - 362 acres; 1,353 dwelling units; 1,290,247 square feet of business park and commercial uses.
  - City, as elections official, worked with LAFCO and County Registrar to conduct special mail ballot election to registered voters in annexation area.
- City of Riverbank; Crossroads West Specific Plan (2019)
  - 388 acres; 2,363 dwelling units; 577,000 square feet of mixed-use and commercial uses.
  - Negotiated Development Agreement regarding construction of public improvements, impact fees, and financing districts.

Finally, as part of the Firm's commitment to providing exceptional service to its clients, White Brenner is an active member of several public law organizations and associations, such as the League of California Cities, California Special Districts Association, and Association of California Water Agencies, as well as other similar organizations.

# Staffing

## Proposed Lead Counsel

White Brenner is committed to proposing the most qualified attorney(s) to meet the needs of each client. In line with that commitment, the Firm proposes Mr. Douglas White as Principal Attorney, and Ms. Nubia Goldstein and Mr. Thomas Hallinan as Secondary Attorneys to lead LAFCO's legal team. All proposed attorneys are partners of the Firm with extensive experience representing cities and other public agencies throughout the state and could capably help lead LAFCO's legal team.

The Firm culture of White Brenner embraces a collaborative work model, while taking care to respect the needs and desires of each client regarding sensitive information. As such, the Principal Attorney will coordinate with the Secondary Attorneys and any other approved attorneys to provide significant opportunities to contribute to the success of LAFCO matters. Therefore, if a scheduling conflict or unforeseeable extended absence should occur for the Principal Attorney, LAFCO may rest assured that one of the Secondary Attorneys, or any of our other attorneys or of counsels, will be able to step in to attend meetings and participate knowledgeably, and assist LAFCO in any way necessary.

## Support Staff

In addition to the proposed team, White Brenner currently employs a total of 17 attorneys, 3 paralegals, and 1 legal secretary who assist as needed.

## Principal Attorney

### *Douglas L. White – Managing Partner*

Our Firm is committed to proposing the most qualified attorneys to meet the needs of each client. In line with that commitment, the Firm is proposing Doug White as Principal Attorney. Mr. White is the Firm's Managing Partner, and his practice focuses on every aspect of municipal law, including the Brown Act, Public Records Act, Political Reform Act, Elections Code, Proposition 218, real estate, land use, planning, and redevelopment law. His clients include numerous cities and special districts. He has specific expertise in land use entitlements and project approvals, environmental reviews, real estate contracts and commercial transactions, leasing, building and project certifications, project financing, eminent domain, public contracting, and regulatory and governmental affairs. In addition to his municipal work, Mr. White has also successfully represented public and private clients in high-profile litigation matters and has obtained favorable judgments and settlements, including a \$4,000,000 settlement for the City of Riverbank in a CEQA litigation matter.

Mr. White currently serves as City Attorney for the cities of Angels Camp, Dixon, and Sonora; serves as General Counsel for the San Miguel Community Services District; and serves as Deputy City Attorney for the cities of Ceres, Livingston, Oakdale, Patterson, and Riverbank. He also provides Special Counsel services for a number of other cities. He advises public entities and officials on issues pertaining to the Brown Act, Political Reform Act, Public Records Act, public contracting, code enforcement, and other municipal and public law matters.

Prior to joining White Brenner, Mr. White served as legal counsel and Vice President of Government Affairs for the California Bankers Association, legal staff for the Fair Political Practices Commission and Chief of Staff, Legislative Director, and a consultant to various elected officials, including former Congressman Dennis Cardoza and former State Superintendent of Public Instruction, Jack O'Connell.

Mr. White has been recognized as one of the leading attorneys in the United States on issues related to renewable energy and sustainability and been named by the California Real Estate Journal as one of California's Green Leaders. He has been selected as a Northern California Super Lawyer by *Super Lawyers Magazine* and been featured as a speaker and moderator at state and national conferences. Mr. White is an AV Rated attorney by Martindale-Hubbell and has been honored by his peers as Best of the Bar by the Sacramento Business Journal every year since 2014.

Attorney Name:	Douglas L. White
Areas of Expertise:	Municipal, Land Use, Real Estate
Education:	J.D., McGeorge School of Law, 1998 B.A., University of California, Davis, 1995
Date of Admittance to the California State Bar:	5/2000
Years of Practice:	20+
Employment History:	White Brenner LLP (formerly Churchwell White LLP), 2013-Present DL White Law Group, 2011-2013 Weintraub Tobin, 2010-2011 Greenberg Traurig LLP, 2009 Hoge Fenton Jones & Appel, 2007-2008
Scholastic Honors and Professional Affiliations:	Member, California State Bar, Real Estate Section Member, California State Bar, Environmental Section Former licensed Real Estate Broker
Municipal and Public Sector Experience:	<ul style="list-style-type: none"> <li>• 20+ years of Local Government Experience</li> <li>• Current City Attorney for the cities of Angels Camp, Dixon, and Sonora</li> <li>• Deputy City Attorney for the cities of Ceres, Livingston, Oakdale, Riverbank, and Patterson</li> <li>• General Counsel to the San Miguel Community Services District</li> <li>• Mr. White has contributed to the California Municipal Law Handbook</li> <li>• Advises municipal clients on matters relating to land use and planning, development and redevelopment, real estate, and public contracting</li> <li>• Represents public clients in land use entitlements and project approvals, CEQA and NEPA, real estate contracts and commercial transactions, leasing, building and project certifications, and project financing</li> <li>• Successfully represented the City of Riverbank in a CEQA litigation matter, which resulted in a \$4,000,000 settlement awarded to the city. This case was featured in the Daily Journal's Top Plaintiff Verdicts and Settlements.</li> <li>• Successfully represented the City of Dixon in a pre-election challenge to two initiatives filed by a local taxpayer association on the basis the initiatives were unconstitutional and beyond the power of the electorate. By prevailing against the local taxpayer group, the City of Dixon was able to move forward with increasing its sewer rates to comply with a state regulatory mandate in order to protect the City's groundwater from contamination and implement a wastewater solution for the next generation.</li> </ul>



## Secondary Attorneys

### ***Nubia I. Goldstein - Partner***

Ms. Goldstein's areas of practice include municipal law, litigation, eminent domain, and legislative advocacy. Ms. Goldstein serves as City Attorney for the cities of Newman and Patterson, and Deputy City Attorney for the cities of Angels Camp, Dixon, Ceres, Livingston, and Sonora. She also advises the Firm's public agency clients on issues related to the Brown Act, Public Records Act, Political Reform Act, Elections Code, Proposition 218, conflicts of interest, and personnel and employee negotiations. She represents the Firm's public and private clients in all stages of litigation and alternative dispute resolution. She is a member of the Public Law section of the California State Bar, a member of the Hispanic National Bar Association, and a registered lobbyist. Ms. Goldstein is also fluent in Spanish.

In addition to handling day-to-day municipal matters for her clients, Ms. Goldstein has guided the Firm's public clients through several high-profile litigation cases. On behalf of the City of Patterson (against Patterson Hotel Associates), the City of Dixon (against the Solano County Taxpayers Association) and Amador Water Agency (against the Howard Jarvis Taxpayers Association), she prevailed, receiving favorable decisions for all clients. Ms. Goldstein also assists the Firm's clients with labor, personnel, and elections issues.

Prior to joining White Brenner, Ms. Goldstein gained both legislative experience working at the State Capitol for a California Assemblywoman and political know-how while working on local election campaigns. She also built upon her governmental relations and legal experience at the California Attorney General's Office, Fair Political Practices Commission, and the Department of Fair Employment and Housing. She also previously worked in the Civil Law and Motion Department of the Sacramento County Superior Court. The accumulation of all these experiences naturally led Ms. Goldstein towards municipal law as an intersection of politics, policy, and law.

Ms. Goldstein has been selected every year since 2015 to the Super Lawyers Northern California Rising Stars list for the areas of State, Local & Municipal, General Litigation, and Lobbying, as well as to *Sacramento Magazine's* Top Lawyers list. She has also contributed to the *California Municipal Law Handbook*, California Special Districts Association's *Sample Policy Handbook*, and has been published in *TYL*, a publication of the American Bar Association.

Attorney Name:	Nubia I. Goldstein
Areas of Expertise:	Municipal, Litigation, Legislative Advocacy
Education:	J.D., McGeorge School of Law, 2010 B.A., California State University, Sacramento, 2006
Date of Admittance to the California State Bar:	12/2010
Years of Practice:	10+
Employment History:	White Brenner LLP (formerly Churchwell White LLP), 2013-Present DL White Law Group, 2011-2013
Scholastic Honors and Professional Affiliations:	Advocate, National Institute for Trial Advocacy (NITA) Member, Hispanic National Bar Association California Bar, Public Law Section Recipient, Witkin Award for Excellence Member, Traynor Honor Society Outstanding Student Service Award, McGeorge School of Law President and Executive Chair, McGeorge's Public Legal Services Society
Municipal and Public Sector Experience:	<ul style="list-style-type: none"> <li>• Current City Attorney for the cities of Newman and Patterson</li> <li>• Deputy City Attorney for the cities of Angels Camp, Dixon, Ceres, Livingston, and Sonora</li> <li>• General Counsel for the California Electronic Recording Transaction Network; Special Counsel for City of Redwood City</li> <li>• 10 years of Municipal Law experience</li> <li>• Served as a contributor and editor of the California Municipal Law Handbook</li> <li>• Advises municipal clients on issues pertaining to the Brown Act, Political Reform Act, Public Records Act, public contracting, code enforcement, and other municipal and public law matters</li> <li>• Successfully represented the City of Patterson in a decade-long lawsuit against members of the Patterson Hotel Associates, LLC (PHA). This three-week trial stemmed from the city's claim for unpaid taxes in the amount of \$237,000 and PHA's various cross claims for approximately \$4,000,000. The court found in favor of the city for all taxes owed, plus interest, and nothing owed by the city to PHA. Since the city was the prevailing party, the city was also awarded attorneys' fees and costs.</li> <li>• Successfully negotiated fair monetary reimbursement to landowners subject to eminent domain claims by the West Sacramento Area Flood Control Agency</li> <li>• Successfully represented public and private clients in various ADR proceedings, including mediation and arbitration</li> </ul>

### ***Thomas P. Hallinan - Partner***

Mr. Hallinan has over twenty-eight years of public agency law experience. He has represented over ten cities and special districts and currently represents the cities of Oakdale, Livingston, and Riverbank. He has also served as General Counsel to the Grayson Community Services District, Crows Landing Community Services District, and the Westley Community Services District. Mr. Hallinan is experienced in providing legal advice on the Ralph M. Brown Act ("Brown Act"), Public Records Act, Political Reform Act, Elections Code, Proposition 218, and all phases of real property development, including public finance. He regularly prepares and reviews resolutions and ordinances, public contracts and franchise agreements, and handles all Pitchess motions and prosecution of municipal code violations in the Stanislaus Superior Court.

In addition to his experience as a City Attorney, Mr. Hallinan has served as a Hearing Officer for the Central Valley City Attorney Association and the Port of Oakland. His formal decision-making experience includes adjudicating high-profile matters regarding large community employers and prominent citizens, as well as small municipal matters such as noise complaints and animal control violations.

For twenty years, Mr. Hallinan proudly served on the Yosemite Community College District Board of Trustees. By virtue of his former service as a Community College Trustee, Mr. Hallinan was appointed by the State Chancellor of the California Community College system to the Stanislaus County-Ceres Oversight Board; and the City of Ceres Oversight Board, where he served as Vice-Chair. Mr. Hallinan has also been appointed by the Governor to the California Law Revision Commission, the Gaming Policy Advisory Committee to the California Gambling Control Commission, and the 38th District Agricultural Association.

Throughout his career, Mr. Hallinan has served in various capacities for the League of California Cities City Attorney Department, including as a member of the Communications/Public Works Committee, and as the Central Valley representative on the Legal Advocacy Committee. Since 2008, Mr. Hallinan has served as a member of the Stanislaus County Assessment Appeals Board. This board serves as the County's local Board of Equalization, a quasi-judicial body which hears taxpayer appeals based on evidence regarding real and personal property assessment disputes the appellant has with the County Assessor.

Having served as both an appointed and elected official in local and state government, Mr. Hallinan has extensive knowledge of and experience with all governmental agencies. With 28 years of experience in General Local Government Law, Mr. Hallinan's experience is unparalleled in trouble shooting issues ranging from Constitutional Law to Code Enforcement.

Attorney Name:	Thomas P. Hallinan
Areas of Expertise:	Public Agency and Municipal Law, Litigation
Education:	J.D., Lincoln Law School of Sacramento B.A., California State University, Fresno
Date of Admittance to the California State Bar:	06/1994
Years of Practice:	28+
Employment History:	White Brenner LLP, 2013-Present DL White Law Group, 2011-2013
Scholastic Honors and Professional Affiliations:	Member, Gaming Policy Advisory Committee of the California Gambling Control Commission California Law Revision Commission Member, Central Valley City Attorney's Association State of California, Department of Toxic Substances Control Elected member, Yosemite Community College District Board of Trustees Governor's appointee, 38th District Agricultural Association Stanislaus County Assessment Appeals Board member
Municipal and Public Sector Experience:	<ul style="list-style-type: none"> <li>• Over 28 years of experience providing City Attorney, General Counsel, and Special Counsel services to municipalities and special districts</li> <li>• Serves as General Counsel to Grayson Community Services District, Crows Landing Community Services District, Westley Community Services District, and the South San Joaquin County Fire Authority</li> <li>• Serves as City Attorney to the cities of Oakdale, Livingston and Riverbank</li> <li>• Experienced in providing legal advice on the Brown Act, Political Reform Act, Public Records Act, contracts and procurement, and all phases of real property development including public finance</li> <li>• Advises clients on Proposition 218 matters and negotiates related franchise agreements</li> <li>• Represents public clients in land use and city code matters</li> </ul>

The Firm works collectively as a team for the benefit of our clients, and LAFCO will benefit from the full resources of the Firm. Mr. White's, Ms. Goldstein's, and Mr. Hallinan's resumes are attached under the "Attorney Resumes" section of this proposal. Additional resumes for the remaining White Brenner legal team are included as well.

## Proactive Approach

Our attorneys are committed to staying at the forefront of legal developments. A benefit to having an active governmental relations group within the Firm is their immediate involvement in the early stages of any and all legislation that may have a direct effect on our municipal clients. In addition to our government relations communications, the Firm also tracks and regularly sends out e-alerts to clients on a variety of relevant topics, including the latest water rights and quality regulations; Fair Political Practices Commission, ethics, conflicts of interests, and political updates; new and ongoing legislation; and major state and federal decisions.

As a complimentary service to our clients, and to keep them in full compliance with the law, the Firm regularly coordinates and schedules mandated trainings, covering topics such as AB 1234, AB 1825, and AB 1661. We also offer trainings on the Ralph M. Brown Act, the Public Records Act, Robert's Rules of Order and parliamentary procedures, and many other topics that may be of interest to the City. In conjunction to these trainings, the Firm frequently publishes other resources, such as the Brown Act Pocket Guide, which serves as a handy reference material for clients.

### *Communication and Response Times*

Communication is key to delivering exceptional client service. The Firm believes that before taking significant action, it is imperative that we consult with our clients to keep them informed of major developments. The attorneys at White Brenner believe in being readily available and accessible to their clients and are committed to providing whatever turn-around time is needed to meet each client's expectation. It is customary for attorneys to provide same-day response to all emails and phone calls, in the absence of an established expectation. If Mr. White is unavailable for any reason, Ms. Goldstein or Mr. Hallinan would step in to attend a meeting or assist LAFCO, as needed. LAFCO staff is encouraged to communicate with us on any issue that needs attention. We encourage our clients to share with us all expectations and concerns regarding our services during the course of our representation.

In order to facilitate communication and timely responses, the Firm is committed to staying at the leading edge of technology. All attorneys at White Brenner have smart phones, laptop computers, and state-of-the-art, highly secure remote access to the Firm's document management system and other critical software applications. The Firm utilizes Microsoft Office 365 Suite, as well as Microsoft Word for word-processing of all documents. Our office is equipped for video and phone conferencing, which allow for direct and efficient communication and, in some cases, reducing the cost and hassle of travel. The Firm prides itself on providing its attorneys and staff with the most recent technology available in order

to support the Firm's commitment to being readily accessible to clients and providing exceptional service.

### ***Transmittal of Requests***

LAFCO leadership should be actively involved in the strategy and management of your legal affairs, and our goal is to encourage candid and frequent communication between LAFCO and our Firm. LAFCO staff is encouraged to communicate with us directly on any issue or matter that you feel deserves attention, and we will endeavor to respond promptly. In order for us to assist you effectively and efficiently, we assume that you will provide us with the factual information you have which relates to the subject matter of our agreement, and that you will make any appropriate business or technical decisions. In addition, we encourage you to share with us, at all times, your expectations and any concerns regarding our services during the course of our representation.

The Firm can provide files electronically or via mail. Clients can upload and download documents and files of all types and sizes through the Firm's secure client portal, which is accessed through the Firm's website by selecting "Login" at the bottom of the navigation bar or through the URL <https://whitebrennerllp.sharefile.com>. The Firm also utilizes FedEx as one of our primary overnight freight services for physical and original files.

### **Professional Development**

Each attorney at White Brenner attends continuing legal education training each year that exceeds the minimum requirements of the State Bar of California. The Firm supports and encourages its attorneys to regularly attend workshops, seminars, and continuing legal education programs that advance their skill development in areas that add the most value to our clients. Each year, for example, the Firm sends at least two attorneys to trainings provided by the National Institute for Trial Advocacy. We also encourage our attorneys to attend and participate in several conferences, seminars, association activities, and webinars throughout the year. This includes the League of California Cities' Annual Conference, the League of California Cities' Annual City Attorney Conference, the California Special District Associations' Annual Conference, the Association of California Water Agencies' conferences, as well as many other diverse seminars and symposiums across the state and country. Our legislative advocates also participate in the League of California Cities' City Caucus meetings, as well as the California Special Districts Association's Legislative Committee, in order to stay up-to-date on bills affecting cities and keep our municipal clients aware of and engaged in any legislation that may affect cities throughout the state.

## Transference of Institutional Knowledge

In order to proactively advise our clients, one of the first steps that we take with a new client is to arrange an initial kick-off meeting between our team and the City. This would include the proposed legal team and any other relevant attorneys or legal staff who may assist the City during our representation, as well as the City Manager, Mayor, and whomever else the City designates. During this meeting we would brief the City on our own processes, as well as discuss in further depth the City's short-term and long-term plans and any ongoing legal issues. Not only does this allow everyone to familiarize themselves with each other, it allows us to create a more specific plan for the City's legal work and sets a precedent for cooperative communication moving forward. Following this initial meeting with the City's leadership, our proposed team can better assess what the City's most urgent legal needs are, what issues may arise in the future, and which areas should be proactively tracked and handled. We do not bill for these meetings. The Firm also performs a legal audit of the City to inform the City Council and City Manager of any issues that may be of concern.

# References

White Brenner is proud to identify the following municipal references, for which the Firm currently provides services to, and that demonstrate our ability to provide the scope and complexity of services discussed in this proposal:

## ***Reference 1***

Bryan Whitemyer, City Manager  
City of Oakdale  
280 N. Third Ave., Oakdale, CA 95361  
Phone: (209) 845-3571  
Email: [bwhitemyer@ci.oakdale.ca.us](mailto:bwhitemyer@ci.oakdale.ca.us)  
City Attorney: Thomas Hallinan

## ***Reference 4***

Ken Irwin, City Manager  
City of Patterson  
1 Plaza, Patterson, CA 95363  
Phone: (209) 895-8015  
Email: [kirwin@ci.patterson.ca.us](mailto:kirwin@ci.patterson.ca.us)  
City Attorney: Nubia Goldstein

## ***Reference 2***

Jim Lindley, City Manager  
City of Dixon  
600 East A Street, Dixon, CA 95620  
Phone: (707) 678-7000 ext. 1101  
Email: [jlindley@ci.dixon.ca.us](mailto:jlindley@ci.dixon.ca.us)  
City Attorney: Douglas White

## ***Reference 3***

Sean Scully, City Manager (former City Manager for  
the City of Riverbank)  
City of Lincoln  
600 6th Street, Lincoln, CA 95648  
Phone: (916) 434-2490 ext. 4  
Email: [sean.scully@lincolnca.gov](mailto:sean.scully@lincolnca.gov)



## Law Firm Clients and Projects

Below is a list of the Firm's past public agency clients. Additional information is provided where the Firm has provided City Attorney, General Counsel, Administrative Hearing Officer, or similar services in the last five years:

- **Amador Water Agency**  
2015-2019: providing special counsel services.
- **City of Atwater**  
2018-2019: providing city attorney and special counsel services.
- **City of Orange Cove**  
2013-2016: providing special counsel services.
- **City of Redwood City**  
2013-2018: providing special counsel services.
- **City of San Bruno**  
2013-2016: providing general and special counsel services.
- **City of Turlock**  
2019-2021: providing city attorney and special counsel services.
- **Merced Irrigation District**  
2013-2021: providing special counsel services.
- **Port of Oakland**  
2018: provided administrative hearing officer services.

Below is a list of the Firm's current public agency clients. Additional information is provided where the Firm has provided City Attorney, General Counsel, Administrative Hearing Officer, or similar services in the last five years:

- **California Electronic Recording Transaction Network Authority**  
2018-present: providing general counsel services.
- **City of Angels Camp**  
2018-present: providing city attorney and special counsel services.
- **City of Arroyo Grande**  
2021-present: providing representation with regard to Water Rights Issues.
- **City of Benicia**  
2016-present: providing special counsel services.
- **City of Ceres**  
2014-present: providing city attorney and special counsel services.
- **City of Dixon**  
2013-present: providing city attorney and special counsel services.
- **City of Fresno**  
2013-present: providing special counsel services.

- **City of Newman**  
2013-present: providing city attorney and special counsel services.
- **City of Oakdale**  
2013-present: providing city attorney and special counsel services, including municipal infraction prosecutions.
- **City of Oakland**  
2013-present: providing special counsel services.
- **City of Patterson**  
2013-present: providing city attorney and special counsel services.
- **City of Riverbank**  
2013-present: providing city attorney and special counsel services.
- **City of Santa Clara**  
2017-present: providing special counsel services.
- **City of Sonora**  
2016-present: providing city attorney and special counsel services.
- **City of Suisun City**  
2017-present: providing special counsel services.
- **Del Paso Manor Water District**  
2019-present: providing general counsel and special counsel services.
- **Georgetown Divide Public Utility District**  
2013-present: providing general counsel and special counsel services.
- **Grizzly Flats Community Services District**  
2014-present: providing general counsel and special counsel services.
- **Knightesen Town Community Services District**  
2019-present: providing general counsel services
- **Los Rios Community College District**  
2017-present: providing general and special counsel services.
- **Nevada Irrigation District**  
2017-present: providing special counsel services.
- **North Yuba Water District**  
2017-present: providing general counsel and special counsel services.
- **Reclamation District 799**  
2016-present: providing general counsel and special counsel services.
- **Rio Linda-Elverta Community Water District**  
2013-present: providing general counsel and special counsel services.
- **Riverbank Local Redevelopment Authority**  
2013-present: providing general counsel and special counsel services.
- **San Miguel Community Services District**  
2015-present: providing general counsel and special counsel services.
- **Westley Community Services District**  
2014-present: providing general counsel services.

## Potential Conflicts of Interest

White Brenner maintains a comprehensive database on client representation. Prior to accepting any representation, the database is accessed to determine whether there are any existing conflicts. Additionally, each attorney is separately e-mailed a description of the proposed representation and asked to comment on any potential conflicts. A preliminary conflict check was conducted which indicated that there are no current conflicts with our representation of LAFCO.

At this time, the Firm does not foresee any potential conflicts of interest that may arise with representing LAFCO. Neither White Brenner, nor any of our attorneys, has represented any entity or individual with an interest adverse to LAFCO, its City Council, its staff, or any of the boards, agencies, commissions, or organizations to which the City belongs. Nor does the Firm have any known former or current clients within the boundaries of the City. Should the Firm become aware of a potential conflict of interest, the City would be notified immediately, and the Firm would assist the City in coordinating professional advice or outside legal counsel that best suits the City's needs.

## Maintained Insurance

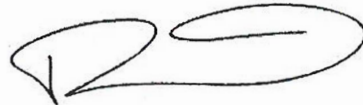
White Brenner currently maintains general liability insurance of \$2,000,000 per occurrence and \$4,000,000 aggregate, automobile, workers compensation of \$2,000,000 per occurrence, and errors and omission insurance of \$1,000,000 per occurrence and \$3,000,000 to comply with LAFCO requirements.

## Conclusion

White Brenner is excited about this opportunity, and we would be pleased to provide legal counsel services to the Local Agency Formation Commission of San Joaquin County. We encourage LAFCO to focus on our qualifications, our commitment to the provision of quality legal services and exceptional service, as well as our ability to offer these services at the most cost-effective rates available. We hope that you will strongly consider offering our Firm the opportunity to interview with LAFCO so we can discuss our qualifications and experience in more detail.

Thank you for your consideration. If you require any additional information, please contact me at 916.468.0950 or at [doug@whitebrennerllp.com](mailto:doug@whitebrennerllp.com).

Respectfully submitted,  
WHITE BRENNER LLP



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Douglas White  
Managing Partner

## AGREEMENT FOR SPECIAL COUNSEL SERVICES

**THIS AGREEMENT FOR SPECIAL COUNSEL SERVICES** (“Agreement”) is made and entered into the 9th day of March, 2023 (the “Effective Date”), by and between the San Joaquin Local Agency Formation Commission, a California Government Agency (“LAFCO”), and the law firm of White Brenner LLP, a California limited liability partnership (“Firm”). LAFCO and Firm may be referred to herein individually as a “Party” or collectively as the “Parties”. There are no other parties to this Agreement.

### RECITALS

A. On February 15, 2023, Firm submitted a proposal for services to LAFCO.

B. The Parties wish to enter into this Agreement to authorize the Firm to provide to LAFCO the legal services contemplated herein and memorialize the mutual obligations between the Parties.

**NOW, THEREFORE**, in consideration of the mutual covenants entered into between the Parties, and in consideration of the benefits that accrue to each, it is agreed as follows:

### AGREEMENT

**Section 1. Recitals.** The Recitals above are true and correct and are hereby incorporated into and made a part of this Agreement. In the event of any inconsistency between the Recitals and Sections 1 through 29 of this Agreement, Sections 1 through 29 shall prevail.

**Section 2. Appointment.** LAFCO hereby retains Firm to provide special services required by LAFCO, and Firm hereby agrees to perform such legal services. Douglas L. White, Managing Partner of Firm, is hereby retained as Special Counsel.

**Section 3. Effective Date.** This Agreement shall become effective and Firm shall commence performance under the terms of this Agreement on March 9, 2023 (“Effective Date”).

**Section 4. Integrated Agreement.** This Agreement contains all of the agreements of the Parties, and all previous understandings and negotiations are integrated into this Agreement.

**Section 5. Amendment.** The Agreement may be amended at any time by the mutual consent of the Parties by an instrument in writing signed by both Parties. Any non-material change to the Agreement may become effective thirty (30) days following approval of such change in writing by a LAFCO representative as authorized by the Board and Firm and shall not require the approval of the Board (e.g., changes to Firm name or address).

**Section 6. Legal Services.** The legal services to be provided under this Agreement shall include Specialized Services (“Legal Services”), which are detailed as follows:

- a. Special Counsel Services regarding Mountain House Projects, except matters relating to the incorporation of Mountain House.;
- b. Additional Special Counsel Services, as requested.

**Section 7. Compensation.**

**7.1. Hourly Rate for Legal Services.** All Legal Services provided by Firm for LAFCO shall be billed at a blended hourly rate as follows:

**7.1.1 Non-Reimbursable Legal Services.** LAFCO shall pay Firm at a blended rate of Two Hundred Ninety-Five Dollars (\$295.00) for all partners, of counsels, associates, paralegals and law clerks for all Special Counsel Legal Services which would not be reimbursable to LAFCO.

**7.1.2 Reimbursable Legal Services.** LAFCO shall pay Firm at a blended rate of Three Hundred Ninety-Five Dollars (\$395.00) per hour for all partners, of counsels, associates, paralegals and law clerks for all Special Counsel Legal Services which would be reimbursable to LAFCO.

**7.1.3. CPI Increase.** The rates herein will be adjusted annually on March 1 (the "Anniversary Date") in accordance with an increase in the All Urban Consumer Price Index for the San Francisco-Oakland-San Jose area ("CPI") existing on the Anniversary Date but will not be decreased in the event there is any year-to-year or cumulative decrease in the CPI during the Term of this Agreement, as defined below. Any changes in the Firm's rates shall become effective following a thirty (30) day notice to the LAFCO.

**7.2. Outside Counsel.** If Firm requires assistance from attorneys not associated or affiliated with Firm who specialize in a specific field, such as tax or bankruptcy, with regard to services within the scope of the Services listed above, Firm will charge and LAFCO agrees to pay the billing rates for those attorneys. Firm shall obtain the consent of LAFCO's Executive Officer prior to engaging any attorney not affiliated or associated with Firm to provide legal services to LAFCO.

**7.3. Costs, Expenses & Advances.** LAFCO shall pay for all costs, expenses or advances incurred by Firm to perform work, on behalf of LAFCO, and services provided by or obtained through the Firm on behalf of LAFCO, including travel time, other than the services already described in this Agreement ("Costs"). Such Costs shall be the actual cost of the service obtained and there shall be no mark-up of the Costs by Firm. Costs include, but are not limited to: outside courier service, court runner service, court reporter services, and transportation costs. The Parties agree that LAFCO shall pay the Costs of copying and printing at a rate of twenty cents (0.20 cents) per page. LAFCO shall pay Costs for transportation including, reasonable expenses for meals and lodging and mileage calculated at the rate per mile that is provided by the Internal Revenue Service at the time the expense is incurred. All Costs shall be itemized on the Firm's monthly invoice to LAFCO.

**7.4. Included Services.** Notwithstanding any other provision in this Agreement to the contrary, LAFCO will not be required to pay any separate or additional charge for the following:

- a. Secretarial, word processing or clerical services which are included in the hourly rates of the Firm's legal professionals;
- b. Charges associated with telephone or facsimile services.

**7.5. Invoices and Statements.**

a. Firm shall provide LAFCO with an itemized statement or invoice for fees, costs and expenses incurred on a monthly basis. All statements and invoices shall indicate the basis for all charges, including the hours worked and Costs incurred, the hourly rate, and a brief description of the work performed. Firm will establish separate billing projects for specific matters and funding categories as LAFCO may direct. Reimbursable Cost Recovery Services and fees will be separately itemized.

b. Payments shall be made by LAFCO to Firm within thirty (30) days of receipt of any statement or invoice, except for those specific items on an invoice that are contested or questioned and are returned by LAFCO with a written explanation of the question or contest, within thirty (30) days of receipt of the statement or invoice. Payments made to Firm more than thirty (30) days after the due date shall draw interest at ten percent (10%) per annum except as otherwise set forth herein.

**Section 8. Term and Termination.** This Agreement shall continue until terminated by LAFCO or Firm upon thirty (30) days advance written notice to the non-terminating party. Upon termination Firm shall be entitled to and LAFCO shall immediately pay all amounts owed to Firm.

**Section 9. Independent Contractor.** Firm shall perform all Legal Services required under this Agreement as an independent contractor of LAFCO, and shall remain, at all times as to LAFCO, a wholly independent contractor with only such obligations as are required under this Agreement. Neither LAFCO, nor any of its employees, shall have any control over the manner, mode, or means by which the Firm, its agents or employees, render the legal services contemplated by this Agreement, except as otherwise set forth. LAFCO shall have no voice in the selection, discharge, supervision or control of Firm employees, servants, representatives, or agents, or in fixing their number, compensation, or hours of service.

**Section 10. Conflicts.**

**10.1 No Present Conflicts.** Firm has no present or contemplated engagement that is adverse to LAFCO. Firm agrees that it shall not represent clients in matters, either litigation or non-litigation, against LAFCO. However, Firm may have past and present clients or may have future clients, who, from time to time, may have interests adverse to LAFCO, and the Firm reserves the right to represent such clients in matters not connected with its representation of LAFCO.

**10.2 Duty to Disclose Future Conflicts.** If a potential conflict of interest arises in the Firm's representation of two clients, if such conflict is only speculative or minor, Firm shall inform LAFCO and seek waivers from each client with regards to such representation. However, if a real conflict exists, Firm will withdraw from representing both clients in the matter, and assist them in obtaining special counsel.

**Section 11. Errors and Omissions Insurance Coverage.** During the Term of this Agreement, Firm shall at all times maintain insurance coverage for Errors and Omissions with a limit not less than One Million Dollars (\$1,000,000.00) per occurrence and Three Million Dollars (\$3,000,000.00) in the aggregate. A certificate of insurance shall be provided to LAFCO within thirty (30) days of execution of this Agreement. In the event that any coverage required by this section is reduced, limited or materially affected in any manner, Firm shall provide written notice to LAFCO at Firm's earliest possible opportunity and in no case later than thirty (30) days after Firm is notified of the change in coverage.

**Section 12. Amendment.** This Agreement may be amended at any time by the mutual consent of the Parties by an instrument in writing signed by both Parties. Any non-material changes (e.g., Firm name changes) to the Agreement may be approved in writing by the LAFCO Board and Firm.

**Section 13. Severability.** In the event that any one or more of the phrases, sentences, clauses, paragraphs, or sections contained in this Agreement are declared invalid or unenforceable by a valid judgment or decree of a court of competent jurisdiction, such invalidity or unenforceability shall not affect any of the remaining phrases, sentences, clauses, paragraphs, or sections of this Agreement which are hereby declared as severable and shall be interpreted to carry out the intent of the Parties herein.

**Section 14. Counterparts.** This Agreement may be executed simultaneously and in several counterparts, each of which shall be deemed an original, but which together shall be deemed one and the same instrument.

**Section 15. Notices.** Any notice or communication required hereunder between LAFCO and Firm must be in writing, and may be given either personally, by facsimile (with original forwarded by regular U.S. Mail), by registered or certified mail (return receipt requested), or by Federal Express, UPS or other similar couriers providing overnight delivery. If personally delivered, a notice shall be deemed to have been given when delivered to the Party to whom it is addressed. If given by facsimile transmission, a notice or communication shall be deemed to have been given and received upon actual physical receipt of the entire document by the receiving Party's facsimile machine. Notices transmitted by facsimile after 5:00 p.m. on a normal business day or on a Saturday, Sunday or holiday shall be deemed to have been given and received on the next normal business day. If given by registered or certified mail, such notice or communication shall be deemed to have been given and received on the first to occur of (a) actual receipt by any of the addressees designated below as the party to whom notices are to be sent, or (b) five (5) days after a registered or certified letter containing such notice, properly addressed, with postage prepaid, is deposited in the United States mail. If given by Federal Express or similar courier, a notice or communication shall be deemed to have been given and received on the date delivered as shown on a receipt issued by the courier. Any Party hereto may at any time, by giving ten (10) days

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written notice to the other Party hereto, designate any other address in substitution of the address to which such notice or communication shall be given. Such notices or communications shall be given to the Parties at their addresses set forth below.

If to LAFCO: San Joaquin Local Agency Formation Commission  
44 North San Joaquin Street, Suite 374  
Stockton, California 95202  
Attention: JD Hightower, Executive Officer  
Tel: (209) 468-3198

If to Firm: White Brenner, LLP  
1414 K Street, 3<sup>rd</sup> Floor  
Sacramento, California 95814  
Attention: Douglas L. White, Esq.  
Tel: (916) 468-0950  
Fax: (916) 468-0951

**Section 16. Governing Law.** The validity, interpretation and performance of this Agreement shall be controlled by and construed pursuant to the laws of the State of California.

**Section 17. Venue.** Venue for all legal proceedings shall be in the Superior Court for the County of Solano.

**Section 18. Waiver.** A waiver by any Party of any breach of any term, covenant or condition herein contained or a waiver of any right or remedy of such Party available hereunder at law or in equity shall not be deemed to be a waiver of any subsequent breach of the same or any other term, covenant or condition herein contained or of any continued or subsequent right to the same right or remedy. No Party shall be deemed to have made any such waiver unless it is in writing and signed by the Party so waiving.

**Section 19. Entire Agreement.** This Agreement, together with its specific references, attachments and exhibits, constitute all of the agreements, understandings, representations, conditions, warranties and covenants made by and between the Parties hereto with respect to the subject matter of this Agreement. Unless set forth herein, neither Party shall be liable for any representations made express or implied not specifically set forth herein.

**Section 20. Supersedes Prior Agreement.** It is the intention of the Parties hereto that this Agreement shall supersede any prior agreements, discussions, commitments, representations or agreements, written, electronic or oral, between the Parties hereto with respect to the subject matter of this Agreement.

**Section 21. Captions.** The captions of this Agreement are for convenience and reference only and the words contained therein shall in no way be held to explain, modify, amplify or aid in the interpretation, construction or meaning of the provisions of this Agreement.

**Section 22. Mandatory and Permissive.** “Shall” and “will” and “agrees” are mandatory. “May” or “can” are permissive.

**Section 23. Successors and Assigns.** All representations, covenants and warranties specifically set forth in this Agreement, by or on behalf of or for the benefit of any or all of the Parties hereto, shall be binding upon an inure to the benefit of such Party, its successors and assigns.

**Section 24. Other Documents.** Parties agree that they shall cooperate in good faith to accomplish the objectives of this Agreement and to that end, agree to execute and deliver such other instruments or documents as may be necessary and convenient to the fulfill the purposes and intentions of this Agreement.

**Section 25. Time is of the Essence.** Time is of the essence in this Agreement in each covenant and term and condition herein.

**Section 26. Authority.** All Parties to this Agreement warrant and represent that they have the power and authority to enter into this Agreement and the names, titles and capacities herein stated on behalf of any entities, persons, states or firms represented or purported to be represented by such entities, persons, states or firms and that all former requirements necessary or required by the state or federal law in order to enter into this Agreement had been fully complied with.

**Section 27. Document Preparation.** This Agreement will not be construed against the Party preparing it, but will be construed as if prepared by all Parties.

**Section 28. Advice of Legal Counsel.** Each Party acknowledges that it has reviewed this Agreement with its own legal counsel, and based upon the advice of that counsel, freely entered into this Agreement.

**Section 29. Attorney’s Fees and Costs.** If any action at law or in equity, including action for declaratory relief, is brought to enforce or interpret provisions of this Agreement, the prevailing Party shall be entitled to reasonable attorney's fees and costs, which may be set by the court in the same action or in a separate action brought for that purpose, in addition to any other relief to which such Party may be entitled.

***SIGNATURE PAGE TO IMMEDIATELY FOLLOW***

**IN WITNESS WHEREOF**, this Agreement has been entered into by and between LAFCO and Firm as of the date of execution by the LAFCO.

**SAN JOAQUIN LOCAL AGENCY  
FORMATION COMMISSION,**  
a California Government Agency

By: \_\_\_\_\_  
JD Hightower, Executive Officer

Date Signed: \_\_\_\_\_

**WHITE BRENNER, LLP,**  
a California Limited Liability Partnership:

By:  \_\_\_\_\_  
Douglas L. White, Managing Partner

Date Signed: \_\_\_\_\_



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**SAN JOAQUIN  
LOCAL AGENCY FORMATION COMMISSION**

**Agenda Item 4**

**LAFCo**

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44 SAN JOAQUIN STREET SUITE 374 STOCKTON, CA 95202 209-468-3198

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**CHAIR**  
**TOM PATTI**  
COUNTY BOARD OF  
SUPERVISORS

**VICE CHAIR**  
**KEVIN LINCOLN**  
STOCKTON CITY COUNCIL

**DAVID BREITENBUCHER**  
MANTECA CITY COUNCIL

**MIGUEL VILLAPUDUA**  
COUNTY BOARD OF  
SUPERVISORS

**PETER JOHNSON**  
PUBLIC MEMBER

**ALTERNATE MEMBERS**

**STEVEN J. DING**  
COUNTY BOARD OF  
SUPERVISORS

**VACANT**  
ALTERNATE PUBLIC MEMBER

**MINNIE DIALLO**  
LATHROP CITY COUNCIL

**EXECUTIVE OFFICER**

**J.D. HIGHTOWER**

**ANALYST / COMMISSION CLERK**

**MITZI STITES**

**COUNSEL**

**ROD ATTEBERY**

**EXECUTIVE OFFICER'S BRIEF**

March 9, 2022

TO: LAFCo Commissioners

FROM: J. D. Hightower, Executive Officer

AGENDA ITEM NO. 4

SUBJECT: College Park III Machado Reorganization to the Mountain House Community Services District (MHCS D).

**Recommendation:**

It is recommended that the Commission approve the College Park III Machado Reorganization consisting of annexation of three (3) parcels totaling 136.09 acres to the MHCS D and simultaneous detachment from the Tracy Rural Fire District (TRFD) and San Joaquin Resource Conservation District. The action requires adoption of the attached resolution.

**Environmental:**

As a responsible agency LAFCo staff concurs with MHCS D that the Mountain House EIR and Mitigation Monitoring and Reporting Program (SCH # 2003102074) addresses all foreseeable impacts created by the project.

**Brief:**

The requested reorganization would allow development for a mix of land uses, most notably a school site as well as single family residential, future Office Commercial, and Limited Industrial future development. As highlighted in the attached Staff Report and the Annexation Plan, MHCS D has the resources to plan and deliver urban services to the requested annexation. The main policy question with this annexation is if MHCS D construction, dedication to TRFD then re-purchase of that fire station from TRFD complies with the LAFCo standard for detachment payment. MHCS D objects to the requested detachment payment having paid TRFD \$2.97M+ for the station after constructing the station with MHCS D funds. The annual property tax from the annexation area, \$1,073,12 has a de minimis impact to TRFD annual budget.

**Attachments:**

1) Staff Report



# LAFCo

44 N SAN JOAQUIN STREET SUITE 374 STOCKTON, CA 95202

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## EXECUTIVE OFFICER'S REPORT

**PROJECT:** COLLEGE PARK III MACHADO REORGANIZATION TO THE MOUNTAIN HOUSE COMMUNITY SERVICES DISTRICT (MHCS D).

**PROPOSAL:** Annexation of three (3) parcels totaling 136.09 acres to Mountain House Community Services District (MHCS D) and concurrent detachment from Tracy Rural Fire District, San Joaquin Resource Conservation District. Two (2) of the three (3) parcels (APN 209-060-66 & 67) totaling a half acre are parcels created for future street dedication, while APN 209-060-65 totals 135.59 acres and is the development site.

**APPLICANT:** MHCS D

**LOCATION:** The northern boundary of the property is formed by Grant Line Road, the eastern boundary by Mountain House Parkway, the southern boundary is formed by the future extension of Von Sost en Road, and the western boundary is formed by Corinthian Way and E. Nasergholi Avenue.

**PURPOSE:** The purpose of the project is the development within the MHCS D of:

- School site reservation of 16.46 acres to Lammersville Unified School District.
- 255 Low-Density Residential lots (5,000 sq. ft. to 7,000 sq. ft.) on 62.7 acres;
- 31 Medium Density Residential Lots (3,500 sq. ft.) on 3.6 acres;
- 2 lots comprising 18.2 acres of Office Commercial future development; and
- 3 lots comprising 21.5 acres of Limited Industrial future development.

The proposed development is consistent with the zoning designations and subdivision maps of the Mountain House Master Plan. Development plans are consistent with the land use density and intensity evaluated within the Mountain House Environmental Impact Report (SCH# 2003102074).

**PROCESS:** Proposed annexation area is uninhabited and has consent of the landowners.

## RECOMMENDATION

It is recommended that the Commission approve Resolution No. 1512 approving the annexation of the College Park III Reorganization to MHCS D and detachment from the Tracy Rural Fire District and San Joaquin Resource Conservation District.

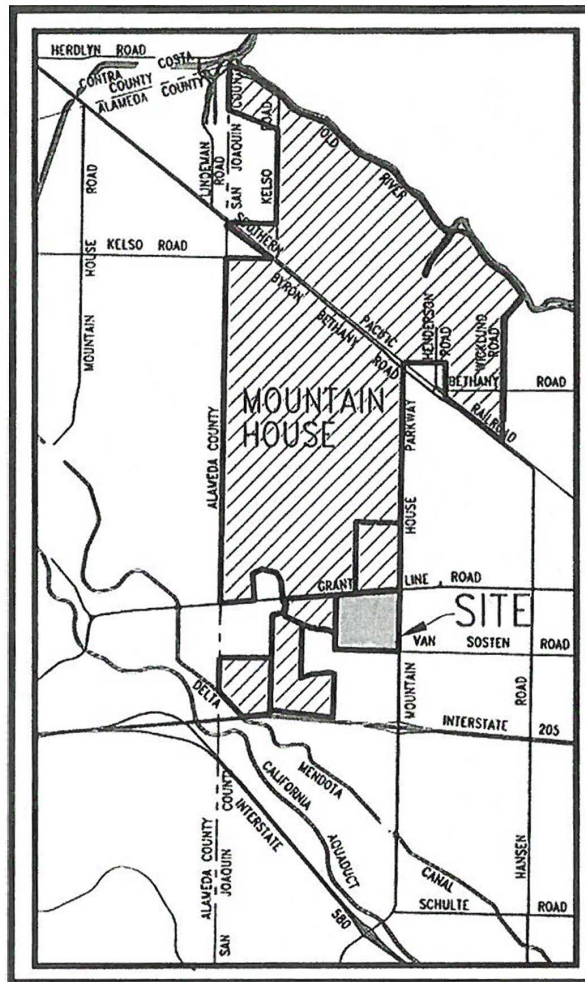


Figure 1 -- Location Map

## BACKGROUND

In 1994, the County Board of Supervisors adopted the Mountain House Master Plan. The Mountain House Master Plan is intended to be an incorporated city with a population of approximately 44,000 residents, covering 4,784 acres or approximately 7.5 square miles, to be developed over a 30-year period. In 1996, LAFCo approved the formation of the MHCS D, an independent special district, and authorized the district to provide an array of services including police (current contract with San Joaquin Sheriffs), fire (current contract with French Camp Fire), library services, water, sewer, garbage, public recreation, road maintenance, street lights, graffiti abatement, CC&R (Master Restrictions) enforcement, telecommunication services, converting utilities to underground, transportation services, flood control protection, wildlife habitat mitigation, pest and weed abatement, and dissemination of information. LAFCo adopted the district's Sphere of Influence (SOI) to coincide with the master plan boundaries. (Exhibit C: MHCS D Master Plan). The Master Plan was designed to ensure that adequate services are provided in a cost effective manner to accommodate new growth.



On July 13, 2022, the MHCSD Board of Directors approved an application submittal to LAFCo to annex three (3) parcels totaling 136.09 acres to the District. The parcels are within the MHCSD SOI. All three (3) parcels are currently vacant. The urban development will include a mix of uses with a school site, job creating and residential land uses. After annexation it is proposed that a 286 detached single family dwelling unit subdivision (255 Low Density +31 Medium Density) will be constructed. The commercial and industrial land uses will be constructed to District standards upon approval of a site development plan. The school site will be reserved for purchase and future construction by Lammersville Unified School District. To facilitate the construction of these land uses, CKH Section 56375(C)(e), directs that no land use amendments to these properties may take place for at least 2 years after the filing of the notice of completion.

The annexed property will be improved to District and Master Plan standards with storm water treatment and retention basins, frontage improvements, and offsite sanitary sewer, water services and other required improvements for urban development.

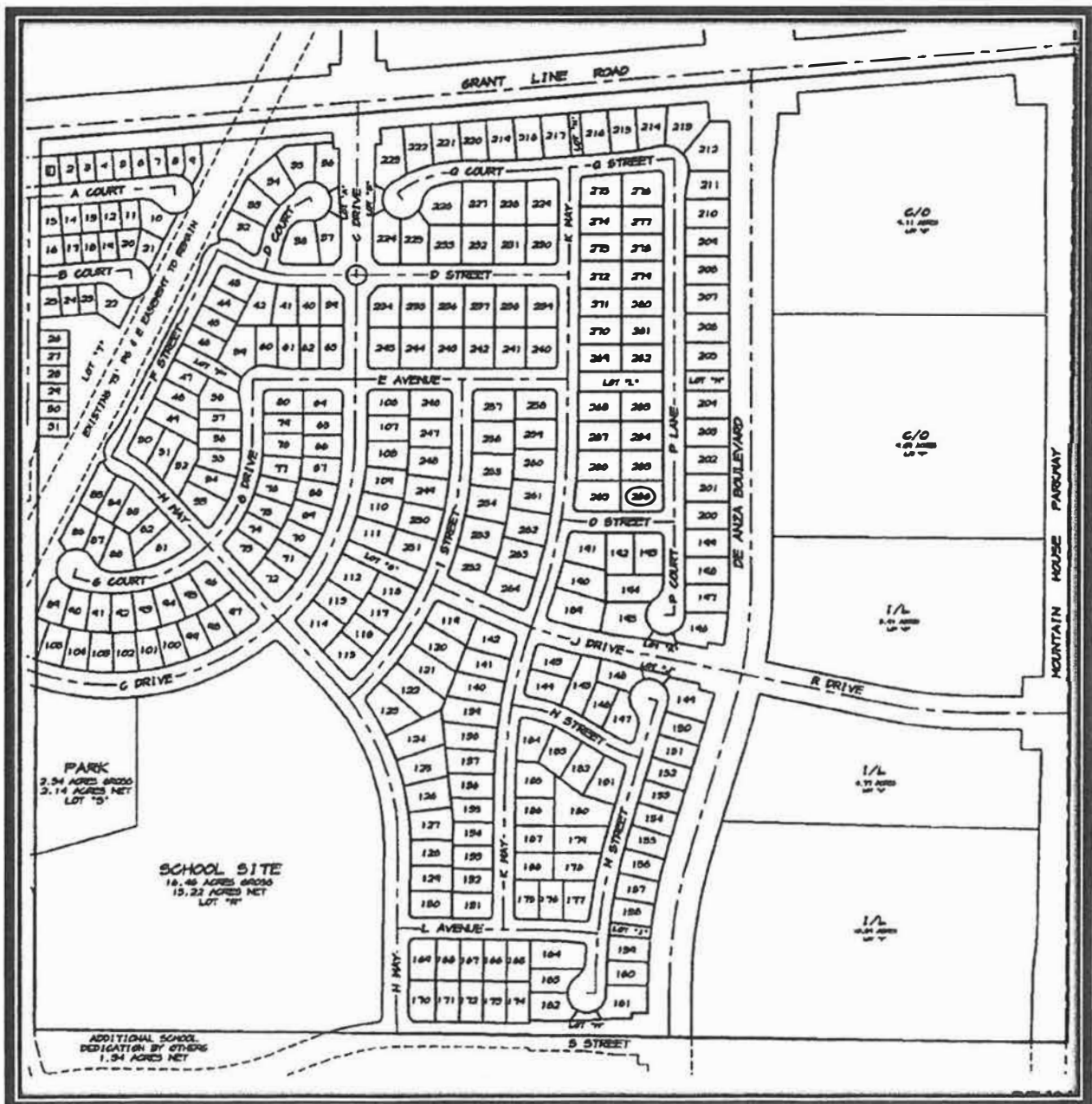


Figure 2 – Land Use Map

## ENVIRONMENTAL

In 2006, the Board of Supervisors approved the Mountain House College Park Specific Plan III ("Specific Plan III"), to implement the Master Plan, and for which an Environmental Impact Report was certified. The reorganization proposed by this application is expressly addressed in the Specific Plan III EIR (SCH# 2003102074). Also in 2006 San Joaquin County approved Tentative Subdivision Maps for the Machado Property based on finding that the map is consistent with Specific Plan III and did not result in any impacts beyond those evaluated in the Specific Plan III EIR. An economic recession occurred shortly thereafter, development of Specific Plan III slowed considerably and construction did not occur on the Machado Property. Nevertheless, certain Specific Plan III backbone infrastructure, including roadway and utility lines, were installed by surrounding developers and mitigation measures were implemented. In 2018, the County approved a six-year extension for the Tentative Subdivision Maps for the Machado Property, which are now valid until November 6, 2024.

As a responsible agency LAFCo staff concurs with the evaluation adopted by the MHCS D and finds that the proposed reorganization was evaluated within the Final Environmental Impact Report for College Park at Mountain House Specific Plan III (SCH #2003102074) and adopted Specific Plan III for MHCS D. LAFCo staff concurs that the Mitigation Monitoring and Reporting Program for the EIR is up to date and no significant changes have occurred that were not evaluated by the EIR.

## FACTORS

Government Code Section 56668.3 (annexation to special districts) states that if a proposed change of organization consists of an annexation to a special district, the Commission shall consider the following factors:

*(1) Whether the proposed annexation will be for the interest of landowners or present or future inhabitants within the district and within the territory proposed to be annexed to the district.*

The landowner has applied for annexation into MHCS D so that development can take place in accordance with the Mountain House Specific Plan. The site is a key site in the overall development of the Specific Plan with a school site reserved on the tentative map as well as commercial and limited industrial land uses. Annexation to MCHD will allow the site to be served with receive water and sewer services needed to develop the property.

Annexation of the parcel does not impact the provision of services to inhabitants within MHCS D as they will continue to receive services at their present levels. The annexation will provide capital improvements to the Mountain House community. The developers will be responsible for the costs to install the necessary infrastructure to provide services to the property as well as make payment to the District for associated maintenance and on-going services for the new residents, business owners and workers.

*(2) Any factors which may be considered by the Commission as provided in §56668 (annexation to a city). The following factors from §56668 which are appropriate for this annexation include: Effect of the proposal on maintaining the physical and economic integrity of agricultural lands as defined by Section 56016*

The parcels are mapped and classified by the State Department of Conservation as Farmland of Local Importance. This classification in San Joaquin County includes all farmable land not meeting the definitions of "Prime Farmland," "Farmland of Statewide

Importance,” and “Unique Farmland.” This includes land that is or has been used for irrigated pasture, dryland farming, confined livestock or dairy facilities, aquaculture, poultry facilities, and dry grazing. It also includes soils previously designated by soil characteristics as “Prime Farmland,” “Farmland of Statewide Importance,” and “Unique Farmland” that has since become idle.

At the time that the Environmental Impact Report for Specific Plan III was prepared, the Project area was designated as by the California Department of Conservation, Farmland Mapping and Monitoring Program as “prime farmland. The Project area has not been cultivated with agricultural crops for over five years and has been zoned for urban development since 2005. The parcels proposed for annexation are undeveloped and uninhabited. These parcels were evaluated for proposed the land use intensity and density by the Specific Plan III EIR (SCH #2003102074) and the project will implement all identified mitigation measures of such. As a result, development of the Project is consistent with the policies and priorities identified in Section 56377 of the CKH because it will result in the planned, orderly, and efficient development of non-prime agricultural lands.

The parcels are classified as Agricultural under the San Joaquin Multi-Species Habitat Conservation Plan administered by the San Joaquin Council of Governments (SJCOG). Participation in the plan is voluntary and provides coverage for incidental takings under the Endangered Species Act. The fee for conversion of agricultural lands under the plan is currently \$19,255 .per acre. SJCOG in turn uses the fees collected to acquire conservation easements from willing land owners.

*Definiteness and certainty of the boundaries*

The proposed annexation includes two small parcels (APN 135-060-066 and 067) that were created for street right-of-way (0.15 and 0.35 acres respectively) and one main parcel, 135.59 (APN 209-060-065) 135.59 acres are all whole tax assessor parcels consistent with Commission policy. The resulting boundaries will provide a clear boundary on both sides of Grant Line Road between Central Parkway and Mountain House Parkway.

*The proposal's consistency with county general and specific plans*

The Board of Directors of the MHCS D has determined that the annexing the parcels is consistent with it's Specific Plan III Planning Area. (Exhibit E: MHCS D Resolution of Application)

*The ability of the District to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change. (Exhibit F: Plan for Services)*

The property owners will pay all MHCS D fees upon annexation that will assist in paying for needed capital improvements in accordance with the College Park III Specific Plan. The proposed development of 286 single family detached dwelling units (255 Low-Density Residential and 31 Medium Density Residential) and future commercial and light industrial uses will also pay all fees in accordance with MHCS D policies. Additionally, the project also includes required improvements to support those land uses including storm water treatment and retention basins, landscaping, street frontage improvements, and offsite sanitary sewer, water services and other required improvements. The revenues from fees, property tax and future sales tax are expected to provide sufficient revenues to MHCS D to cover the on-going service and maintenance costs.

## WATER

The property is within the Byron-Bethany Irrigation District (BBID). MHCSO obtains its raw water supply under contract from BBID for up to 9,813 acre-feet per year. Raw water is delivered to the District's Water Treatment Plant (WTP). Currently 15 MGD of raw water is treated and made potable for distribution to MHCSO. As of 2020, the total water demand (including system losses) was 4,672 acre-feet per year, meaning that there is currently 5,141 acre-feet per year available to meet demands of new development in MHCSO. By 2040, demand within MHCSO is expected to increase to 9,595 acre-feet with buildout of currently undeveloped areas, including the annexation area. Additionally, even though MHCSO has sufficient water supplies to meet planned growth through 2040, it also has the ability to purchase additional raw water supplies from BBID if BBID has available water. As a result, MHCSO has a projected water supply surplus of 2,788 acre feet per year available to meet planned development through 2040, including the growth identified for the Annexation Area.

The Mountain House Specific Plan III identifies the potable water demand factors that were used to design the MHCSO water treatment and delivery system for this annexation. By applying the water demand factors to the 286 dwelling units and expected future commercial and light industrial land uses the total anticipated daily water demand for the Annexation Area are calculated at 0.23 MGD. MHCSO Public Works Department has indicated that this treatment and storage infrastructure is adequate to meet this increased demand.

Delivering the water supply are both existing and planned potable water main network. A detailed analysis on the improvements, both existing and to be constructed by the project, to the water supply network of wells, storage tanks and lines is presented in the Annexation Plan.

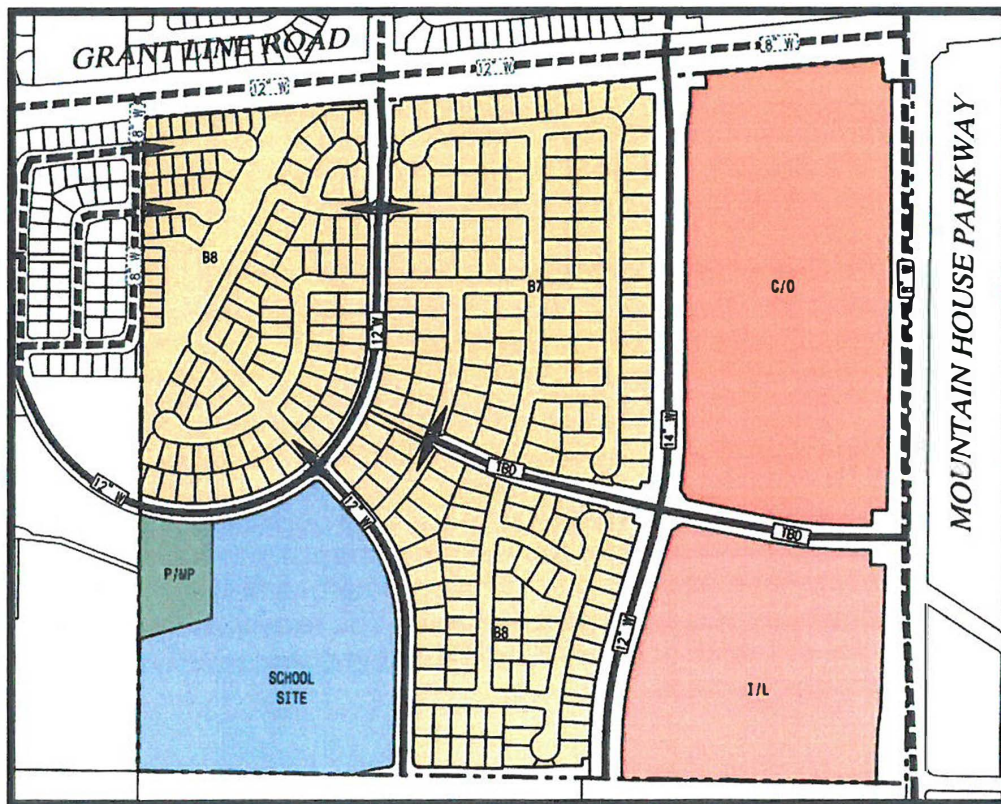


Figure 3 Existing and Proposed Potable Water System

## SANITARY SEWER SERVICE

The Mountain House Waste Water Treatment Plant (WWTP) has a design capacity to treat 5.4 MGD Average Dry Weather Flow (ADWF). The total anticipated daily wastewater generation estimates for Average Daily Flow from the Annexation Area are calculated at 0.16 MGD. The current Annual Average Day Flow at the WWTP (as of 2021) is 1.25 MGD. The MHCSD Public Works Department has indicated that the excess capacity at the WWTP is sufficient to meet the anticipated flows from the Annexation Area

Collection of the flows to the treatment plant will via both existing and planned lines. A detailed analysis on the waste water collection and treatment facilities is presented in the Annexation Plan.

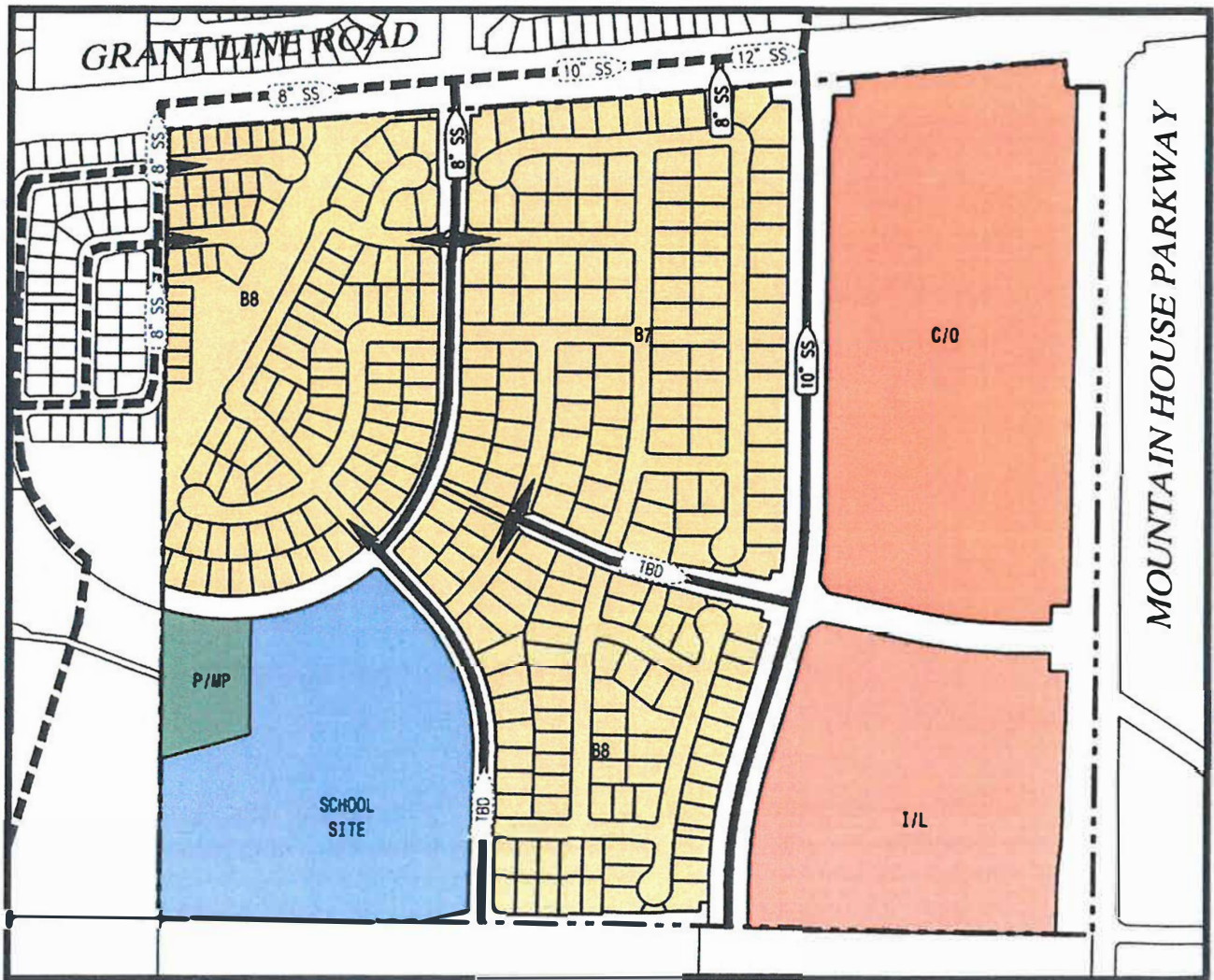


Figure 4 Existing and Proposed Sanitary Sewer System

## DRAINAGE

Storm drainage facilities and improvements, as well as flood protection services, are reflected Storm Water Master Plan adopted in 2008. Accordingly, the District will utilize storm water main pipelines designed to contain a 100-year storm event for this area. Storm lines around the perimeter of the site on Grant Line Road and Mountain House Parkway have already been constructed in accordance with the Master Plan. Within each neighborhood runoff will be collected in underground pipes for collection in larger trunk lines and eventual

discharge to storm water basins and Old River utilizing best management practices (BMPs). Additional details are presented in the Annexation Plan.

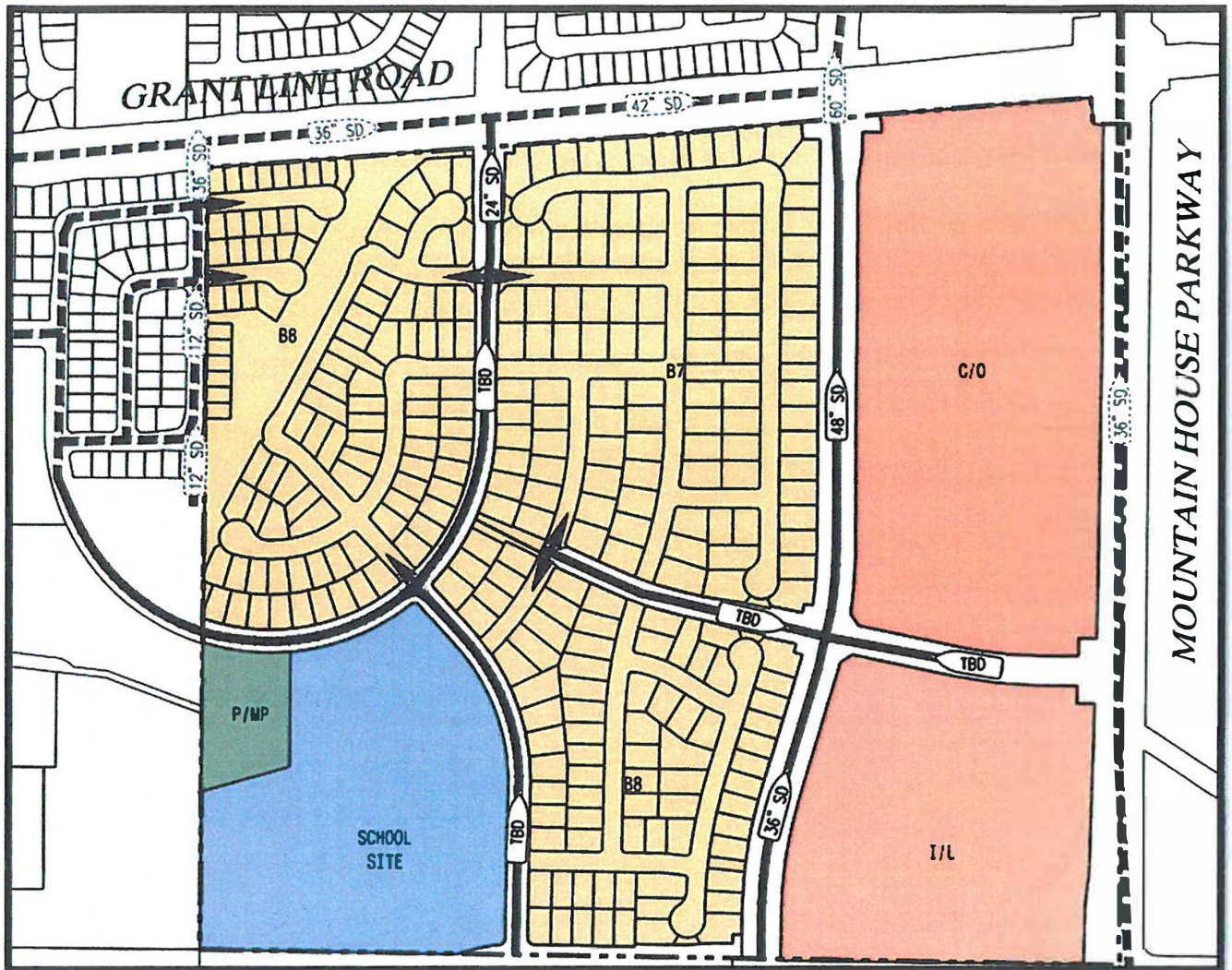


Figure 5 Existing and Proposed Storm Drain System

## **POLICE SERVICE**

Police Services in Mountain House are provided primarily by the San Joaquin County Sheriff's Office and the California Highway Patrol for traffic enforcement.

The San Joaquin County Sheriff's Office (SO) provides law enforcement services to the Mountain House community by contract with MHCSO. The contract calls for the SO to provide six full time equivalent (FTE) deputies to serve a population of over 15,000 residents (0.4 sworn officers per 1,000 residents). Through its contract with the San Joaquin County Sheriff's Department for law enforcement, the MHCSO provides the Mountain House community with six fulltime (Full-Time Equivalents or FTEs) deputies. Mountain House is designated by the Sheriff's Department as Beat 8. The Sheriff's Office also provides additional deputy support to Mountain House through its assignment of one fulltime deputy for the western part of the county defined as Beat 8.

The SO also provides an administrative command structure, investigative services, technical support (evidence gathering, video/picture logging), community-oriented policing, a citizen's academy, and incarceration services at the County Jail.

Specific to Mountain House, the CHP is responsible to enforce traffic laws, as outlined in the California Vehicle Code, investigate traffic accidents, investigate vehicle thefts that occur from a roadway and respond to parking and other traffic complaints. MHCSD contracts with the CHP for services to supplement those provided by the SJCOSO.

In 2022, response times ranged from 5.4-minutes for Priority 1 calls (immediate dispatch, crime in progress including assault, homicide, kidnapping, robbery, home invasion, bomb threat, etc.); to 9.6-minutes for Priority 2 calls (family disturbance, suspicious person, theft of property, etc.) and 27.6-minutes for Priority 3 calls (delay in reporting crime, property theft or damage, mail theft, noise complaints, etc.). These response times are expected to be maintained to serve the Project.

The SJCOSO operates a satellite office located at the MHCSD Town Hall, 251 E. Main. As the community grows, a separate law enforcement headquarters building is planned to be constructed adjacent to Town Center Community Park near Byron Road. No date for construction has been established; its timing is dependent on the needs of law enforcement and the community.

## **FIRE SERVICE**

The proposed site is within the Tracy Rural Fire District and will be detached from the district upon annexation. Fire protection and emergency medical services (EMS) are provided by MHCSD under contract with French Camp McKinley Fire Protection District (FCFD), also referred to as the Mountain House Fire Department (MHFD). FCFD allows for coordinated fire and EMS services. MHFD operates out of Mountain House Fire Station 1 (aka Station 16-1) at 911 Tradition Ln. A second fire station (Station 16-2) will be added once new development occurs north of Byron Highway, expected to be completed in 2024.

The MHFD station has a staffing level of five personnel, 24 hours per day, seven days per week, which include one Captain (Duty Officer), one Lieutenant, two engineers or certified driver operator, and one firefighter. Station No. 16-1 houses two Type 1 Fire Engines, one Ladder Truck, and one Type 6 Quick Response Vehicle.

The distance and response time to the Annexation Area from Station 16-1 at 911 Tradition is 1.2 miles, with an approximate 2 ½ minute non-emergency travel time. The distance and response time to the Annexation Area from the future Station 16-2 (Central Parkway and Stockyard) is 2.2 miles, with an approximate 5-minute non-emergency travel time. (See Attached Letter from FCFD)

As of 2021, MHFD responded to approximately 700 calls for service per year, which are dispatched through the Valley Regional Emergency Communications Center (VRECC). Average response time within the Mountain House community is 6-minutes 32-seconds for all calls, and 9-minutes 39-seconds for ninety percent of all calls. These response times are considered appropriate by Mountain House and will not be affected by the proposed annexation of the Project.

The contract with the FCFD provides for staffing additional fire apparatus and engine companies as the need occurs via mutual aid agreements.

For this annexation request by MHCSD, the Tracy Rural Fire District (TRFD) has stated that the annexation will have financial impact to their District (See Attachment ). Annexation of the College Park III Machado property to MHCSD will result in a loss of annual property tax revenue and assessments to Tracy Rural in the amount of \$1,073.72. TRFD has stated that

a detachment fee equal to 10 years of lost property tax revenue via a single payment of \$10,073.72 will mitigate the revenue impact to the District (see attached letter).

MHCSD opposes the payment of the detachment fee to TRFD as a condition of this annexation (please see Attachment). The annexation application states MHCSD position that, "To offset these property tax revenues, MHCSD previously re-purchased Fire Station No. 1 from TRFD for \$2.97 million plus closing costs and considers this payment adequate to offset any adverse impacts to TRFD."

The LAFCo policy regarding the payment of detachment fees is within Change of Organization Policies and Procedures (Including Annexations and Reorganizations), as amended, General Standards for Annexation and Detachment, Standard 12. This standard states that:

*LAFCo will consider any significant adverse effects upon other service recipients or other agencies serving the area and may condition any approval to mitigate such impacts. Significant adverse effects shall include the effect of proposals that negatively impact special districts' budgets or services or require the continuation of services without the provision of adequate funding. LAFCo will not approve detachments from special districts or annexations that fail to provide adequate mitigation of the adverse impact on the district. LAFCo may determine an appropriate temporary mitigation, if any, and impose that temporary mitigation to the extent it is within its powers. If the needed mitigation is not within LAFCo's authority and approval would, in the opinion of the Commission, seriously impair the District's operation, the Commission may choose to deny the application.*

The waiver of detachment payment is warranted given the de minimis amount compared to total revenue of TRFD and the payment history of the MHFD station. The \$1,073.72 in property taxes that TRFD derived from the annexation area is 0.0098% of the District's annual revenues according to MHCSD. In accordance with LAFCo policy, the ten (10) year detachment fee of \$10,737.20 loss of property tax revenue still has a de minimis impact, 1/10<sup>th</sup> of 1% (0.098%) on the TRFD annual revenues rather than a negative impact on TRFD's budget or services. The loss of the property tax will not require TRFD to continue providing services without adequate funding in that upon annexation MHCSD via contract with FCFD will provide fire protection service. The contract between MHCSD and FCFD is in good standing with both parties at this time desiring to continue the mutually beneficial contractual arrangement.

There is recent precedent for LAFCo to grant the requested detachment fee waiver. On May 13, 2021, LAFCo granted a detachment fee waiver for the Bethany Road Reorganization to Mountain House centered on the payment history of the fire station. In that project, the Commission found, "that the Tracy Rural Fire Protection District has not demonstrated that the action will negatively impact the special district's budget or services or requires continuation of services without the provision of adequate funding." Thus there is a precedent for the waiver of detachment fee from Tracy Rural to MHCSD. For these reasons payment from MHCSD be standard detachment fee requirement be waived because of the de minimis nature and unique business circumstances between MHCSD and TRFD. .The resolution of approval reflects the fee waiver.

### ***Financial Ability to Provide Service***

The applicant will be responsible for financing and constructing the necessary facilities for development. All infrastructure improvements shall be constructed to MHCSD standards and with construction-related inspections at appropriate intervals. Upon completion of improvements, the improvements will be turned over to the District for acceptance.



***The comments of any affected local agency or other public agency. (Exhibit H: Referral Comments)***

County Public Works: No comment.

Environmental Health: Any existing wells or septic system to be abandoned shall be destroyed by permit and inspection by the Environmental Health Department.

***The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the San Joaquin Council of Governments.***

SJCOG adopted the most recent Regional Housing Needs Plan on September 22, 2022. The Regional Housing Needs Allocation (“RHNA”) within the plan was adopted in conjunction with its 2022 Sustainable Communities Strategy and Regional Transportation Plan (“SCS/RTP”). Through an iterative process with the State Department of Housing and Community Development (“HCD”), SJCOG is assigned a countywide housing allocation by household income level. SJCOG then distributed this total by an agreed upon formula to the incorporated cities and the unincorporated area of the county. Since the allocation is to the unincorporated county in total, Mountain House is not given a specific allocation for this 6<sup>th</sup> cycle of the RHNA process. The RHNA allocations by jurisdiction is shown in the table below. This allocation is for the 8-year period from 2023 to 2031:

Jurisdiction	Total RHNA Allocation	Very-Low Income Units	Low Income Units	Lower Income (Very-Low & Low-Income)	Moderate Income Units	Above-Moderate Income Units	Higher-Income (Moderate & Above-Moderate-Income)
Escalon	367	90	56	146	66	155	221
Lathrop	8,402	2,386	1,498	3,884	1,342	3,176	4,518
Lodi	3,909	941	591	1,533	706	1,671	2,377
Manteca	8,306	2,246	1,409	3,654	1,381	3,270	4,651
Ripon	1,424	347	218	565	255	604	859
Stockton	12,673	2,465	1,548	4,014	2,572	6,088	8,660
Tracy	8,830	2,994	1,879	4,873	1,175	2,782	3,957
Unincorporated County Areas	8,808	1,824	1,145	2,969	1,734	4,105	5,839
<b>Total San Joaquin County</b>	<b>52,719</b>	<b>13,293</b>	<b>8,344</b>	<b>21,637</b>	<b>9,231</b>	<b>21,851</b>	<b>31,082</b>

Currently the adopted cycle 6 RHNA numbers have been allocated to all jurisdictions within San Joaquin County. The implementing policies for the cities and county, the respective Housing Elements need to be updated and certified by January 1, 2024.

The currently adopted San Joaquin County Housing Element was approved for the previous cycle 5 RHNA allocation. To achieve compliance with Cycle 5 RHNA the planned residential lands in Specific Plan III that are part of the Project area are designated as R/M (second unit mandate) and R/VL (second unit mandate) and are intended to facilitate achievement of the Cycle 5 RHNA for San Joaquin County and consistent with the Cycle 5 Housing Element.

According to Cycle 5 Housing Element Table 7-57, below, R/M and R/VL designations are considered above moderate income affordability in Mountain House. However, the conditions of approval for development of residential lands within the Project require the construction of a minimum of 29-second unit dwellings. A minimum of one-third of all second

unit dwellings constructed (10 dwelling units) on residential lands within the Project will be affordable to very low- or low-income households. As a result, annexation of the Project to MHCS D will help San Joaquin County fulfill its Cycle 5 RHNA goals.

San Joaquin County has until January 1, 2024 to update and gain HCD certification of the Cycle 6 Housing Element showing how 8,808 dwelling units (2,969 below market rate units + 5,839 market rate units) will be produced. It is anticipated that Mountain House will incorporate during the next year and the Mountain House General Plan will be adopted, including the required Housing Element. The required Mountain Housing Element will be reviewed and certified by HCD.

*Any information or comments from the landowner, voters, or residents of the affected territory*

None, affected agencies includes the Tracy Rural Fire District and BBID.

## **DISCUSSION**

Annexation and development of the College Park III Machado property has been evaluated within the Environmental Impact Report for the Mountain House Community Service District (SCH# 2003102074). All environmental impacts remain the same as evaluated within that EIR. The project represents a logical extension of the MHCS D boundary, the district has the ability to extend services to the project site and the project provides for the orderly development of this area of the District.

The MHCS D has adequate system capacities for all services and utilities needed to provide needed services to this key site within the Specific Plan. The annexation will allow future development of a needed school site, as well as housing units and job creating land uses proposed by the project. All necessary infrastructure to service the area is along the area's frontage on Grant Line Road and Mountain House Parkway or in close proximity. Annexation into the MHCS D will ensure funding for the associated on-going maintenance and service costs. The MHCS D Board of Directors has reviewed the project and determined that the project meets the MHCS D Master Plan and the requirements of its Specific Plan III. As a responsible agency pursuant to CEQA staff concurs with the MHCS D findings. The project meets all review factors of CHK Section 56668.

The requested detachment fee waiver from TRFD to MHCS D, a waiver from LAFCo Standard 12 for annexations and detachments is recommended for approval because of the unique circumstances regarding the payment history of the MHCS D fire station.

Attachments: Resolution 23-1512

- A: Resolution 1448
- B: Justification of Proposal
- C: MHCS D Master Plan Map
- D: Notice of Determination
- E: Resolution of Application
- F: Plan for Services
- G. MHCS D Resolution R-2015-28 Purchase of Fire Station 98
- H. Detachment Fee Letter from Tracy Rural Fire Protection District
- I. Detachment Fee Opposition Letter from Mountain House CSD
- J: Referral Comments

**RESOLUTION 23-1512**  
**A RESOLUTION OF THE SAN JOAQUIN LOCAL AGENCY FORMATION**  
**COMMISSION APPROVING THE COLLEGE PARK III MACHADO**  
**REORGANIZATION TO THE MOUNTAIN HOUSE COMMUNITY SERVICES**  
**DISTRICT (MHCS D) ANNEXING 136.09 ACRES (APN 209-060-65, 66 & 67) TO**  
**MHCSD AND CONCURRENT DETACHMENT FROM TRACY RURAL FIRE DISTRICT**  
**AND SAN JOAQUIN RESOURCE CONSERVATION TRICT**

WHEREAS, the above entitled proposal was initiated by resolution by the Mountain House Community Services District Board of Directors and on July 13, 2022; and

WHEREAS, the Executive Officer certified the application filed for processing in accordance with the Local Government Reorganization Act of 2000; and

WHEREAS, the Commission held a public hearing on the proposed reorganization on March 9, 2023 pursuant to notice of hearing which was published, posted, and mailed in accordance with State law; and

WHEREAS, at said hearing the Commission heard and received evidence, both oral and written regarding the proposal and all persons were given an opportunity to address the Commission; and

WHEREAS, in 2006 the San Joaquin County Board of Supervisions certified and adopted an Environmental Impact Report (State Clearinghouse No. 2003102074) and an associated Mitigation Monitoring and Reporting Program; and

WHEREAS the subject territory is uninhabited and has 100% owner consent; and

WHEREAS, the Commission has, in evaluating the proposal considered the report submitted by the Executive Officer, the factors set forth in Section 56668.3 of the California Government Code and testimony and evidence presented at the public hearing held on march 9, 2023.

NOW, THEREFORE, the San Joaquin Local Agency Formation Commission DOES HEREBY RESOLVE, DETERMINE, AND ORDER as follows:

Section 1. Certifies that, as a Responsible Agency, the Commission has independently reviewed and considered the Environmental Impact Report (State Clearinghouse No. 2003102074) and associated Mitigation Monitoring and Reporting Program as certified by the San Joaquin County Board of Supervisors.

Section 2. The Annexing Property is within the scope of the EIR as the EIR expressly contemplates the annexation to the District proposed by Property Owner and adequately addresses all significant impacts therefrom.

Section 3. The conditions giving rise to the preparation of a subsequent EIR as set forth in Title 14 of the California Code of Regulations Section 15162 are not present.

Section 4. The conditions giving rise to the preparation of a supplement to an EIR as set forth in Title 14 of the California Code of Regulations section 15163 are not present.

Section 5. The conditions giving rise to the preparation of an addendum to an EIR as set forth in Title 14 of the California Code of Regulations section 15164 are not present.

Section 6. The conditions giving rise to the preparation of additional environmental documents tiered from a program EIR as set forth in Title 14 of the California Code of Regulations section 15168 are not present.

Section 7. The Tracy Rural Fire Protection District has not demonstrated that the action will negatively impact the special district's budget or services or requires the continuation of services without the provision of adequate funding.

Section 8. The reorganization is necessary to provide services to a planned, well-ordered, and efficient urban development pattern that includes appropriate consideration of the reservation of a school site, open space lands as well as residential and job creating land uses consistent with the urban development pattern envisioned by the Mountain House Specific P.

Section 9. Pursuant to California Government Code Section 56668.3, the Commission considered all pertinent factors associated with the College Park III Machado reorganization to the Mountain House Community Services District (MHCS D).

Section 10. The Commission finds that the proposed annexation to MHCS D will be for the interest of landowners or present or future residents within the MHCS D and within the territory proposed to be annexed to the district.

Section 11. The MHCS D College Park III Reorganization is as depicted and described on the attached annexation map and legal description.

PASSED AND ADOPTED this 9<sup>th</sup> day of March 2023 by the following roll call vote:

AYES:

NOES:

ABSTAIN:

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TOM PATTI, CHAIRPERSON  
SAN JOAQUIN LOCAL AGENCY  
FORMATION COMMISSION

ATTEST:

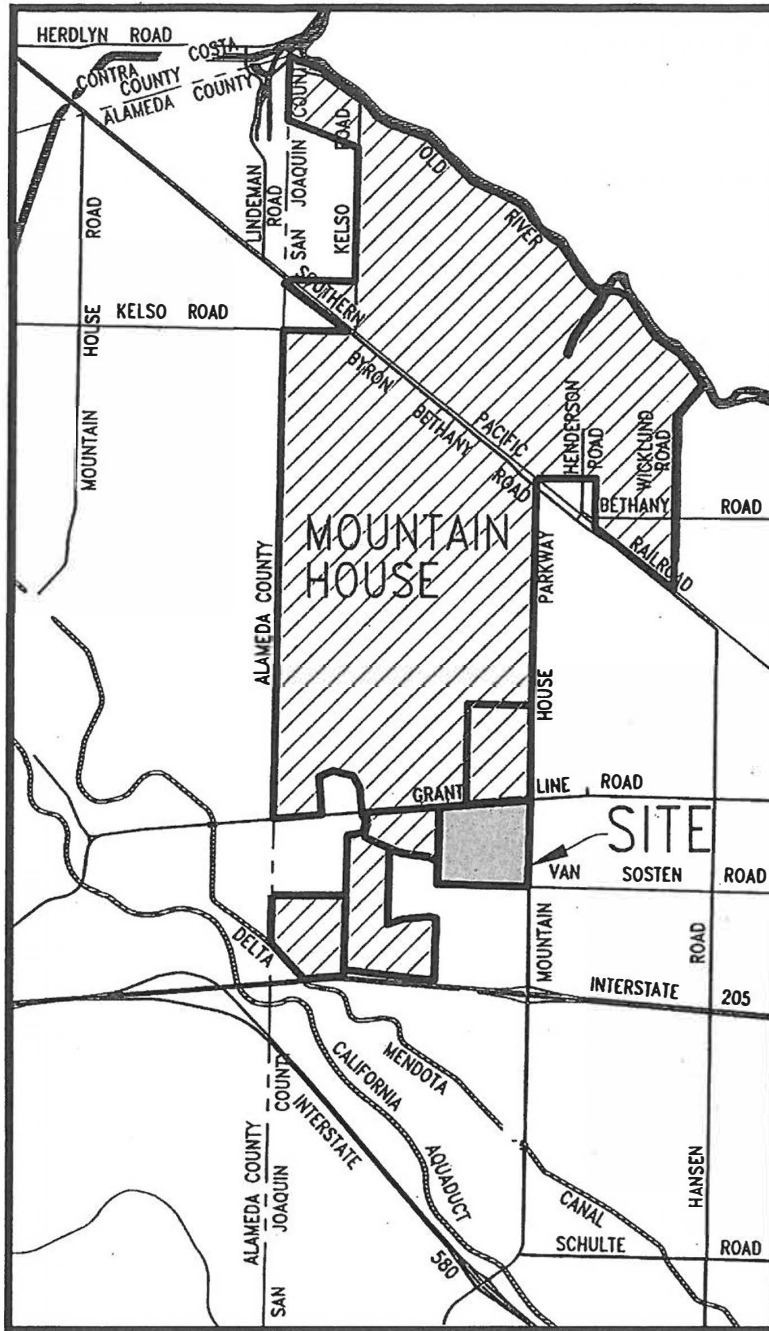
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MITZI STITES, COMMISSION CLERK  
SAN JOAQUIN LOCAL AGENCY  
FORMATION COMMISSION



MAP OF \_\_\_\_\_ REORGANIZATION TO THE  
MOUNTAIN HOUSE COMMUNITY SERVICES DISTRICT

PAGE 4 OF 6



VICINITY MAP  
& SHEET INDEX

NOT TO SCALE



PLAT TO ACCOMPANY DESCRIPTION			
ANNEXATION			
CITY OF MOUNTAIN HOUSE		CALIFORNIA	
<b>MACKAY &amp; SOMPS</b>			
ENGINEERS	PLANNERS	SURVEYORS	
5142B FRANKLIN DR, PLEASANTON, CA 94588		(925)225-0690	
DRAWN	DATE	SCALE	JOB NO.
JZL	JULY, 2022	NTS	29130





MAP OF \_\_\_\_\_ REORGANIZATION TO THE  
MOUNTAIN HOUSE COMMUNITY SERVICES DISTRICT

PAGE 6 OF 6

Line Table		
Line #	Bearing	Length
L1	S4°41'22"E	25.00'
L2	S89°30'29"E	25.00'
L3	S0°29'31"W	24.38'
L4	S89°30'29"E	90.00'
L5	N0°29'31"E	34.68'
L6	S89°30'30"E	27.46'
L7	N4°41'22"W	27.61'
L8	N85°23'08"E	266.84'
L9	N83°53'06"E	69.23'

Line Table		
Line #	Bearing	Length
L10	S4°36'43"E	51.83'
L11	N89°59'55"E	50.00'
L12	S0°00'05"E	13.79'
L13	N89°59'55"E	122.00'
L14	N0°00'05"W	33.84'
L15	N89°59'55"E	54.19'
L16	N4°36'43"W	54.23'
L17	S4°32'32"E	75.00'
L18	S89°30'18"E	75.00'



PLAT TO ACCOMPANY DESCRIPTION			
ANNEXATION			
CITY OF MOUNTAIN HOUSE		CALIFORNIA	
<b>MACKAY &amp; SOMPS</b>			
ENGINEERS 5142B FRANKLIN DR, PLEASANTON, CA 94588		PLANNERS SURVEYORS (925)225-0690	
DRAWN JZL	DATE JULY, 2022	SCALE 1"=500'	JOB NO. 29130

**-Exhibit 3-**  
**Legal Description in Metes and Bounds**

DESCRIPTION OF \_\_\_\_\_ REORGANIZATION TO THE MOUNTAIN HOUSE  
COMMUNITY SERVICES DISTRICT

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE UNINCORPORATED TERRITORY OF SAN JOAQUIN COUNTY, STATE OF CALIFORNIA, BEING A PORTION OF THE LANDS OF MACHADO ET AL, AS DESCRIBED IN DOCUMENT NO. 2013-108356, SAN JOAQUIN COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID LANDS, ALSO BEING THE SOUTH QUARTER CORNER OF SAID SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, MOUNT DIABLO BASE AND MERIDIAN, THENCE ALONG THE WESTERLY LINE OF SAID LANDS OF MACHADO ET AL, ALSO ALONG THE EASTERLY LINE OF L AFC \_\_\_\_\_ - \_\_\_\_\_ ANNEXATION TO THE MOUNTAIN HOUSE COMMUNITY SERVICES DISTRICT, AS DESCRIBED IN DOCUMENT NO. \_\_\_\_\_, SAN JOAQUIN COUNTY RECORDS,

COURSE #1. NORTH 00°27'53" EAST, 2,210.98 FEET TO THE NORTHWESTERLY CORNER OF SAID LANDS OF MACHADO ET AL, ALSO BEING A POINT ON THE SOUTHERLY LINE OF GRANT LINE ROAD AS DESCRIBED IN DOCUMENT NO. 2005-205304, SAN JOAQUIN COUNTY RECORDS;

THENCE ALONG THE NORTHERLY LINE OF SAID LANDS OF MACHADO ET AL, COMMON TO SAID SOUTHERLY LINE OF GRANT LINE ROAD, ALSO ALONG THE SOUTHERLY LINES OF L AFC 21-95 ANNEXATION TO THE MOUNTAIN HOUSE COMMUNITY SERVICES DISTRICT, AS DESCRIBED IN DOCUMENT NO. 96052700, SAN JOAQUIN COUNTY RECORDS, AND L AFC \_\_\_\_\_ - \_\_\_\_\_ ANNEXATION TO THE MOUNTAIN HOUSE COMMUNITY SERVICES DISTRICT, AS DESCRIBED IN DOCUMENT NO. \_\_\_\_\_, SAN JOAQUIN COUNTY RECORDS,

COURSE #2. NORTH 85°18'38" EAST, 731.29 FEET TO THE NORTHWESTERLY CORNER OF GRANT LINE ROAD DEDICATION, AS DESCRIBED IN DOCUMENT NO. 2020-147440, SAN JOAQUIN COUNTY RECORDS;

THENCE ALONG THE WESTERLY, SOUTHERLY AND EASTERLY LINES OF SAID GRANT LINE ROAD DEDICATION THE FOLLOWING SEVEN (7) COURSES:

COURSE #3. SOUTH 04°41'22" EAST, 25.00 FEET;

COURSE #4. SOUTH 89°30'29" EAST, 25.00 FEET;

COURSE #5. SOUTH 00°29'31" WEST, 24.38 FEET;

COURSE #6. SOUTH 89°30'29" EAST, 90.00 FEET;

COURSE #7. NORTH 00°29'31" EAST, 34.68 FEET;

COURSE #8. SOUTH 89°30'30" EAST, 27.46 FEET;

COURSE #9. THENCE NORTH 04°41'22" WEST, 27.61 FEET TO SAID COMMON LINE;

THENCE ALONG SAID COMMON LINE THE FOLLOWING THREE (3) COURSES:

COURSE #10. NORTH 85°18'38" EAST, 477.42 FEET;

COURSE #11. NORTH 85°23'08" EAST, 266.84 FEET;

COURSE #12. THENCE NORTH 83°53'06" EAST, 69.23 FEET TO THE NORTHWESTERLY CORNER OF GRANT LINE ROAD DEDICATION, AS DESCRIBED IN DOCUMENT NO. 2020-147441, SAN JOAQUIN COUNTY RECORDS;

THENCE ALONG THE WESTERLY, SOUTHERLY AND EASTERLY LINES OF SAID GRANT LINE ROAD DEDICATION THE FOLLOWING SEVEN (7) COURSES:

COURSE #13. SOUTH 04°36'43" EAST, 51.83 FEET;

COURSE #14. NORTH 89°59'55" EAST, 50.00 FEET;

COURSE #15. SOUTH 00°00'05" EAST, 13.79 FEET;

COURSE #16. NORTH 89°59'55" EAST, 122.00 FEET;

COURSE #17. NORTH 00°00'05" WEST, 33.84 FEET;

COURSE #18. NORTH 89°59'55" EAST, 54.19 FEET;

COURSE #19. THENCE NORTH 04°36'43" WEST, 54.23 FEET TO SAID COMMON LINE;

THENCE ALONG SAID COMMON LINE THE FOLLOWING NINE (9) COURSES:

COURSE #20. NORTH 85°23'08" EAST, 555.61' FEET;

COURSE #21. SOUTH 04°32'32" EAST, 75.00 FEET;

COURSE #22. SOUTH 89°30'18" EAST, 75.00 FEET;

COURSE #23. SOUTH 00°29'34" WEST, 234.67 FEET;

COURSE #24. SOUTH 00°27'44" EAST, 360.08 FEET;

COURSE #25. SOUTH 00°29'34" WEST, 708.72 FEET;

COURSE #26. SOUTH 01°26'51" WEST, 720.15 FEET;

COURSE #27. SOUTH 00°29'34" WEST, 203.51 FEET;

COURSE #28. THENCE SOUTH 03°56'50" WEST, 152.90 FEET TO THE SOUTHWESTERLY CORNER OF SAID LANDS OF MACHADO ET AL, BEING A POINT ON THE SOUTHERLY LINE OF SAID SECTION 16;

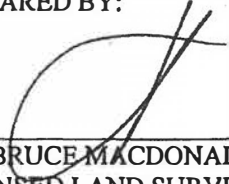
THENCE ALONG SAID SOUTHERLY LINE OF SECTION 16,

COURSE #29. NORTH 89°09'03" WEST, 2,525.10 FEET TO THE POINT OF BEGINNING;

CONTAINING 135.66 ACRES MORE OR LESS.

**END OF DESCRIPTION**

PREPARED BY:

  
IAN BRUCE MACDONALD  
LICENSED LAND SURVEYOR NO. 8817  
STATE OF CALIFORNIA



9/9/22

DATE

**MACKAY & SOMPS**  
CIVIL ENGINEERING • LAND PLANNING • LAND SURVEYING  
5142 Franklin Drive Suite B, Pleasanton, CA. 94588-3355  
(925) 225-0690



**RESOLUTION NO. 1448**

**BEFORE THE SAN JOAQUIN LOCAL AGENCY FORMATION COMMISSION  
APPROVING THE BETHANY ROAD REORGANIZATION TO MOUNTAIN HOUSE  
COMMUNITY SERVICES DISTRICT AND CONCURRENT DETACHMENT FROM  
TRACY RURAL FIRE DISTRICT AND ANNEXATION TO BYRON BETHANY  
IRRIGATION DISTRICT (LAFC 24-20)**

WHEREAS, the above entitled proposal was initiated by resolution by the Mountain House Community Services District Board of Directors and on March 30, 2021 the Executive Officer certified the application filed for processing in accordance with the Local Government Reorganization Act of 2000; and

WHEREAS, the Commission held a telephonic public hearing on the proposed reorganization on May 13, 2021, pursuant to notice of hearing which was published, posted, and mailed in accordance with State law; and

WHEREAS, in accordance with Governor's Executive Order N33-20, LAFCo has arranged for members of the public to observe and address the meeting telephonically and by Zoom.

WHEREAS, at said hearing the Commission heard and received evidence, both oral and written regarding the proposal and all persons were given an opportunity to address the hearing telephonically; and

WHEREAS, the Mountain House Community Services District Board of Directors certified and adopted a Mitigated Declaration (State Clearinghouse No. 2020070583) and a Mitigation Monitoring and Reporting Program;

WHEREAS the subject territory is uninhabited and has 100% owner consent;

WHEREAS, the Commission has, in evaluating the proposal considered the report submitted by the Executive Officer, the factors set forth in Section 56668.3 of the California Government Code and testimony and evidence presented at the public hearing held on May 13, 2021.

NOW, THEREFORE, the San Joaquin Local Agency Formation Commission DOES HEREBY RESOLVE, DETERMINE, AND ORDER as follows:

Section 1. Certifies that, as a Responsible Agency, the Commission has independently reviewed and considered the Mitigated Negative Declaration (State Clearinghouse No. 2020070583 and a Mitigation Monitoring and Reporting Program as certified by the Mountain House Community Services District;

Section 2. Finds that the proposal is uninhabited and has 100% owner consent.

Section 3. Approves the annexation of Bethany Road annexation to Mountain House Community Services District and concurrent detachment from Tracy Rural Fire District and annexation to Byron Bethany Irrigation District with the boundary descriptions attached hereto as Exhibit A and B.

Section 4. Finds, that the Tracy Rural Fire Protection District has not demonstrated that the action will negatively impact the special district's budget or services or requires the continuation of services without the provision of adequate funding.

Section 5. The Executive Officer shall be instructed to withhold filing the Certificate of Completion until confirmation of payment of the annexation fee established by Mountain House Community Services District Code of Ordinances Section MH-3-1404.

Section 6. Finds, pursuant to Government Code Section 56856.5, the reorganization is necessary to provide services to a planned, well-ordered, and efficient urban development pattern that includes appropriate consideration of the reservation of open-space lands within those urban development patterns.

PASSED AND ADOPTED this 13<sup>th</sup> day of May 2021 by the following roll call vote:

AYES: Commissioners Breitenbucher, Johnson, Lincoln, Winn and Chairman Villapudua.

NOES: None

ABSENT: Commissioner Patti



---

MIGUEL VILLAPUDUA, Chairman  
San Joaquin Local Agency  
Formation Commission



**San Joaquin  
Local Agency Formation Commission**  
509 West Weber Avenue Stockton, CA 95203  
209-468-3198 FAX 209-468-3199

**JUSTIFICATION OF PROPOSAL**

Please complete the following information to process an application under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000: (Indicate N/A if Not Applicable)

**SHORT TITLE OF THE PROPOSAL:** Mountain House CSD Annexation

**TYPE OF PROPOSAL**

- City Incorporation
- Sphere of Influence Amendment
- District Formation
- Consolidation
- Sphere of Influence Update
- Annexation
- Detachment
- Addition of Services
- District Dissolution
- Reorganization (involving an Annexation and Detachment(s))

**AGENCY CHANGES RESULTING FROM THIS PROPOSAL**

Agency or Agencies gaining territory: Mountain House Community Services District

Agency or Agencies losing territory: Tracy Rural Fire Protection District  
San Joaquin County Resource Conservation District

**NOTIFICATION**

Please indicate the names, addresses and telephone numbers of all Applicants, Applicant's Agents, and all affected Agencies who are to receive the hearing notice and the Executive Officer's Report:

Name Mailing Address Telephone

See Attached Property Owner Information Sheet for Applicant Names

Applicant Mailing Address: 31995 South Chrisman Road, Tracy, CA 95304

Applicant Contact: Siva Siani, 31995 South Chrisman Road, Tracy, CA 95304, (209) 834-6242

Affected Agencies: (1) Mountain House CSD; (2) Tracy Rural FPD; and (3) SJCRCD

(Attach a separate sheet if necessary.)

**PROJECT INFORMATION**

Please provide project-related information for the following questions:

- 1. Do the proposed boundaries create an island of non-agency territory?  Yes  No
- 2. Do the proposed boundaries split lines of assessment or ownership?  Yes  No
- 3. Does the proposal involve public rights-of-way or easements?  Yes  No
- 4. Does the proposal involve public land or land assessed by the State?  Yes  No
- 5. Does any part of the proposal involve land under a Williamson Act Contract or Farmland Security Zone?  Yes  No
- 6. Does any part of the proposal involve land with a Wildlife/Habitat Easement or Agricultural Land Conservation Easement?  Yes  No

7. List the affected Assessor Parcel Numbers, Owners of record and Parcel Sizes:

<u>APN</u>	<u>Owner</u>	<u>Acreage</u>
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See attachment with information on APNs, owners, and parcel sizes.

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8. Physical Location of Proposal:

The northern boundary of the property identified in Exhibit 1 (“Machado Property”) is formed by Grant Line Road, the eastern boundary by Mountain House Parkway, the southern boundary is formed by the future extension of Von Sosten Road, and the western boundary is formed by Corinthian Way and E. Nasergholi Avenue.

9. Has an application been filed for an underlying project (such as Development Plan, Conditional Use Permit, or Tentative Subdivision Map)?  Yes  No

If Yes, please attach a Project Site Plan or Tentative Subdivision Map.

If No, please provide an estimate of when development will occur: Prior to November 2024

10. List those public services or facilities which will be provided to the affected territory as a result of the proposed action:

Water; wastewater collection, treatment and disposal; storm water drainage and flood protection services; streets and roads; park facilities and recreation services; and general administrative services. Law enforcement services are provided under contract with the San Joaquin County Sheriff’s Office and MHCS D. Fire protection and emergency medical services are provided through an agreement between the French Camp McKinley Fire District and MHCS D.

11. Indicate which of these services or facilities will require main line extensions or facility upgrades in order to serve the affected territory:

As discussed in the attached Plan for Services, the existing water, sewer, and storm water infrastructure surrounding the Machado Property have adequate capacity to provide services to the Machado Property. New water, sewer, and stormwater facilities will need to be constructed within the Machado Property to connect to the existing infrastructure surrounding the development.

12. Provide any other justification that will assist the Commission in reviewing the merits of this request. (Attach a separate sheet if necessary)

This reorganization implements a number of long-range planning decisions and subsequent land use entitlements and infrastructure development approved by the San Joaquin County Board of Supervisors and the MHCS D Board of Directors over the past thirty years.

The San Joaquin County Board of Supervisors amended the General Plan to include the new community of Mountain House on February 25, 1993. The County certified a Final Environmental Impact Report

(FEIR) on the entire project in 1992, and a Supplemental Environmental Impact Report (SEIR) in early 1993. In 1994 the Board of Supervisors adopted the Mountain House Master Plan which included master planning for the College Park area. In 1996, the Board of Supervisors established the MHCS D to provide municipal services to the Mountain House Community. In 2006, the Board of Supervisors approved Mountain House College Park Specific Plan III ("Specific Plan III"), which implemented the Master Plan, and for which another environmental impact report was certified. The reorganization proposed by this application is expressly addressed in the Specific Plan III EIR.

In 2006 San Joaquin County approved Tentative Subdivision Maps for the Machado Property based on findings they were consistent with Specific Plan III and did not result in any impacts beyond those evaluated in the Specific Plan III EIR. As the economic collapse occurred shortly thereafter, development of Specific Plan III slowed considerably and construction did not occur on the Machado Property. Nevertheless, certain Specific Plan III backbone infrastructure, including roadway and utility lines, was installed by surrounding developers and mitigation measures were implemented. In 2018, the County approved a six-year extension for the Tentative Subdivision Maps for the Machado Property, which are now valid until November 6, 2024.

The Property Owner is now prepared to move forward with approved development of the Machado Property and carry out the General Plan, Master Plan, and Specific Plan, and, as a result, has requested MHCS D seek approval of this reorganization which annexes the Territory into MHCS D and simultaneously detaches the Territory from the Tracy Rural Fire Protection District ("Fire District"). MHCS D supports this request and hereby applies to LAFCO to complete this reorganization.

MHCS D contends that there will be no significant impact to the Fire District resulting from this reorganization. In 2002, the Fire District and MHCS D executed an agreement wherein Recital F addressed detachment; "At the time of detachment, the property tax allocated to the Fire District will be transferred to MHCS D." Pursuant to that agreement, MHCS D transferred title of its permanent fire station ("Fire Station"), for no payment, to the Fire District. In 2015 MHCS D paid the Fire District \$2,970,000.00 to repurchase the fire station when the agreement was terminated. MHCS D contends that any impact to the Fire District associated with this detachment has been mitigated with the payment of the \$2,970,000 payment in accordance with San Joaquin LAFCO Administrative Policy 12.

**INDEMNIFICATION AGREEMENT**

As part of this application, applicant and real property in interest, if different, agreed to defend, indemnify, hold harmless, and release the San Joaquin Local Agency Formation Commission, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any of the above, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney's fees, or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, whether or not there is concurrent passive or active negligence on the part of the San Joaquin Local Agency Formation Commission, its agents, officers, attorneys, or employees.

Executed at \_\_\_\_\_, California, on \_\_\_\_\_, 20\_\_.

APPLICANT

REAL PARTY IN INTEREST  
(If different from Applicant)

Signature: See Attached Signature Page.

Signature: \_\_\_\_\_

Applicant Contact: Siva Siani (siva2311@yahoo.com)

Title: Steven Pinkerson MHCS D General Manager

**SUBMITTALS**

In order for this application to be processed, the following information needs to be provided:

- 1. Two copies of this Justification of Proposal, completed and signed with original signatures;

2. Five prints of a full-scale proposal map showing the affected territory and its relationship to the affected jurisdiction (Refer to Guide for Preparation);
3. Five copies of an 8.5" x 11" or 11" x 17" reduction of the proposal map;
4. Three copies of a metes and bounds description of the affected territory;
5. One certified copy of the City Council and/or Special District Board Resolution of Application, or a petition making application to LAFCo (as appropriate);
6. Written permission from each affected property owner (or signature form);
7. One copy of the project environmental document (One Compact Disc if more than 25 pages);
8. One copy of the project Notice of Determination;
9. Three 8.5" x 11" copies of the Vicinity Map (if not included on the proposal map);
10. One copy of the plan for providing services along with a schematic diagram of water, sewer and storm drainage systems (refer to Government Code Section 56653);
11. One copy of the Pre-Zoning map or description (as required by Section 56375);
12. One copy of the Statement of Open Space (Ag) Land Conversion (refer to Section 56377);
13. One Copy of the Statement of Timely Availability of Water Supplies (refer to Section 56668(k));
14. One copy of the Statement of Fair Share Housing Needs (if residential land uses are included in the proposal) (refer to Section 56668(l));
15. One copy of the project design (site plan, development plan, or subdivision map);
16. One copy of the Residential Entitlement matrix form (if residential land uses are included in the proposal); and
17. Filing and processing fees in accordance with the LAFCo Fee Schedule and the State Board of Equalization Fee Schedule.

Additional information may be required during staff review of the proposal.

**CERTIFICATION**

The undersigned hereby certifies that all LAFCo filing requirements will be met and that the statements made in this application are complete and accurate to the best of my knowledge.

\_\_\_\_\_ Date: \_\_\_\_\_  
 (Signature)  
 Print or Type Name: Rochelle Henson, MHCS D Principal Planner Daytime Telephone: \_\_\_\_\_

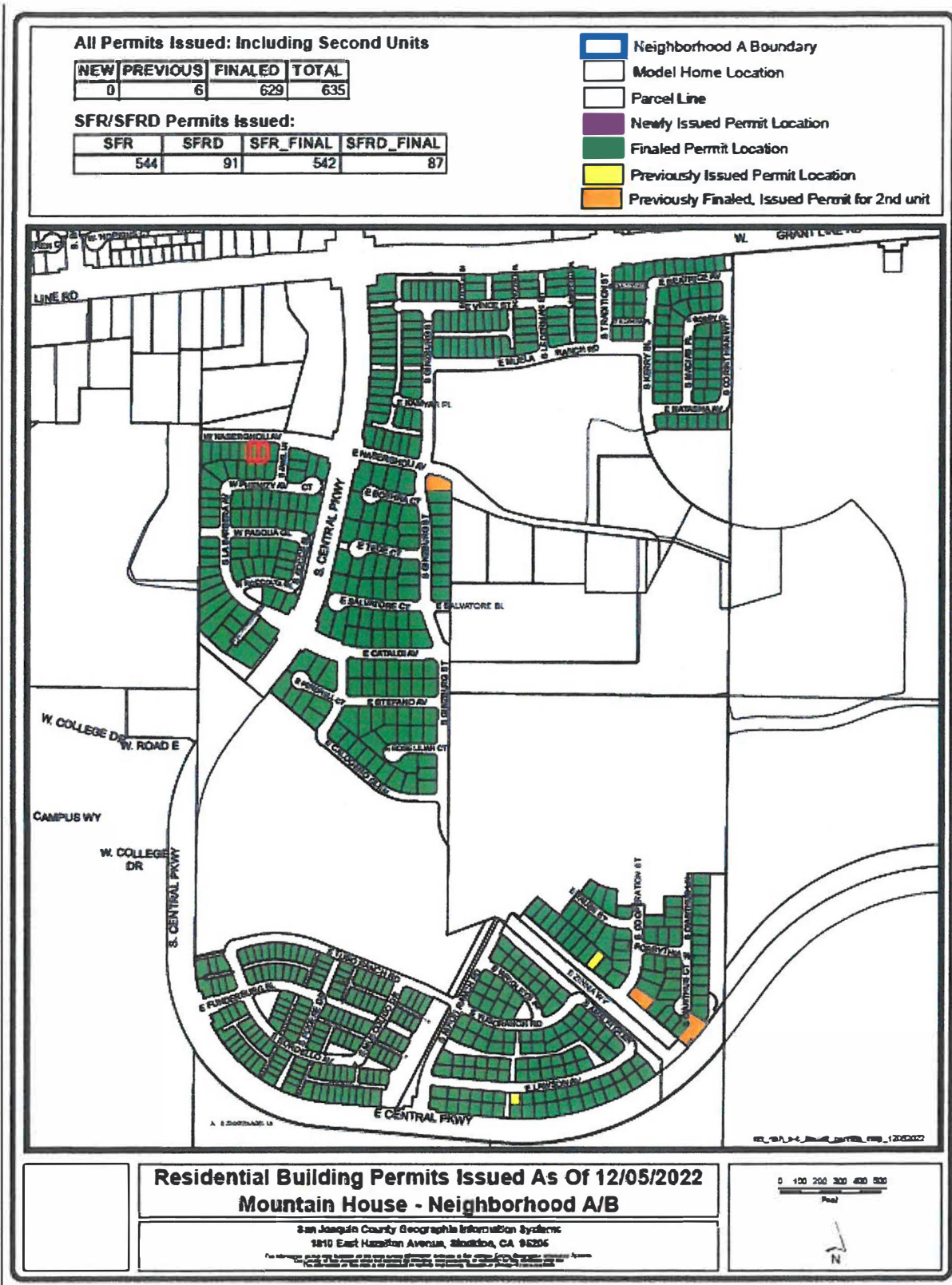


Figure 2. Final Building Permits Issued in Neighborhoods A and B

# ATTACHED SIGNATURE PAGE

San Joaquin  
Local Agency Formation Commission  
509 West Weber Avenue Stockton, CA 95203  
209-468-3198 FAX 209-468-3199

## JUSTIFICATION OF PROPOSAL – SIGNATURE PAGE

**Karnail Singh Sandhu and Ranbir Kaur Sandhu, Trustees of the Karnail Singh Sandhu and Ranbir Kaur Sandhu 2012 Trust, Property Owner**

DocuSigned by:  
Signature: Karnail Sandhu  
68FA7EB3768C4FE...  
Date: 9/11/2022

DocuSigned by:  
Signature: Ranbir Sandhu  
68FA7EB3768C4FE...  
Date: 9/11/2022

**Pinderjit Sandhu, Property Owner**

DocuSigned by:  
Signature: Pinderjit Sandhu  
CD23E01320EA4AF...  
Date: 9/11/2022

**Amanjit Sandhu, Property Owner**

DocuSigned by:  
Signature: Amanjit S Sandhu  
45594CD94E8848B...  
Date: 9/11/2022

**Sukhjot Sandhu, Property Owner**

DocuSigned by:  
Signature: SS  
65A8B4287E814E8...  
Date: 9/11/2022

Notice of Determination

Appendix D

To:
Office of Planning and Research
U.S. Mail: P.O. Box 3044
Sacramento, CA 95812-3044
Street Address: 1400 Tenth St., Rm 113
Sacramento, CA 95814

From:
Public Agency: Mountain House CSD
Address: 251 E. Main Street
Mountain House Ca.
Contact: David James
Phone: (209) 831-5666

County Clerk
County of: San Joaquin
Address: 44 N. San Joaquin St. Suite 260
Stockton, Ca. 95202

Lead Agency (if different from above):
Address:
Contact:
Phone:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2003102074

Project Title: An application by Machado Property to annex into the Mountain House CSD

Project Applicant: Siva Saini with Dhan Karam

Project Location (include county): Mountain House Community Service District/Master Plan (San Joaquin)

Project Description:

To annex approximately 143 acres known as the Macado Property in to Mountain House Community Service District in order for future development to access public facilities and infrastructure controlled and operated by the Mountain House Community Services District. The annexation request has been approved by the Mountain House CSD Board of Directors and will require the approval of LAFCO.

This is to advise that the Mountain House Community Services District Board has approved the above (Lead Agency or Responsible Agency)

described project on July 12, 2022 and has made the following determinations regarding the above described project.

- 1. The project will not have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan was adopted for this project.
5. A statement of Overriding Considerations was adopted for this project.
6. Findings were made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

San Joaquin County Planning Department 1810 E. Hazelton Ave. Stockton, Ca. 95205

Signature (Public Agency): Title: Community Development Director

Date: July 21, 2022 Date Received for filing at OPR:

ASSESSOR RECORDER  
COUNTY CLERK  
GARY W. FREEMAN

**NOTICE OF DETERMINATION 2005 NOV 22 PM 4: 11**

TO: (X) Office of Planning and Research SAN JOAQUIN COUNTY San Joaquin County  
1400 Tenth Street, Room 121 Sacramento, CA 95814 Community Development Department  
1810 East Hazelton Avenue  
Stockton, CA 95205  
BY *S. Serrano* DEPUTY Phone: 209-468-3120  
(X) State Department of Fish and Game  
Fiscal and Administrative Services Branch  
1416 Ninth Street  
Sacramento, CA 95814  
(X) County Clerk, San Joaquin County

SUBJECT: FILING OF NOTICE OF DETERMINATION IN COMPLIANCE WITH SECTIONS 21152 OF THE PUBLIC RESOURCES CODE

FILE NUMBER: PA-0500142 (Specific Plan), STATE CLEARINGHOUSE NUMBER: 2003102074  
PA-0500138 (General Plan Amendment),  
PA-0500140 (Master Plan Amendment),  
PA-0500141 (Mountain House Development Title Amendment),  
PA-0500143 (Major Subdivision—Matthews Land, Inc.)(Tract 3506),  
PA-0500144 (Major Subdivision—GNK)(Tract 3479 Souza/Teixeira),  
PA-0500145 (Major Subdivision—GNK)(Tract 3480 Muela/Tuso),  
PA-0500147 Development Agreement (Camilos)  
PA-0500148 (Development Agreement) (Matthews),  
PA-0500149 (Use Permit—Potable water tanks)(San Joaquin Delta College District/GNK),  
PA-0500151 (Williamson Act Cancellation)(Souza).

PROJECT TITLE, DESCRIPTION, & LOCATION: MOUNTAIN HOUSE SPECIFIC PLAN III PROJECT OF GERRY N. KAMLOS, LLC, ET AL: A Specific Plan ("Specific Plan III" (also referred to as "College Park")) as required by the Mountain House Master Plan to permit the development of approximately 818 acres (17%) of the Mountain House community. In addition to the Specific Plan application, the project includes amendments to the County General Plan, the Mountain House Master Plan, and the Mountain House Development Title; three Major Subdivision applications; two Development Agreements; a Use Permit for two water tanks; and a Williamson Act Contract cancellation. Collectively, these applications are referred to as the Specific Plan III Project. The Specific Plan III Project is located within the southern third of the Mountain House Master Plan area. It is generally bounded by Mountain House Parkway to the east, Interstate 205 (I-205) to the south, the Alameda County line to the west and Grant Line road to the north, except for a small portion that extends north of Grant Line road adjacent to Mountain House Parkway. (SuperVISorial District 6).

LEAD AGENCY: San Joaquin County Community Development Department. TELEPHONE NO.: (209) 468-3120

This is to advise that the San Joaquin County Board of Supervisors has approved the above-described project on November 22, 2005 and has made the following determinations regarding the above-described project:

1. The project will have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
3. Findings were adopted pursuant to the provisions of CEQA.
4. A Statement of Overriding Considerations was adopted for this project.
5. Mitigation measures were adopted as a condition of the approval of the project.

This is to certify that the College Park at Mountain House Specific Plan III Final EIR with comments and responses and a complete record of project approval is available for review by the general public at the office of the San Joaquin County Community Development Department, 1810 East Hazelton Avenue, Stockton, CA 95205.

SIGNATURE: *Sonia Serrano* DATE: November 22, 2005  
NAME: SONIA SERRANO TITLE: Deputy County Clerk

Date received for Filing at OPR: \_\_\_\_\_





**BEFORE THE BOARD OF DIRECTORS OF THE  
MOUNTAIN HOUSE COMMUNITY SERVICES DISTRICT**

**RESOLUTION**

**R-2022-36**

RESOLUTION OF THE MOUNTAIN HOUSE COMMUNITY SERVICES DISTRICT TO SUBMIT AN APPLICATION TO THE SAN JOAQUIN LOCAL AGENCY FORMATION COMMISSION FOR THE ANNEXATION OF CERTAIN SPECIFIC PLAN AREA III LANDS LOCATED SOUTH OF GRANT LINE ROAD KNOWN AS THE MACHADO PROPERTY

WHEREAS, the Mountain House Community Services District (“District”) was formed on May 20, 1996 to provide capital improvements and public services to the Mountain House Community; and

WHEREAS, in 2006 the San Joaquin County Board of Supervisors certified a Final Environmental Impact Report for College Park at Mountain House Specific Plan III (SCH #2003102074, hereafter “EIR”) and adopted Specific Plan III for the District; and

WHEREAS, Property Owners now desire to annex land identified in **Exhibit A** (“Annexing Property”) into the District; and

WHEREAS, the Annexing Property is consistent with Specific Plan III, as well as the District’s most recent Sphere of Influence and Municipal Service Review approved by the San Joaquin Local Agency Formation Commission (“LAFCo”) on January 12, 2017, with a draft update scheduled for review by LAFCo (August 2022).

NOW THEREFORE BE IT RESOLVED, that, pursuant to Title 14 of the California Code of Regulations section 15096 this Board of Directors has received and considered the EIR and finds as follows:

1. The Annexing Property is within the scope of the EIR as the EIR expressly contemplates the annexation to the District proposed by Property Owner and adequately addresses all significant impacts therefrom.
2. The conditions giving rise to the preparation of a subsequent EIR as set forth in Title 14 of the California Code of Regulations section 15162 are not present.
3. The conditions giving rise to the preparation of a supplement to an EIR as set forth in Title 14 of the California Code of Regulations section 15163 are not present.

4. The conditions giving rise to the preparation of an addendum to an EIR as set forth in Title 14 of the California Code of Regulations section 15164 are not present.
5. The conditions giving rise to the preparation of additional environmental documents tiered from a program EIR as set forth in Title 14 of the California Code of Regulations section 15168 are not present.
6. The Board hereby adopts those findings as set forth in Title 14 of the California Code of Regulations sections 15191 and 15093, including the statement of overriding considerations, attached as Attachment A to Board of Supervisors Order R-05-1289, certifying the EIR, which findings are also attached hereto and incorporated herein as **Exhibit B** to this resolution.

BE IT FURTHER RESOLVED that the District does hereby approve submission of an application to the San Joaquin Local Agency Formation Commission for annexation of the Annexing Property as follows:

7. This proposal is made pursuant to the Cortese-Knox-Hertzberg Local Government Act of 2000, being Part 1 (commencing with section 56000) of Division 3 of Title 5 of the California Government Code.
8. This proposal is a reorganization that includes the annexation of the subject territory to the District and the detachment of the same from the Tracy Rural Fire Protection District.
9. The description of the affected territory is described in **Exhibit A** to this Resolution.
10. The reason for this annexation proposal is to provide capital improvements and public services to the Mountain House Community consistent with the planned land uses for the community.
11. The District requests that the application be submitted and the proceedings be taken pursuant to the Cortese-Knox-Hertzberg Local Government Act of 2000.
12. This proposal is consistent with the District's Sphere of Influence and Municipal Service Review approved by LAFCo on January 12, 2017 and subsequent draft (June 2022) currently under review by LAFCo.
13. Pursuant to Section 56377 of the Government Code, the District finds that this annexation proposal will induce, facilitate, or lead to the conversion of existing open-space lands to uses other than open-space uses. However, the Board finds that this conversion is consistent with the County approved Specific Plan III and the planned development of the District.

BE IT FURTHER RESOLVED that the District does hereby approve the Plan for Services on file herein and authorizes the General Manager and Special Counsel to make changes therein that may be requested by LAFCo.

BE IT FURTHER RESOLVED that the General Manager is directed to file a Notice of Determination with the County Clerk.

BE IT FURTHER RESOLVED that the General Manager is directed to submit the application to the LAFCo, and to execute all documents necessary to complete the application and annexation.

PASSED AND ADOPTED this 13th day of July, 2022, by the following vote of the Board of Directors of the Mountain House Community Services District, to wit:

AYES: DHILLON, LUCID, MORENO, SU, TINGLE

NAYS:

ABSENT:

DocuSigned by:  
*Manuel Moreno*  
E14862F034AE430...

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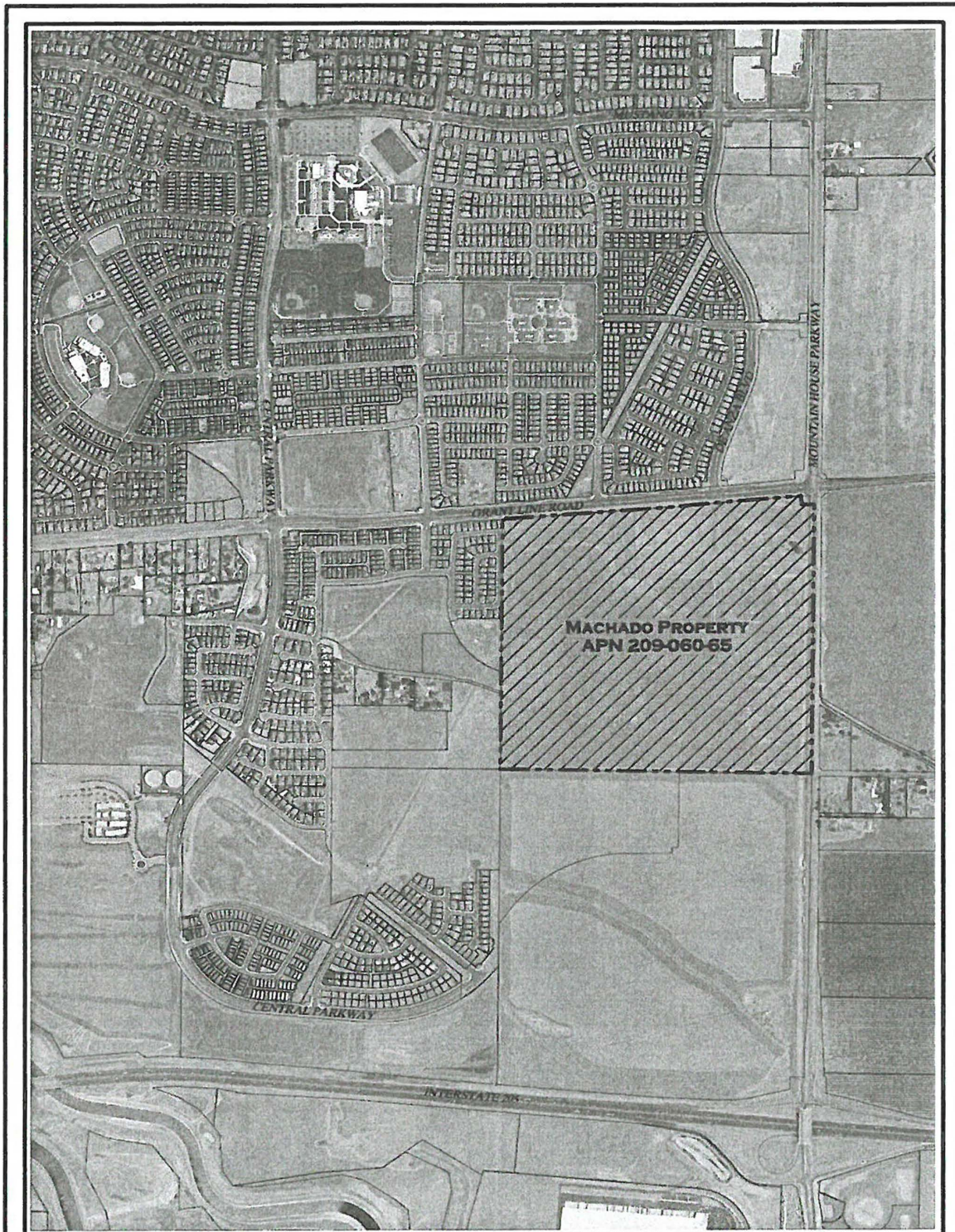
MANUEL MORENO, PRESIDENT  
Board of Directors of the Mountain House  
Community Services District, County of San  
Joaquin, State of California

DocuSigned by:  
*Nicole Adamo*  
EF0FAFD28F4B460...

---

NICOLE M.F. ADAMO  
District Clerk of the Board of Directors of  
the Mountain House Community Services  
District, County of San Joaquin, State of  
California

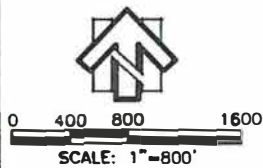
# EXHIBIT A



## MACHADO PROPERTY

APN 209-060-65  
ANNEXATION DIAGRAM  
JUNE 2022

 ANNEXATION AREA



SUMMARY	
APN	AREA
209-060-65	139.84± AC.

**MACKAY & SOMPS**  
ENGINEERS PLANNERS SURVEYORS  
51428 FRANKLIN DR., PLEASANTON, CA 94586 (925)225-0690

Before the Board of Supervisors  
County of San Joaquin, State of California

B. 05-1289

MOTION: ORNELLAS/SIEGLOCK/S

SPECIFIC PLAN III PROJECT

THIS BOARD OF SUPERVISORS does hereby:

1. Certify as adequate the Final Environmental Impact Report for College Park at Mountain House Specific Plan III ("FEIR") under Section 15090 of the California Environmental Quality Act (CEQA), and adopt Findings which include statements of overriding consideration, attached and made a part of this Board Order as Attachment A;
2. Adopt the "Mitigation Monitoring Program" attached and made a part of the Board Order as Attachment B;
3. Adopt the attached Resolution approving Third Cycle General Plan Amendment for General Plan Amendment No. PA-0500138, with the Bases for General Plan Amendment attached as Exhibit A to said Resolution;
4. Adopt the attached Resolution approving Master Plan Amendment No. PA-0500140, with the Bases for Master Plan Amendment attached as Exhibit A to said Resolution;
5. Adopt the attached Resolution approving Specific Plan PA-0500142 (Specific Plan III), with the Bases for Specific Plan Amendment attached as Exhibit A to said Resolution and with the modifications recommended by the MHCSD attached to the Board memo of November 22, 2005 for the Specific Plan III Project;
6. Adopt the attached Ordinance approving Mountain House Development Title Amendment PA-0500141, with the Bases for Mountain House Development Title Amendment contained in the Specific Plan III Project staff report;
7. Adopt the attached Ordinance approving Development Agreement application PA-0500147 with the Bases for Development Agreement contained in the Specific Plan III Project staff report and deletion of the phrase "[as described in Exhibit D hereto]" on page 31, Section 3.4;
8. Adopt the attached Ordinance approving Development Agreement application PA-0500148 with the Bases for Development Agreement contained in the Specific Plan III Project staff report;
9. Adopt the attached Resolution approving Major Subdivision application PA-0500144, with the findings attached as Exhibit A, the conditions of approval attached as Exhibit B to said Resolution, and the additional conditions of approval and the modifications to said Resolution recommended by the MHCSD attached to the Board memo of November 22, 2005 for the Specific Plan III Project;

**EXHIBIT B**

**POLICY & ACTION ITEM 9.3  
ATTACHMENT A**

B-05-1289

10. Adopt the attached Resolution tentatively approving Williamson Act Contract Cancellation application (PA-0500151) with the Findings for Williamson Act Contract Cancellation attached as Exhibit A to said Resolution, the conditions and contingencies contained in the body of the Resolution, and the following change to the last sentence of the fifth paragraph on page 1 of the findings as follows: "These parcels are currently the subject of Williamson Act Contracts Nos. 72-C-1-4205 and 72-C-1-425";
11. Adopt the attached Resolution approving Major Subdivision application PA-0500145 with the findings attached as Exhibit A, the conditions of approval attached as Exhibit B to said Resolution, and the additional conditions of approval and the modifications to said Resolution recommended by CDD and MHCSD attached to the Board memo of November 22, 2005 for the Specific Plan III Project;
12. Adopt the attached Resolution approving Major Subdivision application PA-0500143 with the findings attached as Exhibit A, the conditions of approval attached as Exhibit B to said Resolution, and the additional conditions of approval and the modifications to said Resolution recommended by CDD and MHCSD attached to the Board memo of November 22, 2005 for the Specific Plan III Project;
13. Adopt the attached Resolution approving Use Permit PA-0500140 to construct two potable water tanks with the findings attached as Exhibit A and the conditions of approval attached as Exhibit B to said Resolution;
14. Refer Use Permit No. PA-0500150, to construct a 30-acre above ground tertiary wastewater storage pond, back to the Planning Commission to a date uncertain; and
15. Adopt the attached Ordinance amending the Zoning Map of the County with the zoning diagram of Specific Plan Amendment PA-0500142 (i.e., Figure 3-4 of Specific Plan III) attached as Exhibit A to said Ordinance.

I HEREBY CERTIFY that the above order was passed and adopted on this 22 day of Nov. 2005 by the following vote of the Board of Supervisors, to wit:

AYES:        **ORNELLAS, MOW, SIEGLOCK, MARENCO, GUTIERREZ**

NOES:         **NONE**

ABSTAIN:    **NONE**

**LOIS M. SAHYOUN**  
 Clerk of the Board of Supervisors  
 County of San Joaquin  
 State of California



**LOIS M. SAHYOUN**

## PLAN FOR SERVICES

### Machado Property Reorganization to the Mountain House Community Services District

August 2022

#### Introduction

Pursuant to Section 56653 of the Government Code, San Joaquin LAFCo requires that any application for a change of organization or a re-organization include a plan for providing municipal services. In accordance with Section 56653 of the Government Code, this document includes the following information:

1. An enumeration and description of the services to be extended to the affected territory.
2. The level and range of those services.
3. An indication of when those services can feasibly be extended to the affected territory.
4. An indication of any improvements or upgrading of structures, roads, sewer or water facilities, or other conditions the local agency would impose or require within the affected territory if the change of organization or reorganization is completed.
5. Information with respect to how those services will be financed. [PENDING]
6. Summary Statements for Commission consideration.

#### Background

Mountain House Community Services District (MHCSO or District) was formed on May 20, 1996 to provide a full range of municipal services to the master planned community of Mountain House. The MHCSO Sphere of Influence (SOI) contains 4,784 acres. San Joaquin County adopted the Mountain House Master Plan in 1994 to establish a land use plan for the lands within MHCSO's SOI that provides for a range of land uses including residential, commercial, mixed use, industrial, open space, and public (schools, transit, and utilities). Since formation, several development projects have been constructed to serve the community consistent with the Mountain House Master Plan. Referred to as 'villages' these areas include Wicklund, Bethany, Altamont, Questa, and Hansen. The proposed Machado Property Reorganization area was included in the original Mountain House Master Plan, the College Park at Mountain House Specific Plan III, and has received various development entitlements from San Joaquin County, however, it was not a part of the original District and must therefore annex in order to receive services.

#### Project Description

The re-organization proposal before LAFCo involves annexation of three parcels containing approximately 136.09 acres to MHCSO with concurrent detachment from the Tracy Rural Fire Protection District (TRFPD) ("Project"). (Refer to Exhibit 1: Annexation Area.) The Project is zoned as Medium-Density and Very Low-Density Residential and will be developed consistent with the existing entitlements and subdivision maps that were approved by San Joaquin County.

The approved large lot and small lot tentative subdivision maps for the Annexation Area are included as Attachment 11. As shown on the approval small tentative subdivision map, the existing entitlements include 255 Very Low-Density Residential lots (ranging from 5,000 sq. ft. to 7,000 sq. ft.), 31 Medium Density



June 9, 2022

**VIA ELECTRONIC MAIL**

Steve Pinkerton  
General Manager  
251 E. Main Street  
Mountain House, CA. 95391

**Re: Mountain House Community Services District  
Request to Initiate Annexation**

Dear Mr. Pinkerton:

We write to request initiation of annexation proceedings for the following property located within the College Park at Mountain House Specific Plan (Specific Plan III):

- **Machado Property – APN: 209-060-65 (See attached Annexation Diagram)**

On behalf of the owners of the Machado Property ("Property"), we respectfully request that the Mountain House Community Services District ("MHCS D") initiate annexation proceedings and begin calculation of all necessary annexation related fees and charges pursuant to Chapter MH-4 of the MHCS D Ordinance Code.

As you are aware, all discretionary land use entitlements and corresponding environmental reviews for development of the Property have been approved and certified by San Joaquin County as the lead agency under the California Environmental Quality Act.

For reference, these land use entitlements include a large lot tentative map (Major Subdivision Application No. PA-0600161 / Tract 3635) and a small lot tentative map (Major Subdivision Application No. PA-0500838 / Tract 3481).

Thank you, in advance, for your consideration of this request. We look forward to working with you in the coming months and, ultimately, to our successful annexation into MHCS D's jurisdiction.

Very Truly Yours,  
Siva Saini, VP, Operations

*Siva Saini*

*Amanjit Sandhu, Dhan Karam*



Residential Lots (3,500 sq. ft.), two lots designated as Office Commercial (Lots "O" and "P"), and three lots designated as Limited Industrial ("Lots "Q", "U", and "V"). The subdivision map also depicts the areas designated for internal streets and other land dedications. Total acreage for each land use is: (a) Residential Very-Low Density: 62.7 acres; (b) Residential Medium Density: 3.6 acres; (c) Office Commercial: 18.2 acres; and (d) Limited Industrial: 21.5 acres.

The zoning designations and subdivision maps for the Annexation Area have been evaluated consistent with the requirements of the California Environmental Quality Act ("CEQA"). In 2005, the San Joaquin County Board of Supervisors approved the Mountain House Specific Plan III for College Park and certified the associated Final Environmental Impact Report ("EIR") for College Park at Mountain House Specific Plan III. In 2006, the San Joaquin County Board of Supervisors approved tentative large lot and small lot subdivision maps for the Annexation Area. The Board of Supervisors prepared findings of fact regarding compliance with CEQA prior to adopting the tentative maps. In 2018, the San Joaquin County Board of Supervisors approved a six-year extension for the tentative maps which expires in 2024. An addendum The Board of Supervisors prepared an addendum to the 2005 Final EIR for Specific Plan III prior to approving the extension for the approved tentative maps. Lastly, in 2022, MHCS D approved a Notice of Determination regarding the Resolution for Application to LAFCO which found that no further CEQA review was required.

The Draft and Final Environmental Impact Report for College Park, the 2006 CEQA findings for approval of the tentative maps, the 2018 Addendum, and the 2022 Notice of Determination have been provided electronically along with this application.

#### Municipal Services

MHCS D will provide a number of municipal services to the annexation territory including: water supply; wastewater collection, treatment and disposal; storm water drainage and flood protection services; streets and roads; park facilities and recreation services; and general administrative services. MHCS D contracts for law enforcement services through the San Joaquin County Sheriff's Office. Fire protection and emergency medical services are provided by MHCS D under contract with the French Camp McKinley Fire District. School facilities and education services are provided by the Lammersville Joint Unified School District. Solid waste (garbage) services and recycling are provided under a franchise agreement with West Valley Disposal Services. Electrical service is provided by Modesto Irrigation District (MID); natural gas is provided by Pacific Gas and Electric Company (PG&E); telecommunication services are provided by Charter Communications. Animal Control field services are provided jointly by the Stockton Police Department and San Joaquin County. Library services are provided by the Mountain House Branch Library, operated by the Stockton-San Joaquin County Library System and contracted for through MHCS D. Public transit services are provided by San Joaquin Regional Transit District.

MHCS D does not exercise authority over land use, planning, or development. San Joaquin County currently exercises such authority over the Territory and will continue to do so following completion of the Reorganization.

It should be noted that significant portions of the infrastructure improvements required to serve the annexation area are already installed. Refer to the Map Exhibits at the end of this document for those improvements already completed and those that remain to be completed.

#### **Water Supply**

MHCS D obtains its raw water supply under contract from Byron Bethany Irrigation District (BBID) for up to 9,813 acre-feet per year. Raw water is delivered to the District's state of the art Water Treatment Plant (WTP), where currently 15 MGD is treated and made available for distribution to the community. As of 2020, the total water demand (including system losses) was 4,672 acre-feet per year, meaning that there is currently 5,141 acre-feet per year available to meet demands of new development in MHCS D. By 2040,

demand within MHCS D is expected to increase to 9,595 acre-feet with buildout of currently undeveloped areas, including the annexation area. Additionally, even though MHCS D has sufficient water supplies to meet planned growth through 2040, it also has the ability to purchase additional raw water supplies from BBID if BBID has available water. As a result, MHCS D has a projected water supply surplus of 2,788 acre-feet per year available to meet planned development through 2040, including the growth identified for the Annexation Area.

The Mountain House Specific Plan III identifies the water demand factors that were used to design the MHCS D water treatment and delivery system for Mountain House Specific Plan III. By applying the water demand factors identified in Table 12-1 of the Mountain House Specific Plan III to the land uses identified above in Project Description, the total anticipated daily water demand for the Annexation Area are calculated at 0.23 MGD.

MHCS D currently has sufficient water treatment and storage facilities to deliver water supplies to the Annexation Area. The WTP is currently sized at approximately 15 MGD and will increase to 20 MGD at build-out. Additionally, the proposed annexation area is served by water storage tanks totaling 7.4 million gallons. MHCS D Public Works Department has indicated that this treatment and storage infrastructure is adequate to meet an increase demand of approximately 0.23 MGD within the Annexation Area.

A 12-inch diameter water main has been constructed on the north side of the annexation area along the alignment of West Grant Line Road between De Anza Boulevard on the east and Tradition Street on the west. An 8-inch diameter water main has been constructed on the north side of the annexation area along the alignment of West Grant Line Road between Mountain House Parkway on the east and De Anza Boulevard on the west. An 8-inch diameter water main has been constructed extending from the water main on Grant Line Road through Parcel C at the western boundary of the Machado property and along Corinthian Way to serve the western portion of the subdivision. A new 8-inch diameter water main will need to be constructed on the east side of the annexation area along the alignment of Mountain House Parkway between Interstate 205 on the south and Grant Line Road on the north. Two new water lines will need to be constructed (14-inch and 12-inch) extending from the water main at Grant Line Road along De Anza Boulevard and along Prosperity Street. A new water line will need to be constructed extending west into the subdivision from the water main at Mountain House Parkway. The size of this new water line needs to be determined by the design engineer and shall meet Mountain House Community District Standards. (Refer to Exhibit 2 at the end of this document for water line locations and sizes.)

## **Wastewater**

MHCS D is responsible for collection, treatment, and disposal of wastewater. During 2007, the existing Phase II Wastewater Treatment Plant (WWTP) treatment system and associated infrastructure were replaced with a 3.0 MGD Sequential Batch Reactor system. Lined aeration lagoons exist for emergency treated effluent storage. Treated effluent is discharged to Old River under orders and permits issued by the Central Valley Regional Water Quality Control Board. Additional expansion of the WWTP is under review by the affected developers and the District. Ultimate treatment capacity of the WWTP at build-out will be sized to provide 5.4 MGD Average Dry Weather Flow (ADWF).

Approximately 80% of service area for wastewater collection system drains by gravity to the WWTP through a backbone collection system. The remaining 20% is pumped to the treatment plant through lift stations and force mains. At the present time, MHCS D does not recycle any treated effluent. Plans are in place to utilize recycled water for development that occurs north of Byron Highway.

The Mountain House Specific Plan III identifies the wastewater generation factors that were relied upon to design the MHCS D wastewater system for Mountain House Specific Plan III. By applying the wastewater generation factors identified in Table 13-1 of Mountain House Specific Plan III to the land uses identified above in Project Description, the total anticipated daily wastewater generation estimates for Average Daily

Flow from the Annexation Area are calculated at 0.16 MGD. The current Annual Average Day Flow at the WWTP (as of 2021) is 1.25 MGD, meaning that the WWTP currently has excess capacity of 1.75 MGD. As a result, the MHCS D Public Works Department has indicated that the 1.75 MGD excess capacity at the WWTP is sufficient to meet the 0.16 MGD of anticipated ADF forecasted for the Annexation Area.

An 8-inch diameter line has been constructed in the Grant Line Road alignment between the western boundary of the Machado property to Prosperity Street. A 10-inch diameter line has been constructed along the Grant Line Road alignment from Prosperity Street in the west to sanitary sewer manhole 8, 263 feet west of the De Anza Boulevard and Grant Line Road intersection. A 12-inch line has been constructed along Grant Line Road from sanitary sewer manhole 8 to De Anza Boulevard. An 8-inch diameter line has been constructed extending from the main on Grant Line Road through Parcel C at the western boundary of the Machado property and along Corinthian Way to serve the western portion of the subdivision. Two new 8-inch sanitary sewer lines will need to be constructed extending from the line in the Grant Line Road along Prosperity Street and future pedestrian connection west of De Anza Boulevard. A new 10-inch sanitary sewer line will need to be constructed extending from the line in Grant Line Road along De Anza Boulevard. (Refer to Exhibit 3 at the end of this document for sanitary sewer line locations and sizes.)

### **Storm Drainage**

Storm drainage facilities and improvements, as well as flood protection services, are reflected in an adopted Storm Water Master Plan. The District utilizes a variety of storm water drainage concepts to improve water quality, reduce costs, and protect the environment. Storm water main pipelines are designed to contain a 100-year storm event. Within each neighborhood runoff will be collected in underground pipes for collection in larger trunk lines and eventual discharge to storm water basins and Old River utilizing best management practices (BMPs).

A 36-inch diameter storm drainage line has been constructed on the north side of the annexation area along the alignment of West Grant Line Road between Prosperity Street on the east and Tradition Street on the west. A 42-inch diameter storm drain line has been constructed along Grant Line Road from De Anza Boulevard in the east and Prosperity Street in the west. A 36-inch diameter storm drainage line has been constructed on the east side of the annexation area along the alignment of Mountain House Parkway between Interstate 205 on the south and Grant Line Road on the north. A 36-inch, 15-inch and 12-inch diameter lines have been constructed extending from the main on Grant Line Road through Parcel C at the western boundary of the Machado property and along Corinthian Way to serve the western portion of the subdivision. A 60-inch diameter storm drain line has been constructed along De Anza Boulevard from the main along Grant Line Road to the northern boundary of the Machado property. Two new storm drainage lines (48-inch and 24-inch) will need to be constructed extending from the storm drainage line at Grant Line Road along De Anza Boulevard and along Prosperity Street. In addition, a storm drainage line will need to be constructed extending west into the subdivision from the storm drainage line at Mountain House Parkway. The size of this new storm drain line needs to be determined by the design engineer and shall meet Mountain House Community District Standards. (Refer to Exhibit 4 at the end of this document for water line locations and sizes.)

MHCS D developed a Storm Water Management Program (SWMP) in August 2008 to comply with the NPDES Phase II requirements for small municipal separate storm sewer systems (MS4s). In October 2015, the SWMP was revised to comply with the updated NPDES Phase II requirements for small municipal separate storm sewer systems (MS4s). The goal of the SWMP is to reduce the discharge of storm water pollutants to the Maximum Extent Practicable (MEP), protect water quality and satisfy the requirements of the Clean Water Act (CWA). The SWMP includes the implementation of best management practices (BMPs), an implementation schedule, and measurable goals to help ensure that storm water discharged is of the highest quality that is economically possible.

All storm drainage facilities and improvements in the Annexation Area will be designed, constructed, and operated consistent with the MHCSO SWMP.

### **Streets and Roads**

Mountain House Parkway, along the easterly side of the Project, is an existing four-lane roadway that is classified as a Major Arterial. The final planned configuration for Mountain House Parkway includes the addition of two additional lanes for a total of six-lanes. This expansion is planned to occur upon development of approximately 14,000 units within the Mountain House community.

Grant Line Road is an existing road along the northern boundary of the Project that is classified as a Major Arterial and been fully built to its planned configuration.

All other streets within the residential tracts are Local Streets and will be required to be constructed to local street standards. (Refer to the Subdivision Maps in Exhibit 11 for street locations and alignments.) No further off-site improvements are need to facilitate road access to the development.

Street lighting is provided by each developer on a project-basis and will be located and placed in accordance with MHCSO Public Works Department standards.

### **Park Facilities and Recreation Services**

Under the requirements of the Mountain House Master Plan and the College Park Specific Plan III, each of the 12 'Villages' within the community will have individual 5-acre neighborhood parks, as well as a Central Community Park. Phase 1 of the Central Community Park has been completed, along with six neighborhood parks: Altamont, Bethany, Cordes, Hansen, Questa, and Wicklund. Park facilities are constructed as part of the subdivision improvements within each Village. The Project is located in the College Park Specific Plan III area which will include two neighborhood parks and a utility corridor trail.

MHCSO also has an active recreation program with a variety of youth sports activities, events, educational programs, and community celebrations.

### **Law Enforcement**

The San Joaquin County Sheriff's Office (SO) provides law enforcement services to the Mountain House community by contract with MHCSO. The contract calls for the SO to provide six full time equivalent (FTE) deputies to serve a population of over 15,000 residents (0.4 sworn officers per 1,000 residents). Through its contract with the San Joaquin County Sheriff's Department for law enforcement, the MHCSO provides the Mountain House community with six fulltime (Full-Time Equivalents or FTEs) deputies; the service levels are planned to increase as noted below. Mountain House is designated by the Sheriff's Department as Beat 8. The Sheriff's Office also provides additional deputy support to Mountain House through its assignment of one fulltime deputy for the western part of the county defined as Beat 8.

The SO also provides an administrative command structure, investigative services, technical support (evidence gathering, video/picture logging), community-oriented policing, a citizen's academy, and incarceration services at the County Jail.

The California Highway Patrol (CHP) is responsible for all traffic related matters that occur within the unincorporated areas of the state, including Mountain House. Specific to Mountain House, the CHP is responsible to enforce traffic laws, as outlined in the California Vehicle Code, investigate traffic accidents, investigate vehicle thefts that occur from a roadway and respond to parking and other traffic complaints. As a law enforcement agency, the CHP also assists other local and state agencies when requested for general law enforcement and traffic control. MHCSO contracts with the CHP for services to supplement those provided by the SJCOSO.

In 2022, response times ranged from 5.4-minutes for Priority 1 calls (immediate dispatch, crime in progress including assault, homicide, kidnapping, robbery, home invasion, bomb threat, etc.); to 9.6-minutes for Priority 2 calls (family disturbance, suspicious person, theft of property, etc.) and 27.6-minutes for Priority 3 calls (delay in reporting crime, property theft or damage, mail theft, noise complaints, etc.). These response times are expected to be maintained to serve the Project.

Crime rates are typically low within Mountain House with emphasis on proactive community-oriented policing. Mountain House property and violent crime rates per 100,000 population were among the lowest by comparison to other San Joaquin County communities. The Master Plan includes policies and implementation measures that would allow for the MHCSO to continue providing adequate staffing levels. The Mountain House Master Plan provides that sworn officers will be added at levels specified in the San Joaquin County General Plan consistent with standards for comparable urban communities within the County and any additional needs determined by the community.

The SJCOSO command staff and deputies operate out of two facilities: (1) a satellite office located at the MHCSO Town Hall, 251 E. Main Street, Mountain House, California; and (2) the SJCOSO headquarters located at 7000 Michael Canlis Blvd, French Camp, California. As the community grows, a separate law enforcement headquarters building is planned to be constructed adjacent to Town Center Community park near Byron Road. No date for construction has been established; its timing is dependent on the needs of law enforcement and the community.

### **Fire Protection**

Fire protection and emergency medical services (EMS) are provided by MHCSO under contract with French Camp McKinley Fire Protection District (FCMFPD), also referred to as the Mountain House Fire Department (MHFD). FCMFD allows for coordinated fire and EMS services. MHFD operates out of Mountain House Fire Station 1 (aka Station 16-1) at 911 Tradition Ln. A second fire station (Station 16-2) will be added once new development occurs north of Byron Highway.

The station has a staffing level of five personnel, 24 hours per day, seven days per week, which include one Captain (Duty Officer), one Lieutenant, two engineers or certified driver operator, and one firefighter. Station personnel are supported by FCMFPD with 24 full time firefighters and 3 reserve fire fighters. Also available from FCMFPD are the following: one full-time Fire Chief, one Assistant Fire Chief/Fire Marshall, and one Battalion Chief for Training and Operations.

Station No. 16-1 houses two Type 1 Fire Engines, one Ladder Truck, and one Type 6 Quick Response Vehicle. Additional apparatus are available from FCMFPD Station No. 11-1 located at 310 East French Camp Road, French Camp, including two Type 1 Fire Engines, one Medium Rescue Vehicle, and one Type 6 Wildland Engine. Station No. 16-1 houses two Type 1 Fire Engines, one Ladder Truck, and one Type 6 Quick Response Vehicle. Additional apparatus are available from FCMFPD Station No. 11-1 located at 310 East French Camp Road, French Camp, including two Type 1 Fire Engines, one Medium Rescue Vehicle, and one Type 6 Wildland Engine. The distance and response time to the Annexation Area from Station 16-1 at 911 Tradition is 1.2 miles, with an approximate 2 ½ minute non-emergency travel time. The distance and response time to the Annexation Area from Station 16-2 (Central Parkway and Stockyard) is 2.2 miles, with an approximate 5 minute non-emergency travel time. (See Attached Letter from FCMFPD)

As of 2021, Mountain House Fire Department responds to approximately 700 calls for service per year, which are dispatched through the Valley Regional Emergency Communications Center (VRECC). Average response time within the Mountain House community is 6-minutes 32-seconds for all calls, and 9-minutes 39-seconds for ninety percent of all calls. Contractual response time 90<sup>th</sup> percentile requirements are 7 minutes and 19 seconds; well within actual response times. These response times are considered appropriate and will not be affected by the proposed annexation of the Project.

The contract with the FCMFPD provides for staffing additional fire stations and engine companies as the need occurs. A second fire station is planned north of Byron Road and should be completed in 2024. National Fire Protection Administration and Insurance Service Office performance standards are met through the current Fire and EMS level and will continue to be met as demands increase from the growing population, equipment is added, and when the second fire station is operational.

Upon detachment of the Project area from the Tracy Rural Fire Protection District (TRFPD), the current property tax allocated to TRFPD will be re-allocated to MHCSD. To offset these property tax revenues, MHCSD previously re-purchased Fire Station No. 1 from TRFPD for \$2.97 million and considers this payment adequate to offset any adverse impacts to TRFPD.

### **Schools**

Public education is provided by the Lammersville Joint Unified School District, which operates Mountain House High School and five elementary schools – Altamont, Wicklund, Bethany, Hansen, and Sebastian Questa. The school district offices are also located within the MHCSD at 111 South De Anza Boulevard.

### **Solid Waste Disposal**

Garbage service and recycling are provided by West Valley Disposal Services under a franchise agreement with MHCSD. Services include weekly garbage pick up; and curbside recycling 'toters' for recyclable waste and yard waste, alternating from one to the other each week. In addition, West Valley Disposal provides commercial services including bin and debris boxes; corrugated cardboard and white paper recycling; and wood, plastic and glass recycling.

### **Electricity**

Electrical service to the Mountain House community is provided by Modesto Irrigation District (MID) through a dedicated 69 kV transmission line from the Western Area Power Administration (WAPA) Switching Station near Tracy to the Mountain House Sub-station. This service began on January 1, 2001. New electrical service is available and will be extended to serve new development under existing franchise agreements.

### **Natural Gas**

Pacific Gas and Electric Company (PG&E) currently provides natural gas service to the Mountain House community. New gas service is available pursuant to Rule 15 and will be extended to serve new development under existing franchise agreements.

### **Telecommunication Services**

Telephone, cable television, and internet services are offered to the Mountain House community by Charter Communications. New telecommunication services are available and will be extended to serve new development under existing franchise agreements.

### **Libraries**

The Mountain House branch library is part of the Stockton-San Joaquin County unified library system. The Master Plan for the community and the Public Service Allocation Agreement between the County and the MHCSD both note that the library services will be provided to Mountain House through this arrangement. The MHCSD, like other communities with branch libraries of the countywide system, provides the library building and building operating expenses.



**BEFORE THE BOARD OF DIRECTORS OF THE  
MOUNTAIN HOUSE COMMUNITY SERVICES DISTRICT**

**RESOLUTION**

**R-2015-28**

**RESOLUTION APPROVING THE INTERFUND LOAN FROM THE COMMUNITY FACILITIES FEE FUND (FUND 47818) TO THE SPECIAL TAX NO. 2: PUBLIC SAFETY FUND (FUND 47835) IN AN AMOUNT NOT TO EXCEED \$2,970,000 PLUS CLOSING COSTS MADE FOR THE PURPOSE OF FINANCING THE PURCHASE OF FIRE STATION 98 AND APPROVING AN APPROPRIATION ADJUSTMENT TO FUND SAID INTERFUND LOAN**

WHEREAS, the Board of Directors (Board) of the Mountain House Community Services District (District) approved an interfund loan policy at its meeting of September 10, 2014; and

WHEREAS, the Board has approved the purchase of Fire Station 98 for an amount not to exceed \$2,970,000 plus closing costs; and

WHEREAS, such purchase would be made from the Special Tax Fund No. 2: Public Safety (Fund 47835); and

WHEREAS, Fund 47835 does not have sufficient revenues or reserves to fund such a purchase; and

WHEREAS, the Community Facilities Fee Fund (Fund 47818) has sufficient reserves to make a loan to Fund 47835 for an amount not to exceed \$2,970,000 plus closing costs;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the Interfund Loan Agreement attached to this Resolution as Attachment A; and

BE IT FURTHER RESOLVED that the Board hereby approves the Additional Appropriation, Estimated Revenue, and Transfer of Funds adjustment attached to this Resolution as Attachment B.

MHCSD constructed a new permanent library co-located with the new permanent community Town Hall on Main Street in the Town Center. The two new buildings share a common conditioned lobby and courtyard, as well as share a multi-purpose room and conference rooms accessible to the community. Both facilities are designed to serve the community through buildout of the Master Plan and SOI.

### **Public Transit**

Public transit services are provided by San Joaquin Regional Transit District.

### **Summary Statements**

In support of this Plan for Services, the following statements related to the Project are provided for LAFCo's consideration:

- ❖ As described in the College Park Specific Plan III and the Mountain House Master Plan, the Project is adjacent to boundaries of MHCSD, and has been planned for the type of urban development that will be facilitated by this reorganization for approximately two decades.
- ❖ Reorganization of the Project is within the scope of Specific Plan III and its Environmental Impact Report.
- ❖ Certain backbone infrastructure has already been constructed adjacent to the Project which will facilitate the extension of this infrastructure to serve the Project.
- ❖ Annexing the Project to MHCSD will require additional facilities and the extension of public facilities and utility services.
- ❖ Such facilities and services will be constructed as development occurs in accordance with MHCSD and County of San Joaquin requirements.
- ❖ Annexation and development of the Project within Specific Plan III will facilitate the goals and objectives of the Mountain House Master Plan and Specific Plan III, including: a housing and employment balance; establishing a full range of services and infrastructure in the community; providing adequate public services and services to the community; providing for pedestrian-friendly character within and between neighborhoods, village centers and the Town Center; and providing an adequate supply of housing for all income groups in the County.
- ❖ In addition, development of the Project within College Park Specific Plan III will utilize existing facilities and infrastructure to enhance efficiencies and cost effectiveness.
- ❖ The range and level of these improvements are described in the Plan for Services, as well as Specific Plan III and the Municipal Service Review for MHCSD that was adopted by San Joaquin LAFCo in September 2022.
- ❖ Overall, existing public facilities, services and utilities, along with improvements proposed by and required of the Project, will be adequate to serve the Project.
- ❖ The design, engineering and construction of these improvements will be financed as described in the Mountain House Master Plan, Specific Plan III, and other documents, which will ensure that sufficient funding will be available, and that services and infrastructure will be in place to serve both the Project and the entire Specific Plan III area in a timely manner.



PETRULAKIS LAW & ADVOCACY, APC

1130 12TH STREET, SUITE B  
MODESTO, CALIFORNIA 95354  
TELEPHONE 209 522-0500  
FACSIMILE 209 522-0700

GEORGE A. PETRULAKIS

MAILING ADDRESS  
POST OFFICE BOX 92  
MODESTO, CA 95353-0092

Submitted via Email: [jhightower@sjgov.org](mailto:jhightower@sjgov.org) and U.S. Mail

January 25, 2023

Mr. JD Hightower  
Executive Director  
LAFCO San Joaquin County  
44 San Joaquin Street, Suite 374  
Stockton, CA 95202

Re: Comments and Proposal Requirement for College Park III Reorganization to  
Mountain House Community Services District (LAFC 29-23)

Dear Mr. Hightower:

Thank you for the opportunity to comment on the reorganization application submitted by the Mountain House Community Services District (“CSD”) that, if adopted as proposed, would annex 135.59 acres to the CSD and detach the same from the Tracy Rural Fire Protection District (“Fire District”). I am land use counsel for the Fire District and submit these comments on their behalf.

With the deadline to provide our comments on the application (today) being so close to the public hearing date for the proposal (February 9, 2023), we respectfully request that this letter be made a part of the record of that public hearing.

As a fire protection district, we consistently oppose detachments from the Fire District because of the long-term negative financial impacts of the loss of Fire District territory. In addition, we have previously objected and object again in this letter to the logic of the argument that the CSD’s purchase of a fire station from the Fire District somehow compensated the Fire District for future lost property tax revenues. The contractual recital referenced from the 2002 agreement between the CSD and the Fire District which states that at the time of detachment of land from the Fire District, the property tax that previously had accrued to the Fire District

PASSED AND ADOPTED this 11<sup>th</sup> day of August, 2015, by the following vote of the Board of Directors of the Mountain House Community Services District, to wit:

AYES:

NOES:

ABSENT:

---

ANDY SU, PRESIDENT  
Board of Directors of the Mountain House  
Community Services District, County of San  
Joaquin, State of California

ATTEST:  
NICOLE M. F. ADAMO  
Deputy Secretary of the Board of Directors  
of the Mountain House Community  
Services District, County of San Joaquin,  
State of California

By: \_\_\_\_\_

would be transferred to the CSD was in an agreement that the CSD itself terminated. Thus, that recital has no bearing on the current annexation and detachment proposal.

Instead, the current proposed detachment should be considered in light of your LAFCO's Standard 12 ("Adverse Impact of Annexation on the Other Agencies") in your "CHANGE OF ORGANIZATION POLICIES AND PROCEDURES" (last amended on December 14, 2012). Presumably, that Standard 12 was adopted by LAFCo under its power "to adopt written procedures for the evaluation of proposals" and ". . . adopt standards for any of the factors enumerated in Section 56668." *Cal. Gov't Code § 56375(g)*.

Under Standard 12, key provisions govern the situation at hand:

- "LAFCo will consider any significant adverse effects upon other service recipients or other agencies serving the area and may condition any approval to mitigate such impacts."
- In addition, "(s)ignificant adverse impacts" that will be considered mandatorily by LAFCo "include the effect of proposals that negatively impact special districts' budgets or services . . ."
- Further, "LAFCo will not approve detachments from special districts or annexations that fail to provide adequate mitigation of the adverse impact on the district."

Standard 12 also empowers LAFCo to "determine an appropriate temporary mitigation" and "impose that mitigation to the extent it is within its powers."

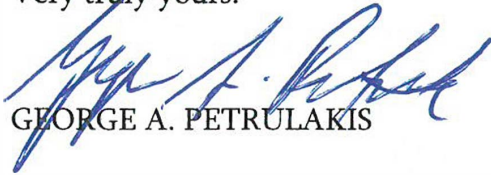
In this matter, we respectfully request LAFCo to include a condition that the Fire District be compensated for ten (10) years of lost property tax revenues. The Fire District would be accepting of a simple single payment of the estimated lost tax revenue for the current year (\$1,073.72) for the specified period. The total mitigation payment thus would be \$10,073.72.

In this manner, LAFCo could fully comply with its Standard 12 by exercising its basic power "(t)o review and approve with or without amendment, wholly, partially, or conditionally, or disapprove proposals for changes of organization or reorganization, consistent with written policies, procedures, and guidelines adopted by the commission." *Cal. Gov't Code § 56375(a)(1)*. With this approach, the Fire District would be partially compensated for the permanent loss of property tax revenue due to the proposed annexation and detachment. The cost to the annexing parties is modest.

Thank you for your attention to this matter.

Please feel free to contact me with any questions or concerns.

Very truly yours.



GEORGE A. PETRULAKIS

/GAP

cc: Tracy Rural Board  
General Counsel

1999 Harrison Street, 9<sup>th</sup> Floor  
Oakland, California 94612  
tel (510) 808-2000  
fax (510) 444-1108  
www.meyersnave.com

John Bakker  
jbakker@meyersnave.com



February 23, 2023

**Via Electronic Mail Only**

J.D. Hightower, Executive Officer  
San Joaquin Local Agency Formation Commission  
44 N. San Joaquin St., Suite 374  
Stockton, CA 95202  
**Email: [jhightower@sjgov.org](mailto:jhightower@sjgov.org)**

**Re: Mountain House Community Services District Response to Tracy Rural Fire District Comments on College Park III Reorganization (L AFC 29-23)**

Dear Mr. Hightower:

As you probably know, I am the District Counsel of the Mountain House Community Services District (“MHCS D”). I write in response to a January 25, 2023 letter from Mr. Petrulakis representing Tracy Rural Fire District. Mr. Petrulakis’s letter offers the Fire District’s comments on the MHCS D’s reorganization proposal referenced above, which includes the detachment of the subject territory from the Fire District.

The letter requests that LAFCO “include a condition that the Fire District be compensated for ten (10) years of lost property tax revenues.” MHCS D finds this request baffling. In what sense are these future revenues lost? The Fire District will no longer be obligated to serve the subject property; so, why should it receive revenues from the subject property? Revenues follow services. (See Rev. & Tax. Code, §99, subs. (a)(1), (b)(3), (b)(5).)

Furthermore, the Fire District’s proposed condition would not be lawful. As you know, Government Code section 56886 lists the terms and conditions that LAFCO may impose, and the list does not include anything that would justify the proposed condition.

The letter cites General Standard No. 12 from LAFCO’s *Change of Organization Policies and Procedures*. That standard reads as follows:

**12. Adverse Impact of Annexation on the Other Agencies**

LAFCO will consider any significant adverse effects upon other service recipients or other agencies serving the area and may condition any approval to mitigate such impacts. Significant adverse effects shall include the effect of proposals that negatively impact special districts’ budgets or

services or require the continuation of services without the provision of adequate funding. LAFCo will not approve detachments from special districts or annexations that fail to provide adequate mitigation of the adverse impact on the district. LAFCo may determine an appropriate temporary mitigation, if any, and impose that temporary mitigation to the extent it is within its powers. If the needed mitigation is not within LAFCo's authority and approval would, in the opinion of the Commission, seriously impair the District's operation, the Commission may choose to deny the application.

Two things about the application of Standard No. 12 to this situation are of note. First, it explicitly acknowledges that LAFCO *may* lack the power to impose such conditions. LAFCO does in fact lack that power, as explained above.

Second, the policy applies only when adverse effects are *significant*. The Fire District's letter does not establish how the "loss" of \$1,073.72 in annual property tax revenue from a property that it will no longer be obligated to serve is in any way *significant* to its budget. The Fire District's 2022-2023 budget forecasts revenues of \$10,931,564.35. So, the District is claiming that the "loss" of 0.0098% of its revenues is significant. MHCS D vehemently disagrees that such an amount is significant and so should LAFCO.

Finally, in your email transmitting the letter, you mentioned Government Code section 56668.3, which requires LAFCO to give "great weight" to objections from a special district to an annexation to it. That section is not applicable, since MHCS D proposes a detachment from the Fire District and not an annexation to the Fire District.

Please let MHCS D staff or me know if we can answer any more questions.

Very truly yours,

  
[John Bakker \(Feb 23, 2023 11:10 PST\)](#)

John Bakker  
District Counsel

5304632.3



# FRENCH CAMP MCKINLEY FIRE PROTECTION DISTRICT



*Fire Chief*  
Marty Cornilsen  
*Board of Directors*  
Philip George, Chair  
J. Larry Lee, Vice Chair  
Gloria Murphy  
S. Daniel Rego  
Rosemire Zanini

*"Dedicated to serving the community we swore to protect  
through emergency response, preparation, and prevention."*

November 4, 2022

Rochelle Henson,  
Principle Planner,  
Mountain House CSD  
512 East Main Street  
Mountain House, Ca 95391

Subject: Machado Property Project

An assessment of travel time to the Machado Property Project from Mountain House Station One and the proposed Station Two are as Follows:

- The distance and response time to the Machado Property Project from Station 16-1 at 911 Tradition is 1.2 miles, with an approximate 2-and-a-half-minute non-emergency travel time.
- The distance and response time to the Machado Property Project from the proposed area of Station 16-2 (i.e., Central Parkway and Stockyard) is 2.2 miles, with an approximate five-minute non-emergency travel time.

Please let us know if you have additional questions. I can be contacted at 209-932-8629

A handwritten signature in blue ink, appearing to be 'M.C. Cornilsen', with a long horizontal line extending to the right.

Martin C. Cornilsen, Fire Chief  
French Camp McKinley Fire District





# 2023-02-23 LAFCO EO re Tracy Rural Letter

Final Audit Report

2023-02-23

Created:	2023-02-23
By:	Virginia Burns (vburns@meyersnave.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAaw02YEEs7-TN0JCl0FjWe74ut3I2YkTE5

## "2023-02-23 LAFCO EO re Tracy Rural Letter" History

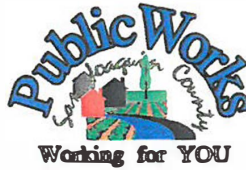
-  Document created by Virginia Burns (vburns@meyersnave.com)  
2023-02-23 - 6:13:33 PM GMT- IP address: 206.169.145.130
-  Document emailed to John Bakker (john@meyersnave.com) for signature  
2023-02-23 - 6:13:51 PM GMT
-  Document e-signed by John Bakker (john@meyersnave.com)  
Signature Date: 2023-02-23 - 7:10:54 PM GMT - Time Source: server- IP address: 206.169.145.130
-  Agreement completed.  
2023-02-23 - 7:10:54 PM GMT







**SAN JOAQUIN**  
 COUNTY  
*Greatness grows here.*



**Department of Public Works**

**Fritz Buchman, Director**

*Alex Chetley, Deputy Director - Development*  
*David Tolliver, Deputy Director - Operations*  
*Najee Zarif, Deputy Director - Engineering*  
*Kristi Rhea, Business Administrator*

February 28, 2023

MEMORANDUM

**TO:** J.D. Hightower, Executive Officer  
 LAFCo

**FROM:** Shayan Rehman, P.E., CFM, Engineering Services Manager *SR*  
 Development Services Division

**SUBJECT:** TRACY VILLAGE II REORGANIZATION TO THE CITY OF TRACY (LAFC 03-23)  
 To annex approximately 35.72 acres to City of Tracy with concurrent detachment from  
 the San Joaquin County Resource Conservation District.

**LOCATION:** Approximately .035 miles west of Corral Hollow Road and .35 miles south of Interstate  
 580.

**COMMENTS:**

- **No Comments**

**SR:SC**

*X:\LAFCO\LAFCo Referrals\Tracy Village II Reorganization to City of Tracy (LAFC 03-23)\Comments to LAFCo (LAFC 03-23).doc*



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**SAN JOAQUIN  
LOCAL AGENCY FORMATION COMMISSION**

**LAFCo**

44 SAN JOAQUIN STREET SUITE 374 STOCKTON, CA 95202 209-468-3198

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**CHAIR**  
**TOM PATTI**  
COUNTY BOARD OF  
SUPERVISORS

**VICE CHAIR**  
**KEVIN LINCOLN**  
STOCKTON CITY COUNCIL

**DAVID BREITENBUCHER**  
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**PETER JOHNSON**  
PUBLIC MEMBER

**ALTERNATE MEMBERS**

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SUPERVISORS

**VACANT**  
ALTERNATE PUBLIC MEMBER

**MINNIE DIALLO**  
LATHROP CITY COUNCIL

**EXECUTIVE OFFICER**  
**J.D. HIGHTOWER**

**ANALYST / COMMISSION CLERK**  
**MITZI STITES**

**COUNSEL**  
**ROD ATTEBERY**

**EXECUTIVE OFFICER'S BRIEF**

March 9, 2022

TO: LAFCo Commissioners

FROM: J. D. Hightower, Executive Officer

AGENDA ITEM NO. 5

SUBJECT: Tracy Hills II Reorganization

**Recommendation:**

It is recommended that the Commission approve the Tracy Hills II Reorganization consisting of annexation of 35.71 acres to the City of Tracy and simultaneous detachment from the San Joaquin Resource Conservation District. The action requires adoption of the attached resolution.

**Environmental:**

The City of Tracy has adopted an Addendum to a Subsequent Environmental Impact Report (SEIR) for the project. Pursuant to the California Environmental Quality Act Guidelines, Section 15381, LAFCo is a responsible agency for the requested reorganization. As such, LAFCo staff concurs with the impact analysis and Mitigation Measures contained in this document and that the reorganization is exempt from further environmental impact analysis pursuant to Section 15183 of the CEQA Guidelines .

**Brief:**

The requested reorganization is necessary because jurisdictional lines bisect 33 lots within the Tracy Hills Specific Plan Area. The bisecting lines were the results of field conditions due to steep slopes in the area. The annexation area will remove these lines and conserve the hillside area in conformance with the Tracy Hills Specific Plan. . As highlighted in the attached Staff Report and explained in detail within the Annexation Plan, vegetation management in conformance with a Fire Protection Plan approved and enforced by Tracy Rural Fire District is the paramount issue pursuant to Section 56668(q) of the Cortese-Knox-Hertzberg Act (CKH), as amended.

**Attachments:**

- 1) Staff Report



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**SAN JOAQUIN**

**LOCAL AGENCY FORMATION COMMISSION**

**AGENDA ITEM NO. 5**

**LAFCo**

44 N SAN JOAQUIN STREET    SUITE 374    STOCKTON, CA 95202

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**EXECUTIVE OFFICER'S REPORT**

**PROJECT:** TRACY HILLS 11 REORGANIZATION TO THE CITY OF TRACY  
(LAFCO 03-23)

**PROPOSAL:** Annexation of 35.71 acres of open space land to the City of Tracy

**APPLICANT:** City of Tracy

**LOCATION:** Approximately 0.35 miles west of Corral Hollow and 0.35 miles east of Interstate 580, please see attached Vicinity Map below.

**PURPOSE:** The proposed reorganization consists of both the annexation of 35.7 acres to the City of Tracy and simultaneous detachment from the San Joaquin County Resource Conservation District.

**PROCESS:** Proposed annexation area is uninhabited and has consent of the landowners.

**RECOMMENDATION**

It is recommended that the Commission approve Resolution No. 1513 approving the annexation of the Tracy Hills Reorganization II to the City of Tracy with concurrent detachment from the San Joaquin County Resource Conservation District.

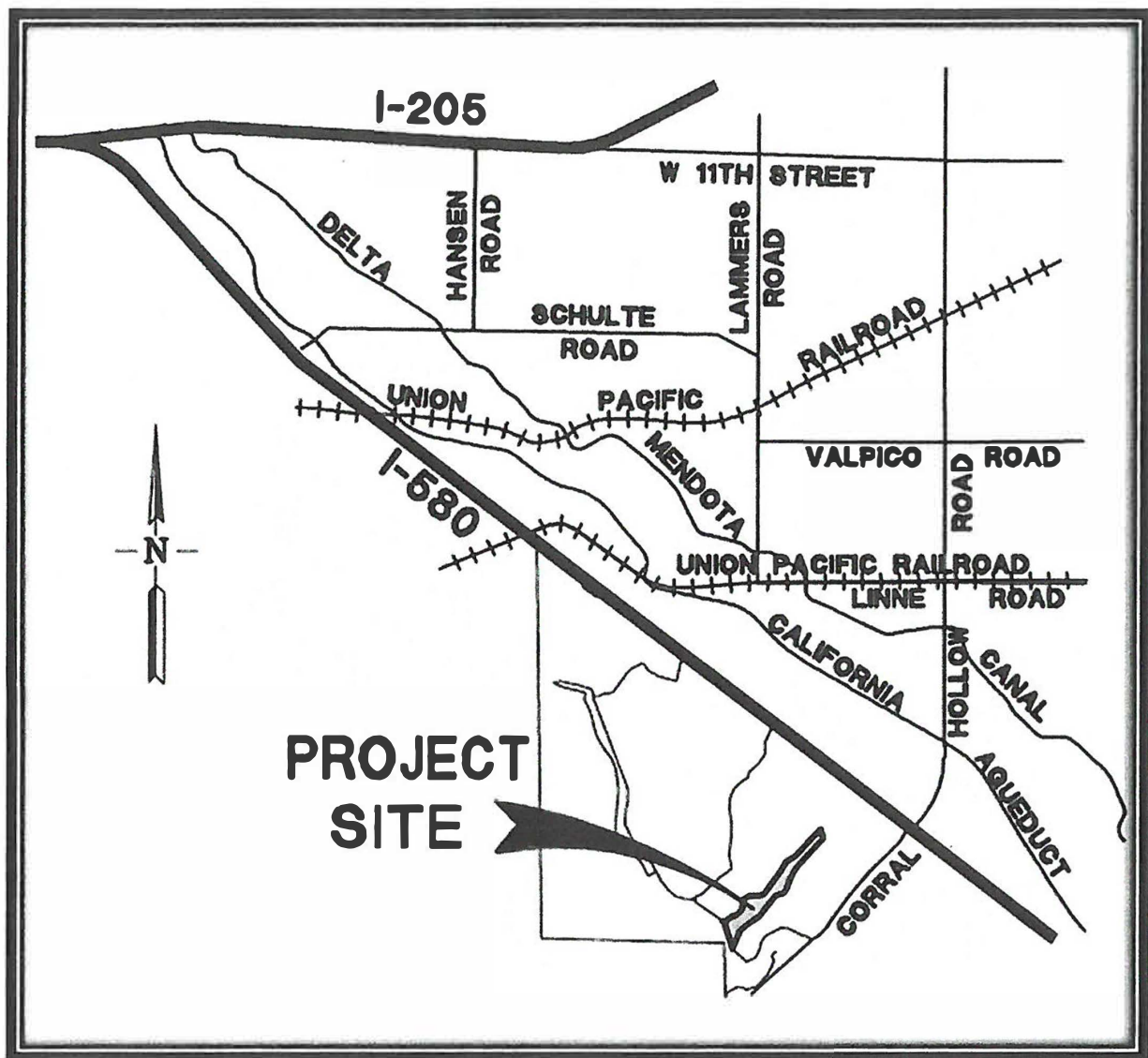


Figure 1.—Vicinity Map

**ENVIRONMENTAL:**

The City of Tracy has adopted an Addendum to a Subsequent Environmental Impact Report (SEIR) for the project. Pursuant to the California Environmental Quality Act Guidelines, Section 15381, LAFCo is a responsible agency for the requested reorganization. As such, LAFCo staff concurs with the impact analysis and Mitigation Measures contained in this document.

**BACKGROUND:**

The reorganization is essentially a clean-up item from the original Tracy Hills annexation. The original annexation area map for Tracy Hills excluded this peninsula of unincorporated land. As the photos in Figure 2 show, this area is a hillside area with slopes such that development is not feasible. As part of the original Tracy Hills Specific Plan this peninsula was placed under a conservation easement. At the time of annexation, being precluded from development the area was not part of the Tracy Hills annexation.

The slope of the land proved to be less than desirable for easement administration and maintenance, usually in the form of cattle grazing. Additionally, the site was ill-

suited for habitat conservation due to it being surrounded by planned urban development on three sides, thus the need to practice vegetation management for fire prevention purposes.

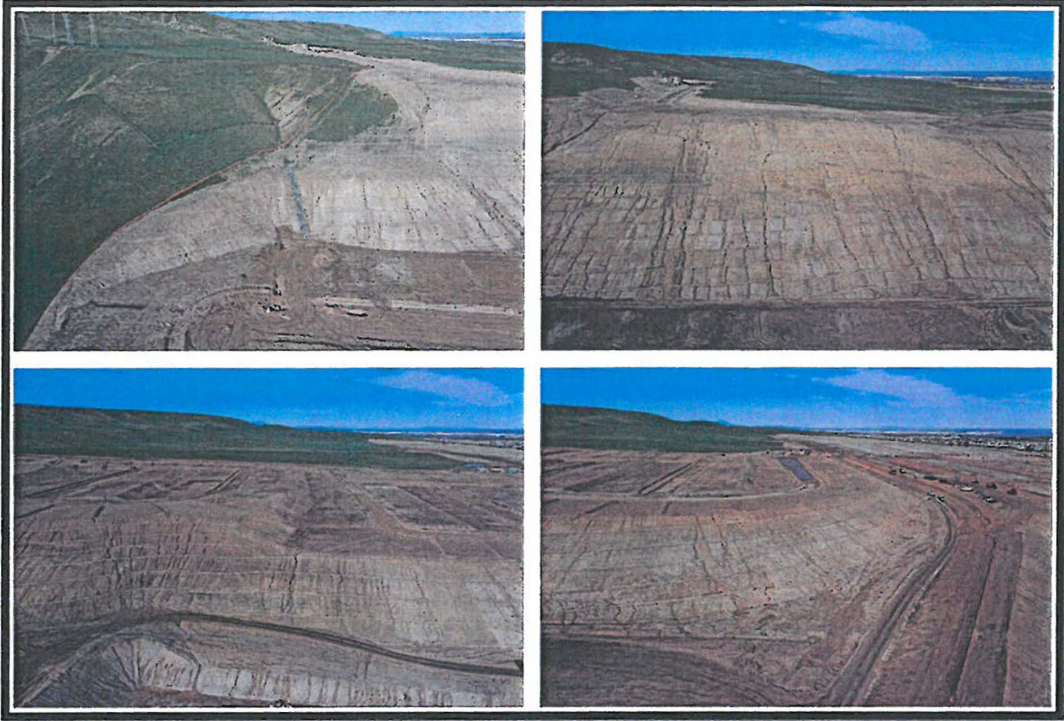


Figure 2 – Site Photos

The parties to the conservation easement, AKT Tracy Hills 3430, and California Waterfowl Association, agreed to exchange on a 1:1 basis a new 35 acre conservation easement location, as shown in Figure 3. This land exchange was executed on December 17, 2021. The new conservation easement location, shown in green below, is in a better location for fire prevention in that it is separated from urban development and adjacent to another Tracy Hills conservation easement. That adjacent conservation easement has a 70 foot fire break separating it from the planned urban development with an additional 30 feet of a non-combustible, no build zone on abutting non-easement lands.

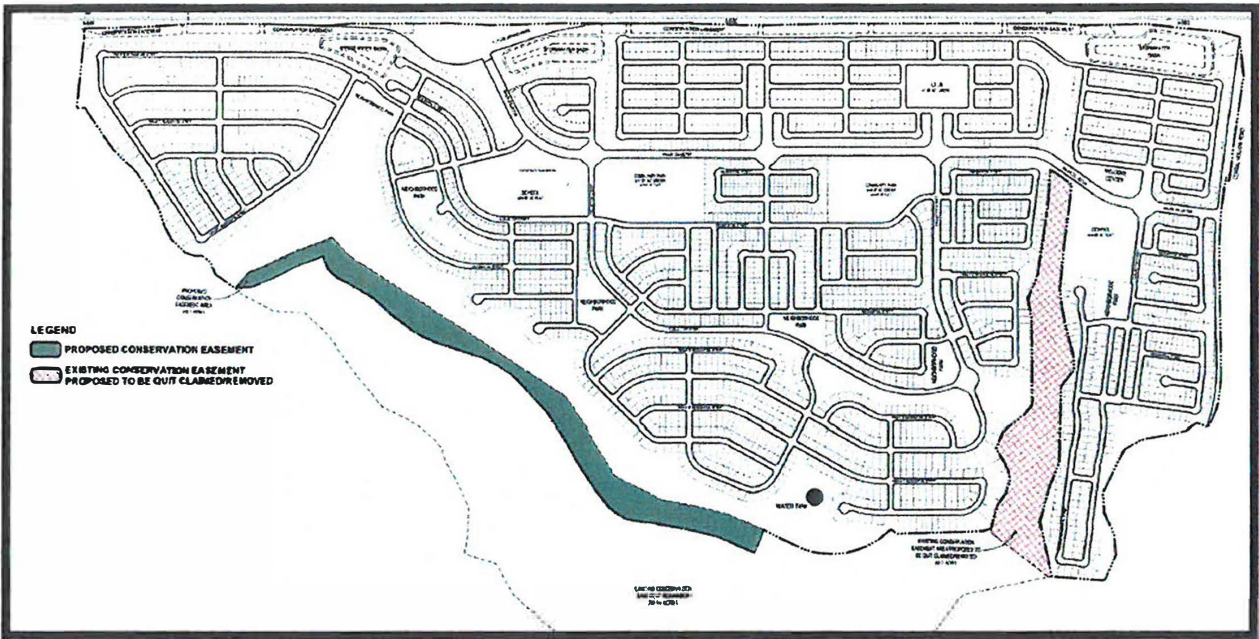


Figure 3 – Conservation Easement Exchange Area

LAFCo is highly supportive of conservation easements and usually open space conservation easements do not necessitate annexation by a city. In this case, upon grading activities on the site, it was discovered that the topographic information within the Tracy Hills Specific Plan (THSP) and Annexation Plan didn't match the hillside field conditions. In grading out the site, surveyors discovered that individual lots approved within the THSP crossed the jurisdictional line between the County and City of Tracy. This crossing of jurisdictional lines effected 33 lots on 3.1 acres, please see Figure 4. Upon annexation, the City of Tracy can proceed with a final subdivision map for the phases of the THSP that cross the jurisdictional lines.

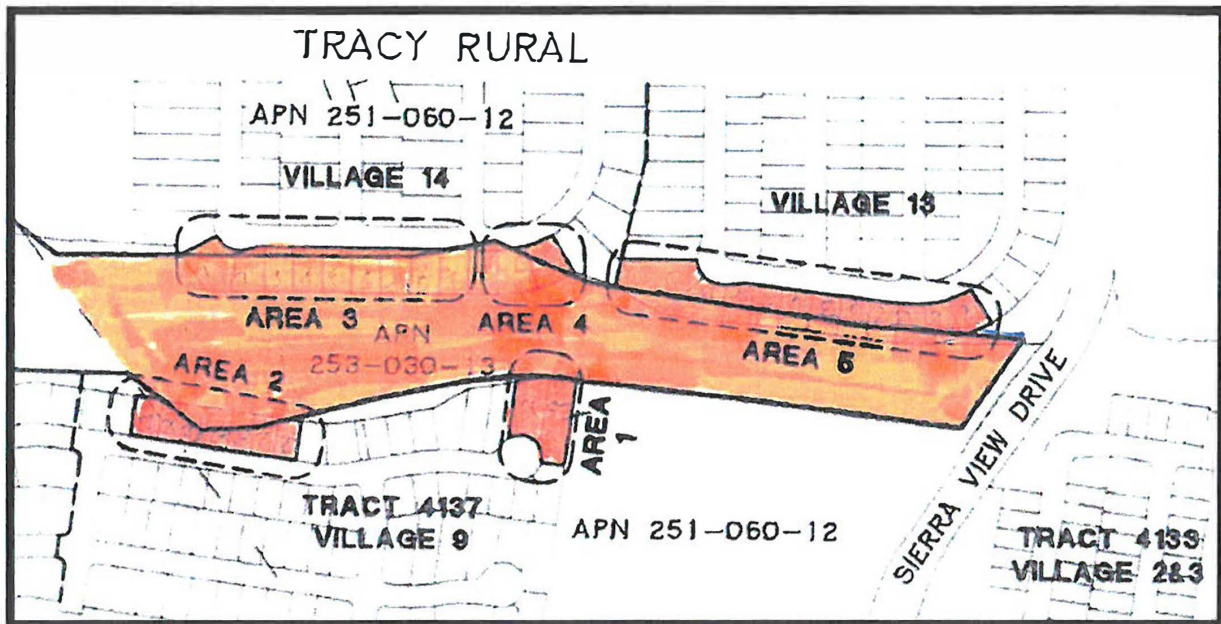


Figure 4 – Jurisdictional Line Crossings



**FACTORS:**

Pursuant to CKH Section 56375(a)(7), the decision of the commission with regard to a proposal to annex territory to a city shall be based upon the general plan and rezoning of the city. The City of Tracy proposes to amend their General Plan Land Use Element designating the annexation area as Residential Low Density and likewise zone the property as Low Density Residential Tracy Hills (LDR-TH), please see Figure 5. The designation of LDR will enable the effected lots to be built with single family detached dwelling units. Within the THSP the area is designated as Recreation Open Space, please see Figure 6. The Tracy Hills Home Owners Association will maintain the open space.

The provisions of CKH Section 56377 is not applicable in this case. This section mandates the Commission in reviewing and approving or disapproving proposals which could convert existing open-space lands to uses other than open-space uses. In this case the annexation area is too steep for even cattle to graze and is being permanently preserved as open space.

Because this annexation request proposes to keep the open space of designation of the area, the only applicable finding necessary to approve the annexation request is CKH Section 56668(Q). This Section states that the Commission shall consider:

*Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone pursuant to Section 51178 or maps that identify land determined to be in a state responsibility area pursuant to Section 4102 of the Public Resources Code, if it is determined that such information is relevant to the area that is the subject of the proposal.*

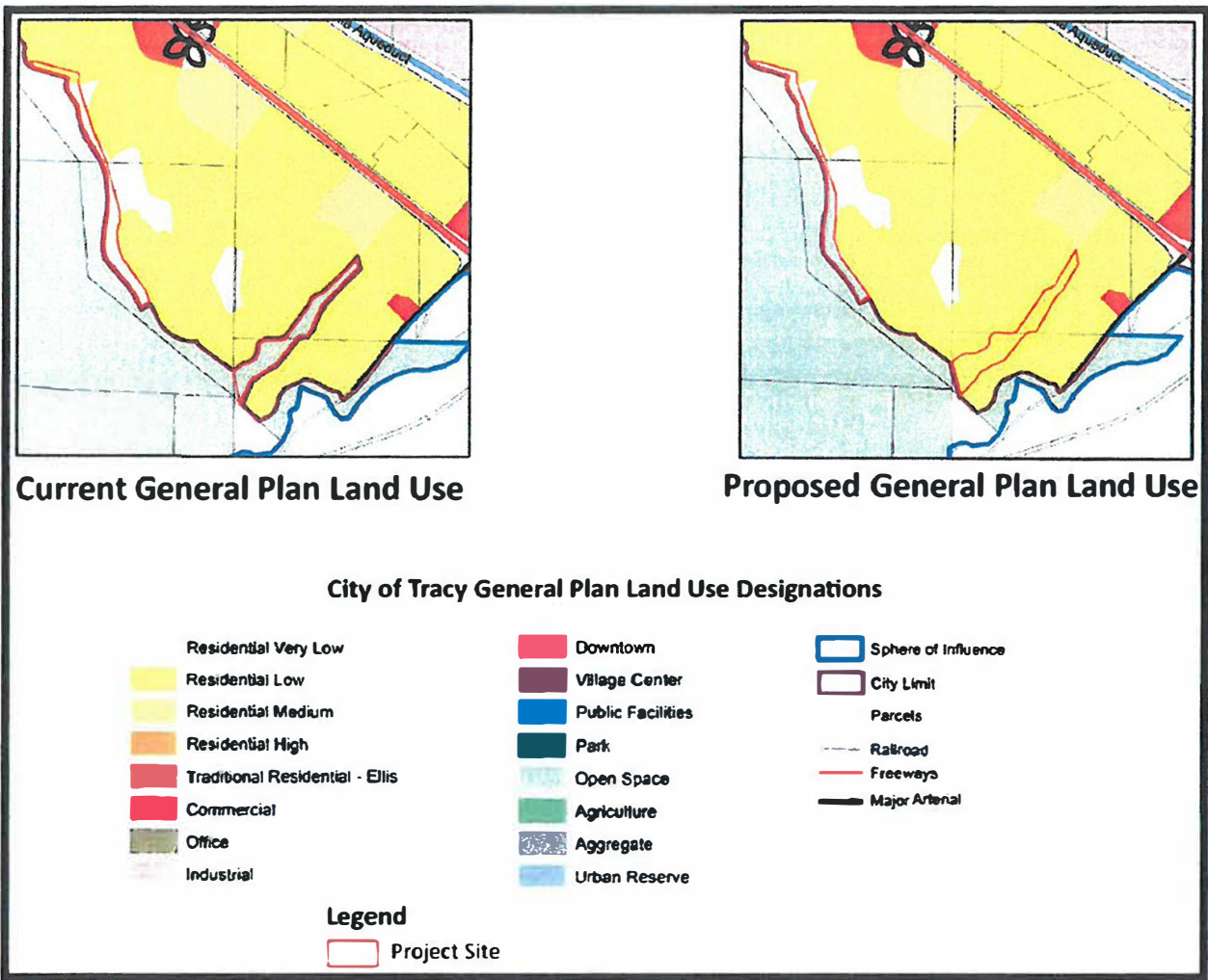


Figure 5 – City of Tracy General Plan Designation

The Addendum to the Subsequent EIR A Fire Protection Plan prepared for the annexation (please see Attachment 1 – Fire Protection Plan) documented the relevancy of this finding. This plan found that:

*There is a significant history of wildfire in the area. The most recent large fire that burned in the vicinity of the project was the August 18, 2020, SCU Lightning Complex that burned south of the city but caused many health issues due to smoke. It burned within 5 counties and was active for 44 days. The final acreage was 396,624 acres. The second most recent large fire was the 2,163-acre Explosive Fire of June 19, 2009. On July 11, 2006, the Midway Fire burned 6,400 acres north of the planned Development. This fire burned during strong westerly winds and jumped to the east side of Interstate 580. A year prior to this, the Tesla Fire burned over 6,744 acres north of the Midway Fire on July 19, 2005. It should be noted that Interstate 580, which the project abuts was closed by the California Highway Patrol for over 3 ½ hours on July 12, 2006, due to the Midway Fire.*

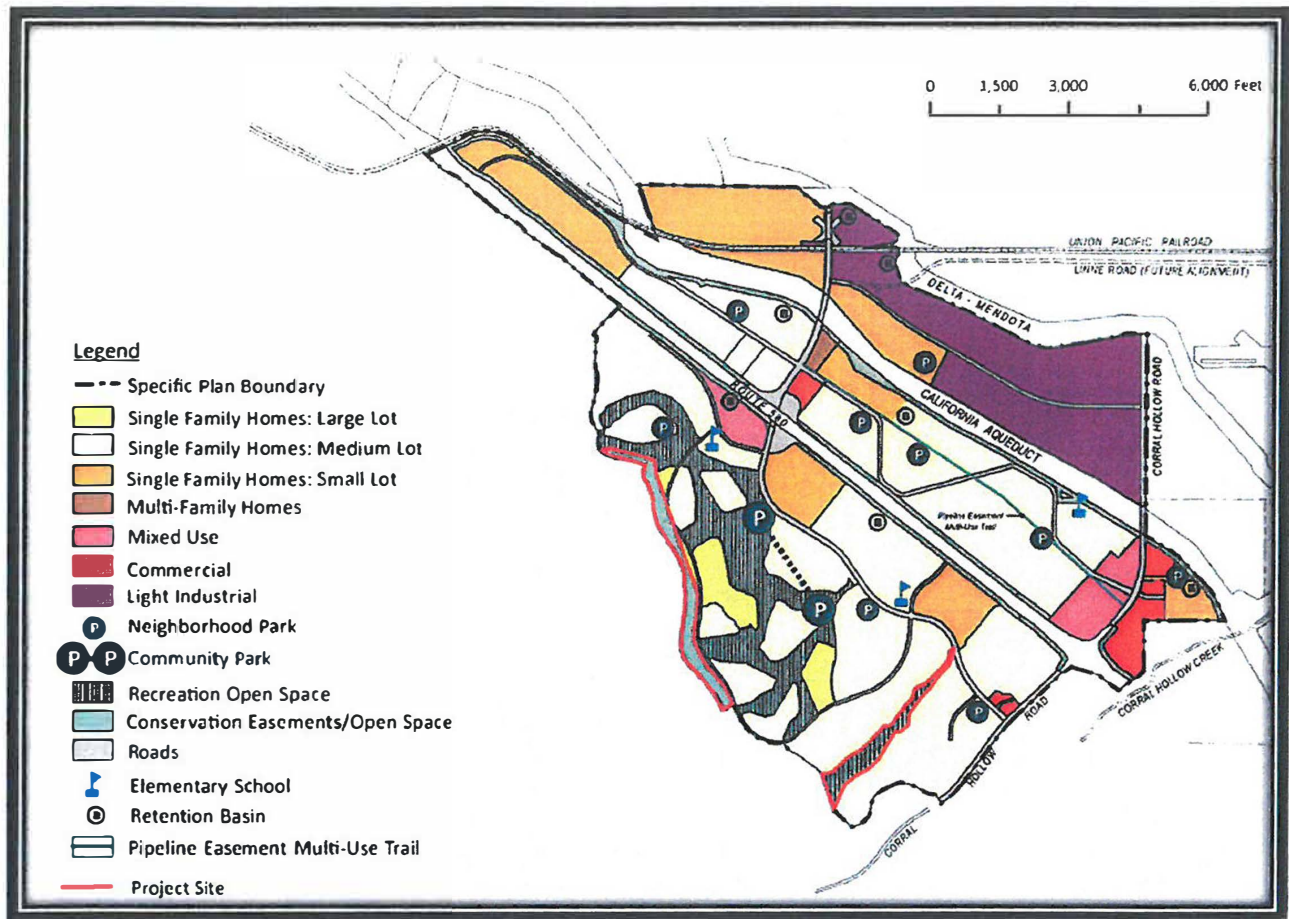


Figure 6 – Tracy Hills Specific Plan Land Use Map

Tracy Rural is the most efficient fire prevention service provider for the annexation area. Tracy Rural Fire Prevention District already provides service to Tracy Hills area and operates Station 95 at the corner of Tracy Hills Drive and Criseldo Mina Way. This station is less than a mile from the annexation area within a 3-5 minutes response time. The second closest station is SSJCFA Fire Station #97 located at 595 W. Central Ave, Tracy, CA, approximately 4.6 miles and 9 minutes away from the annexation area. The third closest station is Cal Fire Station 21 located west on Corral Hollow Road 6.5 miles from the annexation area, with an approximate 8 minutes travel time from the station. Other nearby city fire departments would also respond equipment under mutual aid agreements but most likely arrive after SSJCA engines were on-scene.

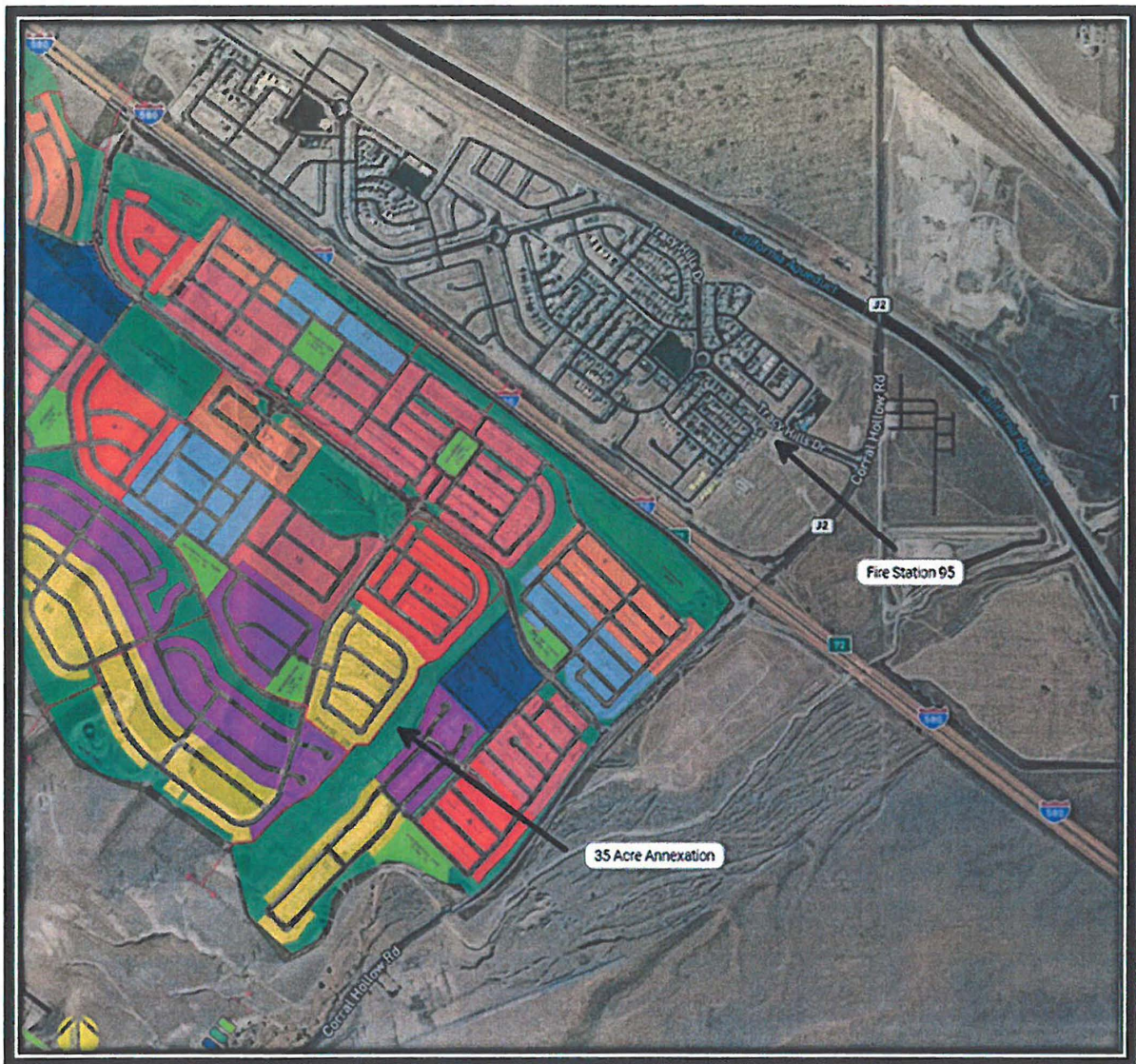


Figure 7 – Tracy Rural Fire Station 95 Location

Tracy Rural Fire District has developed a Fire Protection Plan for the annexation area and will be the lead agency for implementation and administration of this plan. The follow-through and implementation of the Fire Prevention Plan is the critical factor for this annexation request. There is no assurance that the closest fire station, the #95 Engine Company, will be in its station when a wildfire threatens the Tracy Hills area from an ignition in the adjacent wildland. Engines may respond from other stations located further away or from other incidents. On high/extreme fire danger days there often may be multiple fire starts and engine companies may be already deployed on other incidents.

This is why Tracy Hills will implement a '*defensible space*' strategy. This strategy uses a wide array of defensible space features like ignition resistant building features, and key fuel treatment strategies depending on the distance from the homes. The overall objective is to substantially increase resident's ability to survive a wildfire on their own or give enough time until firefighting equipment arrives and/or residents can be safely evacuated.

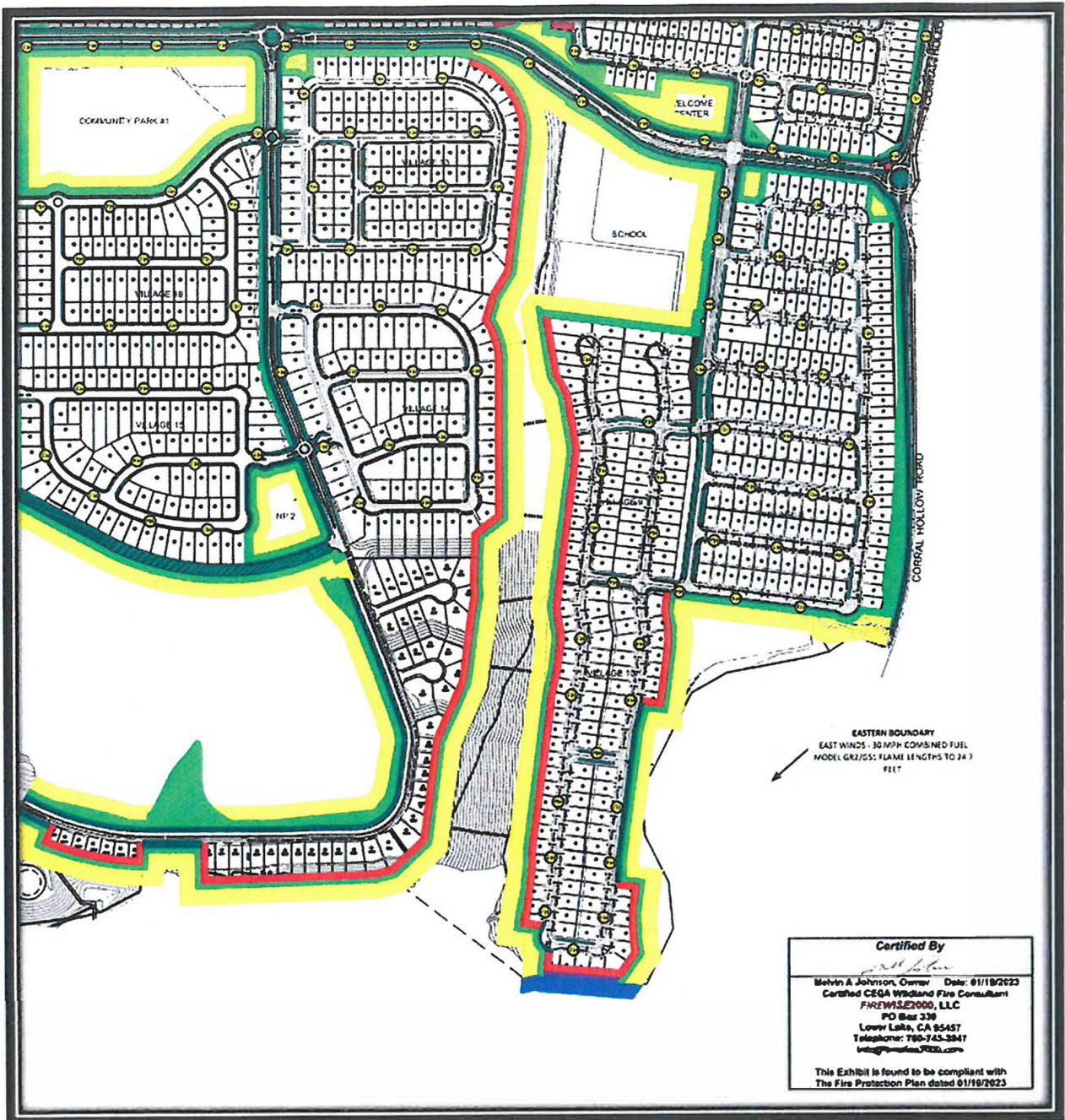


Figure 8 – Fire Protection Plan Map

# FIRE PROTECTION PLAN MAP LEGEND

## CITY OF TRACY, CALIFORNIA







Symbol	Description
Not Shown	<b>FUEL TREATMENT ZONE 0 (LOT OWNER MAINTAINED PUBLIC AND PRIVATE)</b> - An irrigated zone that is cleared of all existing plants that is 5 feet in width beginning at the outer wall of each structure. No combustible material and few plants are allowed in this zone. Plants are limited to small plants, typically less than 1 foot in height, and that will not spread more than 1 foot. Usually these plants are placed in containers that are located between windows and doors. See Fire Protection Plan for additional information.
No Color	<b>FUEL TREATMENT ZONE 1A (HOMEOWNER MAINTAINED)</b> - Homeowner lots (front, back and side yards) planted with fire resistant vegetation and maintained to Zone 1A criteria by each lot owner. Plants listed in the Prohibited Plant List found in Appendix A of the Fire Protection Plan shall <u>not</u> be planted. Maintenance will be on-going throughout the year as needed. The area shall be permanently irrigated. See Fire Protection Plan for details.
	<b>FUEL TREATMENT ZONE 1B (H.O.A. MAINTAINED)</b> - A common area that is maintained to Fuel Treatment Zone 1A criteria by the Tracy Hills Homeowners Association. Zone 1B may extend from the outer edge of Zone 1A up to 50 feet from any structure or 30 feet from the property line. It also is found on manufactured slopes. See Fuel Modification Plan for Details.
	<b>FUEL TREATMENT ZONE 2A (H.O.A. MAINTAINED)</b> - Areas located within the common area adjacent to homeowner lots that extends from the outer edge of Zone 1A or 1B to 100 feet from each structure. This zone often referred to as a thinning zone, may be planted. It can include single or small clusters of trimmed fire resistance plants up to 18 inches in height and trimmed trees limbed up to 10 feet from the ground. Biannually, remove all dead and dying vegetation. Annually remove any undesirable exotic vegetation (see APPENDIX 'A' of the FPP) to maintain a 50% thinning from the original vegetation cover. Grasses shall be weed whipped or mowed to 4" or less in stubble height once they cure or dry out. The zone may be temporary when it is located within construction Phase 3 or 4 or on a school or similar lot. See Fire Protection Plan for additional details.
	<b>FUEL TREATMENT ZONE 2B (CONSERVATION EASEMENT GRAZING TENANT MAINTAINED)</b> - Fuel treatment of 70-feet in width beginning at the rear of each lot located on the perimeter of the development that abuts a Conservation Easement. The land in this zone is required to be grazed by the Grazing tenant then cleared of all combustible vegetation including all the pyrophytes listed in Appendix A of the Fire Protection Plan. The zone shall be maintained to Fuel Treatment Zone 2A criteria which includes mowing or cutting to a 4 inch stubble height once the grasses dry out each year.
	<b>ROADSIDE FUEL TREATMENT - (HOA MAINTAINED)</b> - Located within 20 feet of the edge of each roadway on land that is located in a common area. The H.O.A. shall maintain the landscape to Fuel Treatment Zone 1A criteria. The zone is designed to enhance resident evacuation and emergency responder safety.
	<b>NO- BUILD ZONE - (LOT OWNER MAINTAINED)</b> - An area 30-feet from the rear lot boundary that abuts an off-site conservation easement. Landscaping shall be to Zone 1A criteria. No combustible structures, which includes the house, shall be built within this zone. See Fire Protection Plan for details regarding what is allowed in this zone.
	<b>PERIMETER LOTS SUBJECT TO CHAPTER 7A FIRE CODE</b>

Figure 9 – Fire Protection Plan Legend

### DISCUSSION:

This is a unique reorganization request of an open space area wherein the vast majority of the annexation area (91%) will remain open space. The annexation area was originally subject to a conservation easement. Subsequently, an easement

exchange was executed between the property owner and California Waterfowl Association using a 1:1 ratio for the exchange. The easement land exchange was done because the slopes of the annexation area made administration and maintenance of the area less than desirable.

According to the statewide Important Farmland Finder Map the annexation area is Farmland of Local Importance. This type of farmland is defined as, "All farmable land within San Joaquin County not meeting the definitions of "Prime Farmland," "Farmland of Statewide Importance," and "Unique Farmland." This includes land that is or has been used for ... dry grazing. The open space portion of annexation area is too steep even for dry grazing activities. Thus this annexation will have no impact to agricultural resources. Thus, detachment from the San Joaquin County Resource Conservation District is logical.

The City of Tracy prepared an Addendum to a Subsequent Environmental Impact Report that analyzes and provides mitigation for all environmental impacts associated with this request.

The reorganization will remove the jurisdictional line that bisects 33 lots primarily resulting surveying challenges created from the steep terrain of the area. These lots in turn can then be developed with single family homes.

Pursuant to CKH Section 56668, the lone critical factor that the Commission must consider for this annexation is fire protection. For this request the Tracy Rural Fire District is the fire protection agency and the lead agency for the Fire Protection Plan (FPP). This plan has been prepared for the annexation area that places emphasis on defensible space. This plan is a comprehensive multifaceted fire protection strategy. Property disclosures making future property owners aware of their responsibilities under the FPP is the responsibility of the developers of the site with oversight by Tracy Rural.

For the reasons stated above, staff recommends approval of the reorganization request of the City of Tracy Hills II annexation and detachment from the San Joaquin County Resource Conservation District.

Attachments:       Resolution 23-1513  
                          Exhibit A: Justification of Proposal  
                          Exhibit B: Fire Protection Plan  
                          Exhibit C: Notice of Determination  
                          Exhibit D: Resolution of Application





## RESOLUTION 23-1513

### A RESOLUTION OF THE SAN JOAQUIN LOCAL AGENCY FORMATION COMMISSION APPROVING THE TRACY HILLS II REORGANIZATION TO THE CITY OF TRACY AND CONCURRENT DETACHMENT FROM THE SAN JOAQUIN COUNTY RESOURCE CONSERVATION DISTRICT

WHEREAS, the above entitled proposal was initiated by resolution by the City of Tracy City Council on June 15, 2021; and

WHEREAS, the Executive Officer certified the application filed for processing in accordance with the Local Government Reorganization Act of 2000; and

WHEREAS, the Commission held a public hearing on the proposed reorganization on March 9, 2023 pursuant to notice of hearing which was published, posted, and mailed in accordance with State law; and

WHEREAS, at said hearing the Commission heard and received evidence, both oral and written regarding the proposal and all persons were given an opportunity to address the Commission; and

WHEREAS, in October 2015 the City of Tracy approved the THSP project and certified the corresponding Subsequent EIR (Tracy Hills Specific Plan SEIR [SCH# 201310253]) in October 2015 and certified the final subsequent EIR on April 5, 2016 (THSP SEIR); and

WHEREAS, on June 15, 2021 the City of Tracy adopted an Addendum to the THSP SEIR (SCH# 201310253) for a General Plan Amendment, Pre-zoning and Annexation request to San Joaquin Local Agency Formation Commission; and

WHEREAS the subject territory is uninhabited and has 100% owner consent; and

WHEREAS, the Commission has, in evaluating the proposal considered the report submitted by the Executive Officer, the factors set forth in Section 56668 of the California Government Code and testimony and evidence presented at the public hearing held on March 9, 2023.

NOW, THEREFORE, the San Joaquin Local Agency Formation Commission DOES HEREBY RESOLVE, DETERMINE, AND ORDER as follows:

Section 1. The Annexation Property is as shown on Attachment 1 of this Resolution.

Section 2. Certifies that, as a Responsible Agency, the Commission has independently reviewed and considered the Addendum to the THSP SEIR (SCH# 201310253) and associated Mitigation Monitoring and Reporting Program as certified by the City of Tracy City Council.

Section 3. The Annexing Property is within the scope of the Addendum to THSP SEIR as the Addendum expressly contemplates the annexation to the City proposed by Property Owner and adequately addresses all significant impacts therefrom.

Section 4. None of the conditions or circumstances that would require preparation of a subsequent EIR, pursuant to Sections 15162 and 15164 of the State Code of Regulations, CEQA Guidelines, exist in connection with the Tracy Hills II annexation.

Section 5. Pursuant to California Government Code Section 56668, the Commission considered all pertinent factors associated with the Tracy Hills II reorganization to the City of Tracy.

Section 6. The Commission finds that the proposed annexation to the City of Tracy will be for the interest of landowners or present or future residents within the City of Tracy and within the territory proposed to be annexed to the City of Tracy.

PASSED AND ADOPTED this 9<sup>th</sup> day of March, 2023 by the following roll call vote:

AYES:

NOES:

ABSTAIN:

---

TOM PATTI, CHAIRPERSON  
SAN JOAQUIN LOCAL AGENCY  
FORMATION COMMISSION

ATTEST:

---

MITZI STITES, COMMISSION CLERK  
SAN JOAQUIN LOCAL AGENCY  
FORMATION COMMISSION

**DESCRIPTION OF TRACY HILLS ANNEXATION  
TO THE CITY OF TRACY (LAFC 22-XX)  
SAN JOAQUIN COUNT, CALIFORNIA**

All that certain real property, situate in San Joaquin County, California, and being a portion of Section 13, Township 3 South, Range 4 East and a portion of Sections 18 and 19, Township 3 South, Range 5 East. Mount Diablo Meridian, describe as follows:

Beginning at a point on the existing Tracy City Limit Line, said point being at the southerly terminus of the southwesterly line (labeled South 24° 55' 34" West – 584.76 feet) of the Tracy Hills Reorganization annexation to the City of Tracy (LAFC 3-98) recorded June 24, 1998, as instrument No. 98072916, in the Office of the County Recorder of San Joaquin County;

Thence leaving said annexation line and crossing through the above mentioned sections 13 and 19 for the following three (3) courses;

- (1) North 47° 29' 28" West, 54.93 feet;
- (2) North 14° 23' 23" West, 729.52 feet, and
- (3) North 22° 25' 05" East, 50.07 feet, to a corner on the existing Tracy Hills Reorganization annexation line (LAFC 3-98)

Thence along the said Tracy Hills Reorganization annexation line (LAFC 3-98) for the following twenty five (25) courses;

- (4) North 53° 00' 21" East, 257.96 feet,
- (5) North 72° 34' 51" East, 162.53 feet,
- (6) North 54° 51' 24" East, 139.57 feet,
- (7) North 27° 52' 35" East, 113.97 feet,
- (8) North 08° 52' 13" East, 260.92 feet,
- (9) North 60° 37' 31" East, 184.17 feet,
- (10) North 89° 56' 38" East, 294.09 feet,
- (11) North 74° 16' 44" East, 128.43 feet,
- (12) North 37° 15' 14" East, 908.10 feet,
- (13) North 26° 56' 27" East, 214.58 feet,

**DESCRIPTION OF TRACY HILLS ANNEXATION  
TO THE CITY OF TRACY (L AFC 22-XX)  
SAN JOAQUIN COUNTY, CALIFORNIA**

- (14) North 60° 29' 20" East, 270.53 feet,
- (15) North 46° 09' 05" East, 723.26 feet,
- (16) North 41° 52' 32" East, 400.10 feet,
- (17) South 17° 14' 59" East, 277.55 feet,
- (18) South 44° 45' 50" West, 572.00 feet,
- (19) South 43° 45' 21" West, 540.42 feet,
- (20) South 31° 42' 56" West, 169.52 feet,
- (21) South 26° 13' 48" West, 245.35 feet,
- (22) South 23° 35' 09" West, 297.88 feet,
- (23) South 33° 15' 21" West, 152.01 feet,
- (24) South 74° 42' 18" West, 233.47 feet,
- (25) South 39° 06' 11" West, 369.49 feet,
- (26) South 38° 54' 59" West, 414.80 feet,
- (27) South 59° 11' 07" West, 321.51 feet,
- (28) South 52° 45' 16" West, 351.21 feet,
- (29) South 24° 55' 34" West, 584.76 feet, to the **Point of Beginning**.

Containing 1,555,742 square feet (35.72 acres) of land area, more or less.

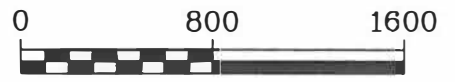
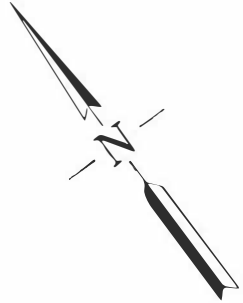
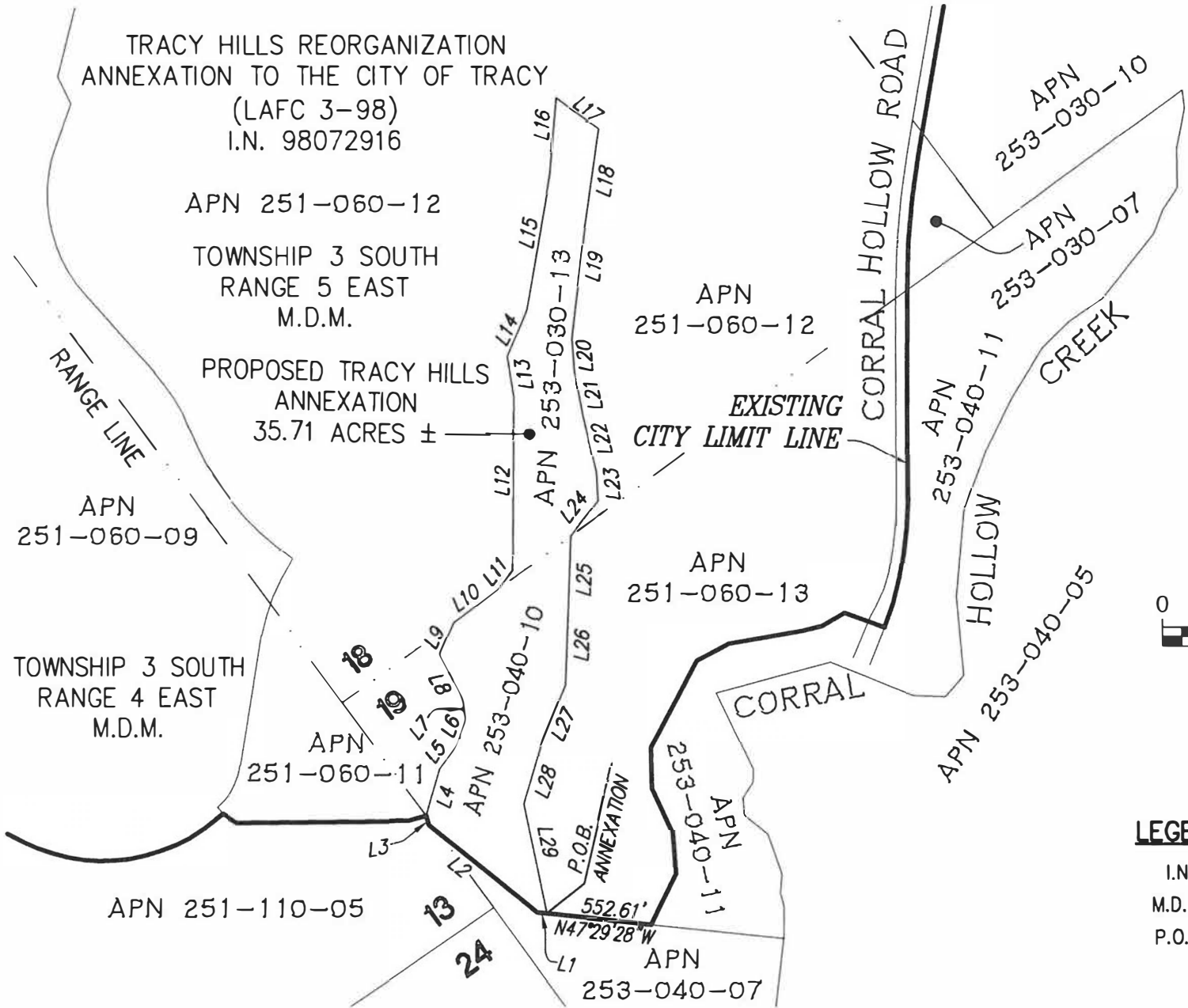
**END OF DESCRIPTION**

\_\_\_\_\_  
Scott A. Shortlidge



\_\_\_\_\_  
Date

TRACY HILLS REORGANIZATION  
ANNEXATION TO THE CITY OF TRACY  
(LAFC 3-98)  
I.N. 98072916



1 inch = 800 ft.

**LEGEND**

- I.N. INSTRUMENT NUMBER
- M.D.M. MOUNT DIABLO MERIDIAN
- P.O.B. POINT OF BEGINNING

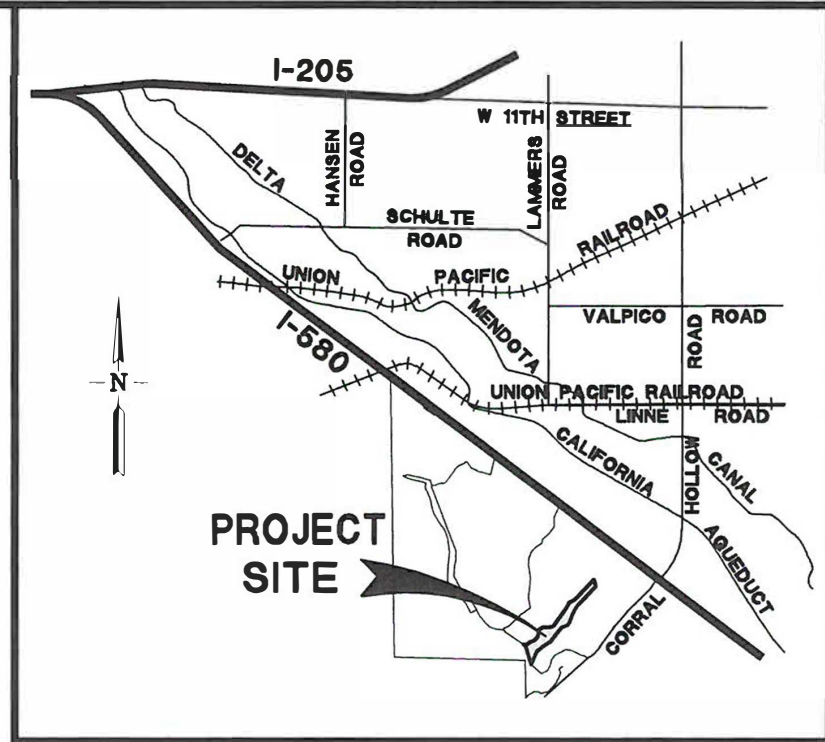
PLAT TO ACCOMPANY LEGAL DESCRIPTION  
TRACY HILLS REORGANIZATION II  
ANNEXATION TO THE CITY OF TRACY (LAFC 22-XX)  
SAN JOAQUIN COUNTY, CALIFORNIA

**RJA**  
**RUGGERI-JENSEN-AZAR**  
ENGINEERS • PLANNERS • SURVEYORS  
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588  
PHONE: (925) 227-9100 FAX: (925) 227-9300

SEE SHEET 2 FOR DATA TABLE AND VICINITY MAP

G:\WORK\2022\121083\MAPPING\ANNEXATION\21083 - TRACY HILLS ANNEXATION 2.DWG 1/10/2022 3:35:37 PM ALAN MULLER

Line Table		
Line	Bearing	Distance
L1	N47°29'28"W	54.93'
L2	N14°23'23"W	729.52'
L3	N22°25'05"E	50.07'
L4	N53°00'21"E	257.96'
L5	N72°34'51"E	162.53'
L6	N54°51'24"E	139.57'
L7	N27°52'35"E	113.97'
L8	N08°52'13"E	260.92'
L9	N60°37'31"E	184.17'
L10	N89°56'38"E	294.09'
L11	N74°16'44"E	128.43'
L12	N37°15'14"E	908.10'
L13	N26°56'27"E	214.58'
L14	N60°29'20"E	270.53'
L15	N46°09'05"E	723.26'
L16	N41°52'32"E	400.10'
L17	N17°14'59"W	277.55'
L18	N44°45'50"E	572.00'
L19	N43°45'21"E	540.42'
L20	N31°42'56"E	169.52'
L21	N26°13'48"E	245.35'
L22	N23°35'09"E	297.88'
L23	N33°15'21"E	152.01'
L24	N74°42'18"E	233.47'
L25	N39°06'11"E	369.49'
L26	N38°54'59"E	414.80'
L27	N59°11'07"E	321.51'
L28	N52°45'16"E	351.21'
L29	N24°55'34"E	584.76'



VICINITY MAP  
NOT TO SCALE



PLAT TO ACCOMPANY LEGAL DESCRIPTION  
TRACY HILLS REORGANIZATION II  
ANNEXATION TO THE CITY OF TRACY (L AFC 22-XX)  
SAN JOAQUIN COUNTY, CALIFORNIA

**RJA**  
**RUGGERI-JENSEN-AZAR**  
ENGINEERS • PLANNERS • SURVEYORS  
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588  
PHONE: (925) 227-9100 FAX: (925) 227-9300

# San Joaquin Local Agency Formation Commission

509 West Weber Avenue Stockton, CA 95203  
209-468-3198 FAX 209-468-3199

## JUSTIFICATION OF PROPOSAL

Please complete the following information to process an application under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000: (Indicate N/A if Not Applicable)

SHORT TITLE OF THE PROPOSAL: City of Tracy 35 Acre Annexation

### TYPE OF PROPOSAL

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> City Incorporation   | <input type="checkbox"/> Sphere of Influence Amendment | <input type="checkbox"/> District Formation    |
| <input type="checkbox"/> Consolidation  | <input type="checkbox"/> Sphere of Influence Update    | <input checked="" type="checkbox"/> Annexation |
| <input type="checkbox"/> Detachment   | <input type="checkbox"/> Addition of Services          | <input type="checkbox"/> District Dissolution  |
| <input type="checkbox"/> Reorganization (involving an Annexation and Detachment(s)) |  |  |

### AGENCY CHANGES RESULTING FROM THIS PROPOSAL

Agency or Agencies gaining territory: City of Tracy

Agency or Agencies losing territory: San Joaquin County

### NOTIFICATION

Please indicate the names, addresses and telephone numbers of all Applicants, Applicant's Agents, and all affected Agencies who are to receive the hearing notice and the Executive Officer's Report:

<u>Name</u>	<u>Mailing Address</u>	<u>Telephone</u>
City of Tracy, Development Services Dept.		
Attn: Scott Claar, Senior Planner	333 Civic Center Plaza, Tracy, CA 95376	(209) 831-6429
County of San Joaquin		
Community Development Dept.	1810 E. Hazelton Ave., Stockton, CA 95205	(209) 468-3121

**PROJECT INFORMATION**

Please provide project-related information for the following questions:

- 1. Do the proposed boundaries create an island of non-agency territory?  Yes  No
- 2. Do the proposed boundaries split lines of assessment or ownership?  Yes  No
- 3. Does the proposal involve public rights-of-way or easements?  Yes  No
- 4. Does the proposal involve public land or land assessed by the State?  Yes  No
- 5. Does any part of the proposal involve land under a Williamson Act Contract or Farmland Security Zone?  Yes  No
- 6. Does any part of the proposal involve land with a Wildlife/Habitat Easement or Agricultural Land Conservation Easement?  Yes  No

7. List the affected Assessor Parcel Numbers, Owners of record and Parcel Sizes:

<u>APN</u>	<u>Owner</u>	<u>Acreage</u>
25304010	AKT Tracy Hills 3430, LLC 7919 Folsom Blvd., Suite 300, Sacramento, CA 95826	20.22 acres
25303013	AKT Tracy Hills 3430, LLC 7919 Folsom Blvd., Suite 300, Sacramento, CA 95826	15.20 acres

- 8. Physical Location of Proposal: Approximately 0.35 miles west of Corral Hollow Road and 0.35 miles south of Interstate 580
- 9. Has an application been filed for an underlying project (such as Development Plan, Conditional Use Permit, or Tentative Subdivision Map)?  Yes  No  
If Yes, please attach a Project Site Plan or Tentative Subdivision Map. **See Attachment A, Tentative Subdivision Map.**  
If No, please provide an estimate of when development will occur: \_\_\_\_\_

10. List those public services or facilities which will be provided to the affected territory as a result of the proposed action:

**Fire protection: Tracy Rural Fire District**  
**Police protection: City of Tracy Police Department**  
**Wastewater treatment: City of Tracy**  
**Water supply: City of Tracy**  
**Solid waste disposal: Tracy Delta Solid Waste Management, Inc.**

11. Indicate which of these services or facilities will require main line extensions or facility up-grades in order to serve the affected territory:

**Fire Protection**

The Tracy Hills Specific Plan (THSP) Subsequent Environmental Impact Report (SEIR) found that a fire station would be required to serve the build out of the THSP Area, per Mitigation Measure PSR 4.12-3, which states, "As determined by the Fire Chief and in accordance with adopted standards of coverage a fire station and all related equipment shall be constructed and operational in Phase 1A to serve Tracy Hills in accordance with the Citywide Public Safety Master Plan." It should be noted that the Tracy Hills Fire Station (Station 95) has been



built in Phase 1A and is operational, in accordance with Mitigation Measure PSR 4.12-3. The Addendum to the THSP SEIR for the 35-Acre Annexation Project found that the addition of the 35-acre annexation area to the THSP Area would not result in an increase in anticipated population in the THSP Area. Therefore, the annexation of the 35 acres would not result in the need for additional fire facility upgrades beyond those identified in the THSP SEIR. Therefore, no additional fire station would be needed to accommodate the annexation area and the Project would not require additional fire service facilities.

#### **Police Protection**

The THSP SEIR found that the provision of police services to the THSP Area would not require facility upgrades beyond those already planned for in the Citywide Public Safety Master Plan. Per Mitigation Measure PSR 4.12-5b, "As part of the application process for each individual development under the Specific Plan, the Project applicant shall be required to pay the applicable development impact fees." The Addendum to the THSP SEIR for the 35-Acre Annexation Project found that the addition of the 35-acre annexation area to the THSP Area would not result in an increase in anticipated population in the THSP Area and that the developer would be required to pay applicable fees. Therefore, the annexation of the 35 acres would not result in the need for additional police service facilities.

#### **Wastewater Treatment**

The THSP SEIR found that the provision of wastewater services to the THSP Area would not require facility upgrades beyond those already planned for in the City Wastewater Treatment Plant Expansion Project. Per Mitigation Measure PSR 4.12-8b "As part of the development process for each individual site-specific development under the Specific Plan, the applicant shall pay its applicable development impact fees for wastewater facilities prior to issuance of building permits." The Addendum to the THSP SEIR for the 35-Acre Annexation Project found that the addition of the 35-acre annexation area to the THSP Area would not result in an increase in anticipated population in the THSP Area and that the developer would be required to pay applicable fees. Therefore, the annexation of the 35 acres would not result in the need for additional wastewater facility upgrades beyond those identified in the THSP SEIR. Therefore, the annexation of the 35 acres would not result in the need for additional wastewater facilities.

#### **Water Supply**

The THSP SEIR found that the City has sufficient water supplies to support the build out of the THSP Area under any hydrologic conditions to the year 2035. The Addendum to the THSP SEIR for the 35 Acre Annexation Project found that the Project would not require additional water supply beyond that included in the THSP SEIR since the Project would not cause population growth beyond that anticipated by the THSP SEIR. Therefore, the annexation of the 35 acres would not result in the need for additional water supply requiring main line extension or facility upgrades.

#### **Solid Waste Disposal**

The THSP SEIR found that the City has sufficient landfill capacity to support the build out of the THSP Area. The Addendum to the THSP SEIR for the 35 Acre Annexation Project found that the Project would not require additional landfill capacity beyond that included in the THSP SEIR since the Project would not cause population growth beyond that anticipated by the THSP SEIR. Therefore, the annexation of the 35 acres would not result in the need for additional solid waste disposal requiring facility upgrades.

12. Provide any other justification that will assist the Commission in reviewing the merits of this request. (Attach a separate sheet if necessary)

The 35 acres is currently undeveloped land used for cattle grazing and was subject to a conservation easement until December 2021. Ahead of the approval of the Resolution to Submit an Application to Annex the Property (Resolution 2021-083), the developer of Tracy Hills communicated with the California Waterfowl Association, the conservation easement

holder, and representatives from resource agencies, California Department of Fish and Wildlife and United State Department of Fish and Wildlife, regarding annexing the 35-acres. It was determined that the 35 acres was of less biological and ecological quality and more difficult to manage as open space than a different portion of the Tracy Hills development further north within the western edge of the development area abutting an existing conservation. See Attachment B to this application for a figure showing the 35 acres and new area to be conserved. This is a result of the 35 acres consisting of a heavily sloped peninsula into the Tracy Hills development while the new area to be conserved is less steep and only adjacent to the Tracy Hills development on the east side. An agreement was reached that the conservation easement on the Property should be lifted and applied to the same number of acres on the western edge of Tracy Hills. With support from the easement holder and resource agencies, the conservation easement for the Property was lifted from the Property and applied to the other property within Tracy Hills by the Amended, Restated, and Consolidated Conservation Easement Deed [Tracy Hills] dated December 17,2021.

# TRACY HILLS DEVELOPMENT PHASE 2 FIRE PROTECTION PLAN Tracy, California



**January 19, 2023**

Owner: Tracy Phase 2, LLC  
888 San Clemente, Suite 100  
Newport Beach, CA 92660

Prepared by: Herbert Spitzer, Senior Wildland Fire Associate  
**FIREWISE2000, LLC**

Certified by:

A handwritten signature in black ink, appearing to read "Melvin Johnson".

**Melvin Johnson, Owner**  
**Certified CEQA Wildland Fire Consultant**  
**FIREWISE2000, LLC**  
**PO Box 339**  
**Lower Lake, CA 95457**  
**Info@firewise2000.com**  
**(760) 745-3947**

**INDEMNIFICATION AGREEMENT**

As part of this application, applicant and real property in interest, if different, agreed to defend, indemnify, hold harmless, and release the San Joaquin Local Agency Formation Commission, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any of the above, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney's fees, or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, whether or not there is concurrent passive or active negligence on the part of the San Joaquin Local Agency Formation Commission, its agents, officers, attorneys, or employees.

Executed at SACRAMENTO, California, on DECEMBER 2, 2022

**APPLICANT**



Signature: \_\_\_\_\_

Title: Director, Development Services

**REAL PARTY IN INTEREST**

(If different from Applicant)

Signature: R. BENTOLINA

Title: VICE PRESIDENT

**SUBMITTALS**

In order for this application to be processed, the following information needs to be provided:

1. Two copies of this Justification of Proposal, completed and signed with original signatures;
2. Five prints of a full-scale proposal map showing the affected territory and its relationship to the affected jurisdiction (Refer to Guide for Preparation);
3. Five copies of an 8.5" x 11" or 11" x 17" reduction of the proposal map;
4. Three copies of a metes and bounds description of the affected territory;
5. One certified copy of the City Council and/or Special District Board Resolution of Application, or a petition making application to LAFCo (as appropriate);
6. Written permission from each affected property owner (or signature form);
7. One copy of the project environmental document (One Compact Disc if more than 25 pages);
8. One copy of the project Notice of Determination;
9. Three 8.5" x 11" copies of the Vicinity Map (if not included on the proposal map);
10. One copy of the plan for providing services along with a schematic diagram of water, sewer and storm drainage systems (refer to Government Code Section 56653);
11. One copy of the Pre-Zoning map or description (as required by Section 56375);
12. One copy of the Statement of Open Space (Ag) Land Conversion (refer to Section 56377);
13. One Copy of the Statement of Timely Availability of Water Supplies (refer to Section 56668(k));
14. One copy of the Statement of Fair Share Housing Needs (if residential land uses are included in the proposal) (refer to Section 56668(l));
15. One copy of the project design (site plan, development plan, or subdivision map);
16. One copy of the Residential Entitlement matrix form (if residential land uses are included in the proposal); and
17. Filing and processing fees in accordance with the LAFCo Fee Schedule and the State Board of Equalization Fee Schedule.

Additional information may be required during staff review of the proposal.

**CERTIFICATION**

The undersigned hereby certifies that all LAFCo filing requirements will be met and that the statements made in this application are complete and accurate to the best of my knowledge.

DocuSigned by: Kris Balaji

(Signature) Kris Balaji  
Print or Type Name: \_\_\_\_\_

Date: 12/8/2022 | 2:45 PM PST

Daytime Telephone: 209-831-6423

# TRACY HILLS DEVELOPMENT PHASE 2 FIRE PROTECTION PLAN

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**Prohibited Plants and Trees**

**APPENDIX 'A'**

**Non-combustible & Fire-Resistant Building Materials**

**APPENDIX 'B'**

**Ignition Resistant Construction Requirements**

**APPENDIX 'C'**

**Evacuation Checklist**

**APPENDIX 'D'**

**Literature Referenced**

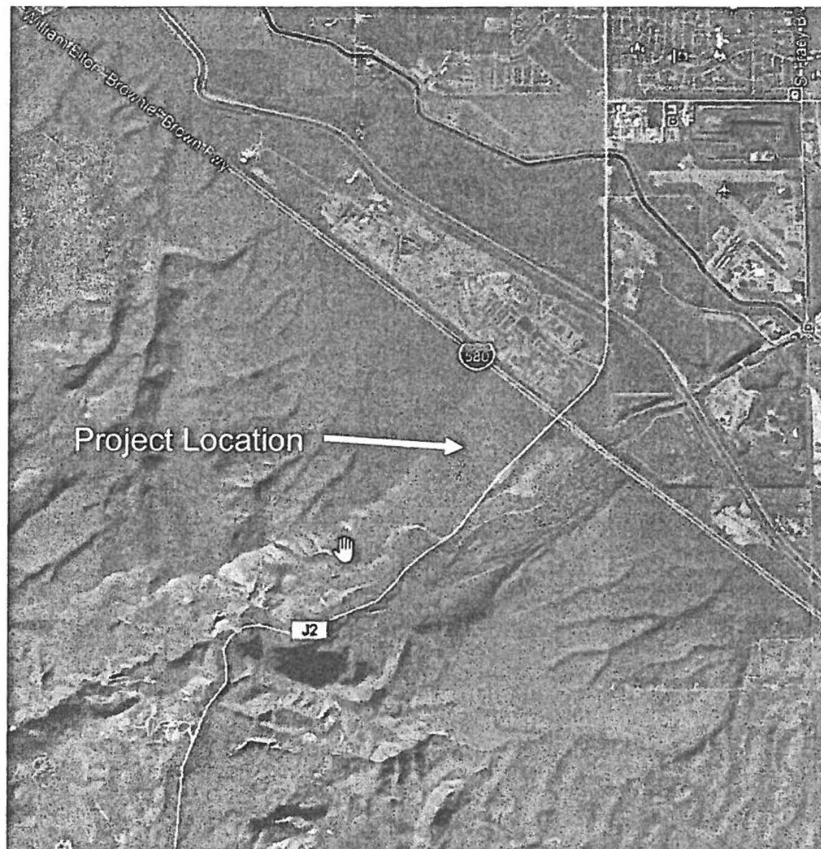
**APPENDIX 'E'**

# TRACY HILLS DEVELOPMENT PHASE 2 FIRE PROTECTION PLAN

## Tracy, California January 19, 2023

### 1.0 GENERAL DESCRIPTION

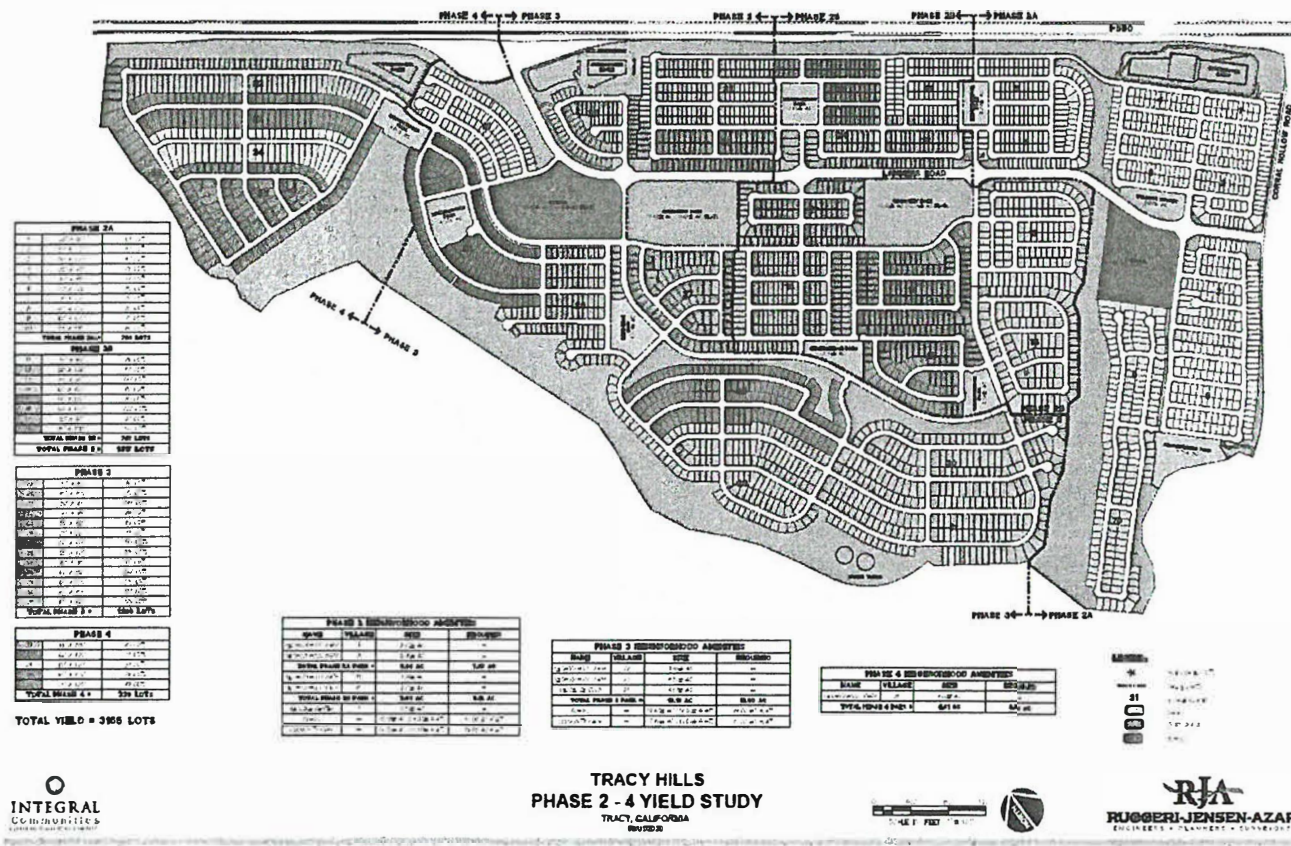
The Tracy Hills Development Phase 2 project hereinafter referred to as the “Development” is located in San Joaquin County northwest of the intersection of Corral Hollow Road with Interstate 580 in the City of Tracy, California (see Photo #1). The Development is located adjacent to Moderate and High Fire Hazard Zones as identified by CalFire. Wildland and exotic fuels are present to the north, west and south directions of the project. The Development abuts Interstate 580 along its entire length to the east. The South San Joaquin County Fire Authority (SSJCFA) is the fire authority for the Development.



↑ Photo #1 – Aerial Photo of the Project Area Showing Nearby Undeveloped Land and Interstate 1580. The Yellow Arrow Points to the Approximate Center of the Development.

The master plan for the Tracy Hills Development consists of the construction of 3,065 single-family homes on approximately 1,315 acres of land located within the City of Tracy. The individual lots range in size from 4,250 to 9,000 square feet. Also, several neighborhood and community parks are to be built on approximately 61.76 acres. Two school sites, one of approximately 19.43 acres and another of 15.18 acres are planned. The homes will be 1 to 2 stories in height. In addition, over 3,500 acres of open space has been dedicated with Conservation Easements in place. This land is primarily located to the west and north of the Development. Additionally, approximately 130 acres of open space will exist within the development. This FPP is for Phase 2 and is located adjacent to Corral Hollow Road. Please refer to the attached Fire Protection Plan Map Exhibits for the illustration of property lines, proposed structure locations, and related vegetation management. Additional phases of the project will have their own standalone Fire Protection Plans.

The Development is part of a master planned community of low and medium density urban areas. Illustration #1 below is the current Master Plan showing phases 2, 3, and 4 which will include parks, open space, a residence clubhouse, and elementary schools. Phase 1 is currently being built East of Interstate 580 where a new SSJCFA fire station is also being built and will serve the development.





This Fire Protection Plan (FPP) has been developed for Phase 2 of the Project and shall be submitted to and approved by the SSJCFA. The approved FPP shall be recorded with the San Joaquin County recorder's office. This FPP assesses the overall (on-site and off-site) wildland fire hazards and risks that may threaten life and property associated with the proposed Development. In addition, the FPP establishes both short-term and long-term Vegetation Management actions required to minimize any projected wildland fire hazards and assigns annual maintenance responsibilities for each of the required actions.

### **1.1 General Information**

Owner:	Tracy Phase 2, LLC 888 San Clemente, Suite 100 Newport Beach, CA 92660
Approving Departments:	
Fire Authority:	South San Joaquin County Fire Authority
Building:	City of Tracy
Water:	City of Tracy

The purpose of this FPP is to provide Vegetation Management Zone treatment and construction feature direction for developers, architects, builders, the SSJCFA, City of Tracy, San Joaquin County officials, and the owners to use in making the structures in the proposed project relatively safe from future wildfires. Appendices attached to this FPP that provide additional information shall be considered part of this FPP.

### **1.2 Relevant Building Codes and Standards**

Requirements of this FPP are based upon requirements listed in the 2019 California Fire Code, Chapter 49, Public Resources Code, Sections 4201 through 4204, and Government Code, Sections 51175 through 51189, or other areas designated by the enforcing agency to be at a significant risk from wildfires. Local Amendments as required; Chapter 7A-California Building Code; 2019 California Residential Code Section R337; National Fire Protection Association Standards (NFPA) 13-D, 2019 Edition, NFPA Standard 13-R, and NFPA Standard 1140 – Standard for Wildland Fire Protection.

### **1.3 Hazardous Vegetation Around Buildings - Laws and Regulations**

The following laws and regulations guide the requirements for fuel modification. These include the following: Public Resources Code, Section 4291. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 3, Section 1299 (see guidance for implementation "General Guideline to Create Defensible Space"). California Code of Regulations, Title 19, Division 1, Chapter 7, Subchapter 1, Section 3.07

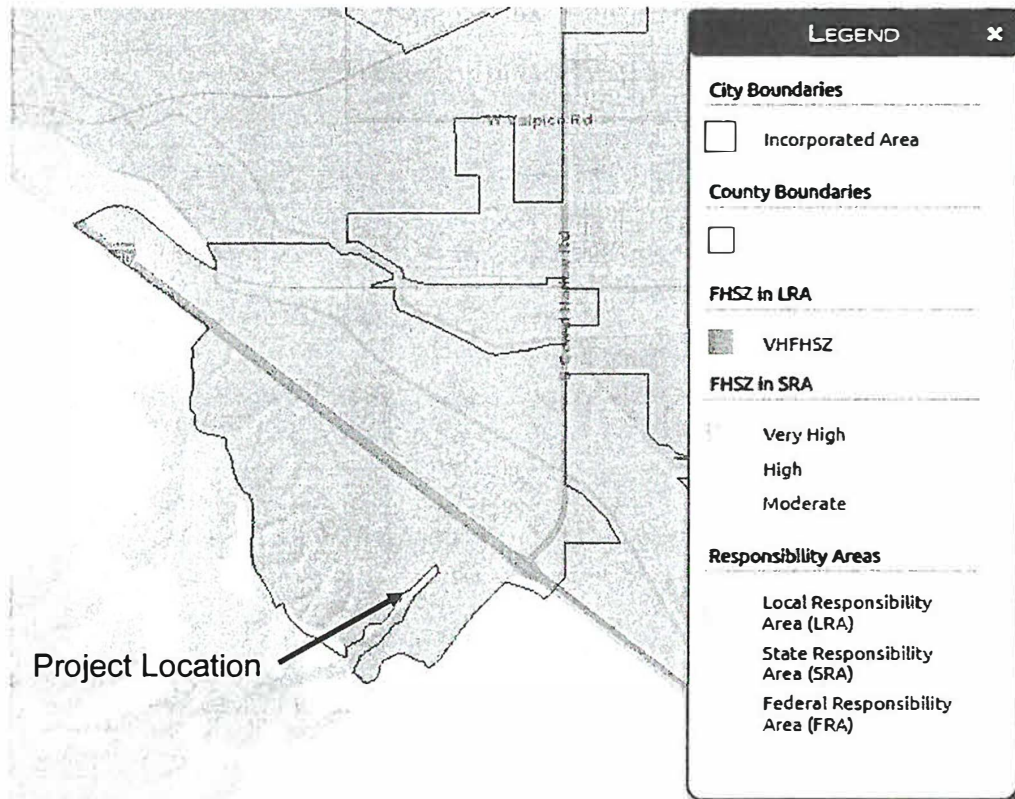
## **2.0 WILDLAND FIRE HAZARD AND RISK ASSESSMENT**

In assessing the wildland fire hazard, it is necessary to consider plant succession and the climax plant communities. The vegetation described below is the most likely climax plant community that will exist without human intervention and the one utilized for planning purposes.

## 2.1 On and Off-Site Fire Hazard and Risk Assessment

The proposed Development is located on lightly sloping terrain that has historically been used for grazing of livestock. The California Vegetation/Wildlife Habitat classification for the entire project area is California Grassland. Within the Development, much of the project area will be graded removing all wildland and exotic fuels. The vegetation that is to remain on adjacent land and within the open space consists of various grass species, goldfields, buckwheat, fiddleneck, mustard, and other related species (see Photo #2). For fire behavior planning purposes, the mature vegetation is best described as a combined Fuel Model of gr4 (moderate load, dry climate grass with 1-hour fuels of 0.25 tons/acre and Fuel Model sh1 (Low Load Dry Climate Shrub, with 1-hour fuels of 0.25 tons/acre and 10-hour fuels of .25 tons/acre. All native plants are adapted to intense wildfires needed for species regeneration.

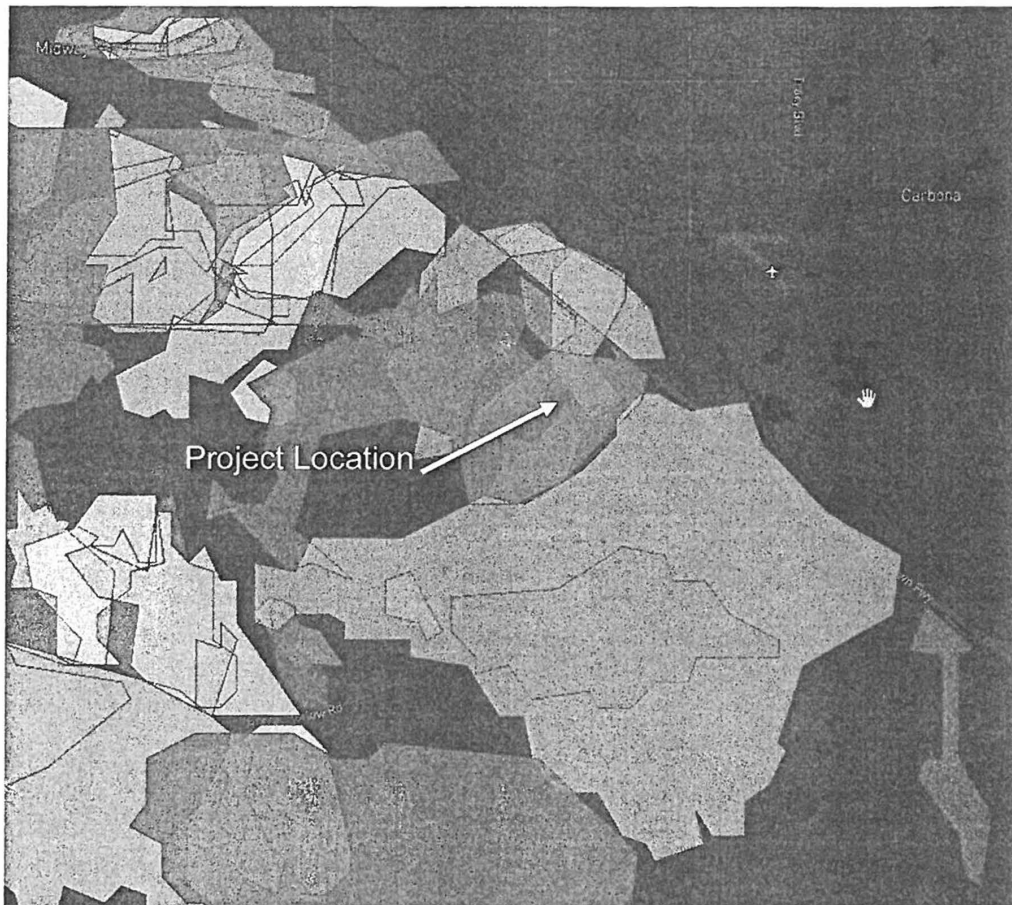
The City of Tracy has not declared any lands within the project as a wildland fire hazard. The State of California has declared both moderate and high fire hazard areas adjacent to the Development. See Illustration #2 for the State Responsibility Area (SRA) declared wildland fire hazard.



*Illustration #2 – Declared Fire Hazards by The City of Tracy. Moderate and high zones only exist on the perimeter of the Project. The higher hazards are located in higher and steeper terrain west of the Development.*

There is a significant history of wildfire in the area (See Illustration #3). The most recent large fire that burned in the vicinity of the project was the August 18, 2020, SCU Lightning Complex that burned south of the city but caused many health issues due to smoke. It burned within 5 counties and was active for 44 days. The final acreage was 396,624 acres. The second most recent large fire was the 2,163-acre Explosive Fire of June 19, 2009. On July 11, 2006, the Midway Fire burned

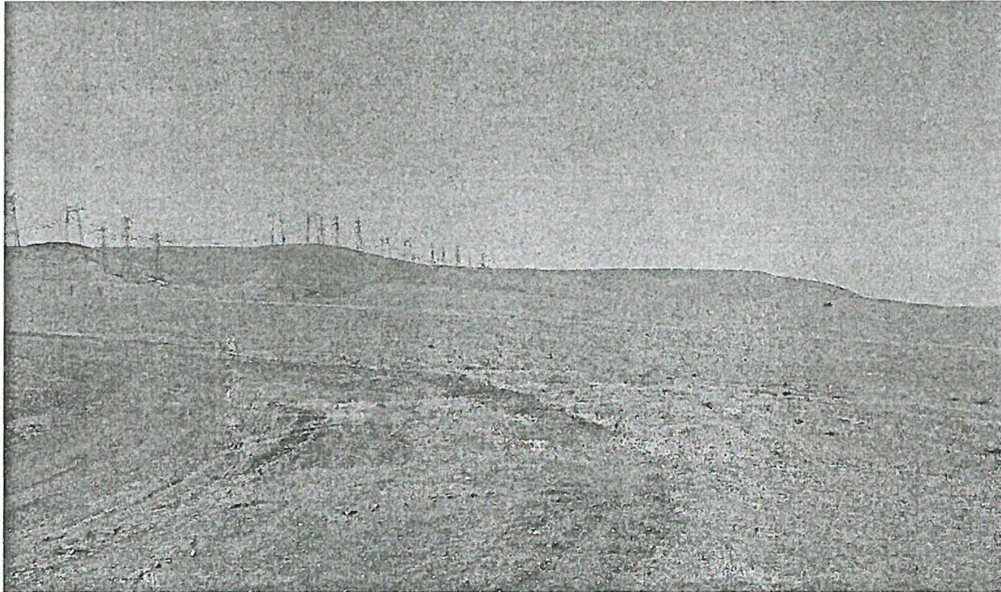
6,400 acres north of the planned Development. This fire burned during strong westerly winds and jumped to the east side of Interstate 580. A year prior to this, the Tesla Fire burned over 6,744 acres north of the Midway Fire on July 19, 2005. It should be noted that Interstate 580, which the project abuts was closed by the California Highway Patrol for over 3 ½ hours on July 12, 2006, due to the Midway Fire. This active fire history is because of the local Mediterranean climate where warm wet winters promote abundant new plant growth, and long, hot, and very dry summer seasons frequently occur. Occasionally, multi-year droughts cause significant parts of these plants to die back.



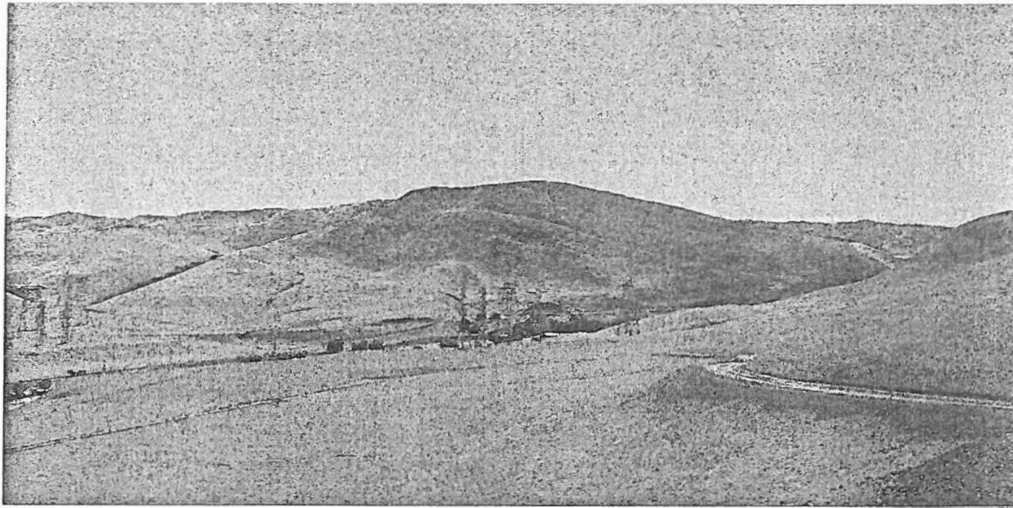
**Illustration #3 – Major Wildland Fire History.** The yellow arrow points to the development's general location. Over the past 40 years, several major fires have burned nearly all the Project area. Due to periodic fire activity and grazing, the current vegetation as shown in this FPP is in the early stages of plant succession.

It is interesting to note that most of the large fires occur during the summer months of June and July. Since the area has historically been grazed, these fires sometimes occurred before the livestock had time to consume significant amounts of grass thus making for higher intensity fire behavior than what would be expected later in the fire season. The California Grazing Handbook notes that different time period for grazing might be prescribed based on the need for fire hazard control; where grass fires are a concern, grazing should continue long enough into the spring or summer to adequately reduce standing fuels prior to the fire season.

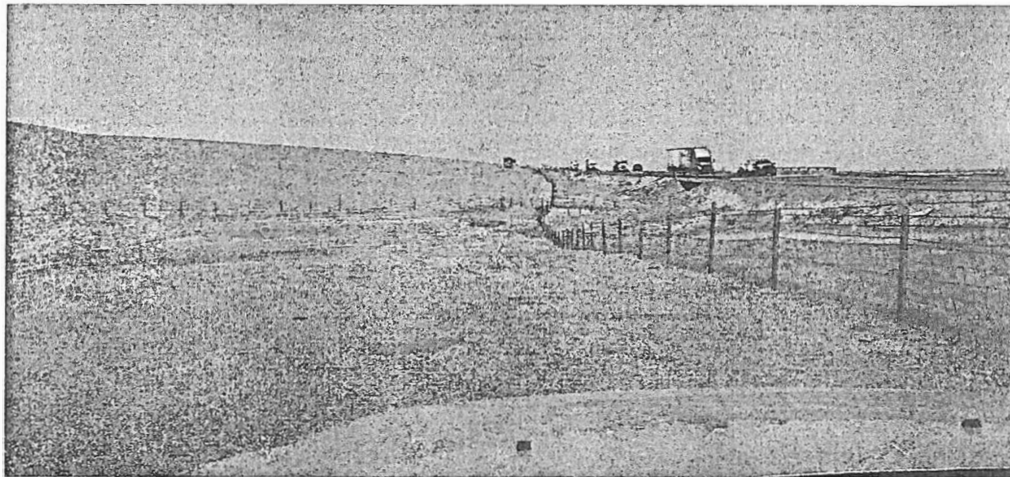
The major wildland fire threat is from the north and west of the Development. This threat comes from the adjacent undeveloped land and its associated fuels, history of significant fires and fire weather. Fire history and adjacent vegetation that borders the project along the north and west sides of the Development can be seen in Photos #2 - 6.



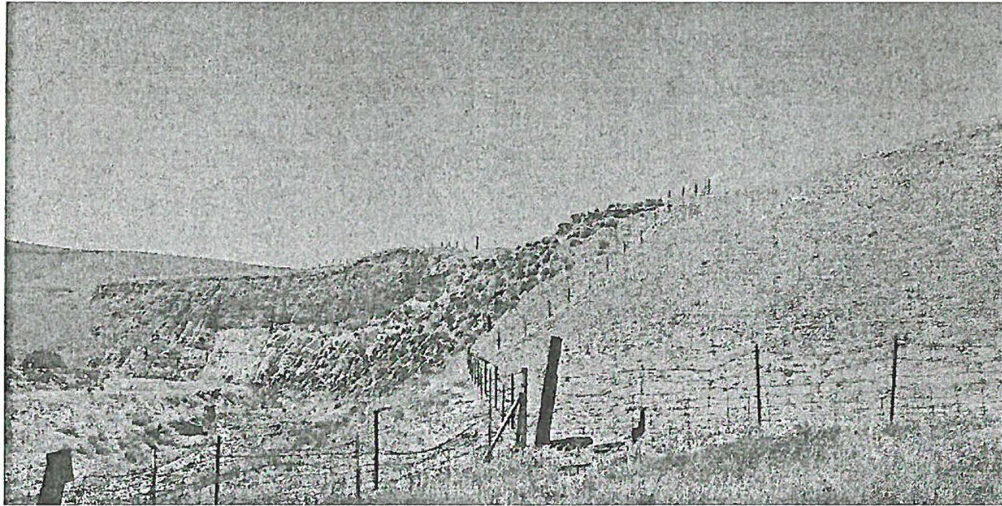
***Photo #2 – Typical Late Summer Vegetation Looking Northwest Parallel to Interstate 580. The Vegetation is Light due in Part to Recent Fire Activity, Grazing and Drought. The development would be built from the base of the hills to where the photo was taken.***



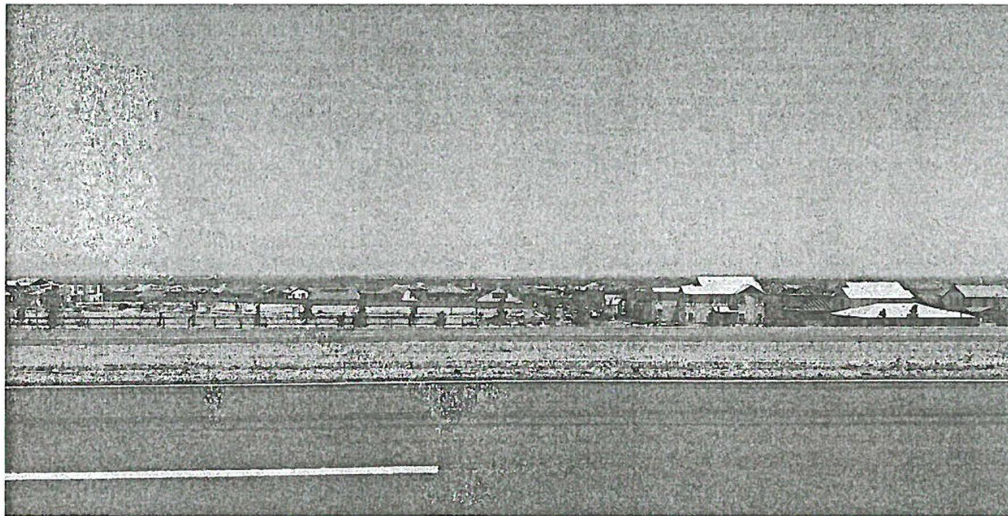
***Photo #3 - Looking Southwest toward Corral Hollow Road Located in the Bottom of the Drainage. Note the adjacent land being dominated by grasslands with only riparian vegetation being seen along the intermittent stream at the bottom of the drainage.***



***Photo #4 – Looking North Parallel to I580. Most of the fuels are annual grasses and Fiddleneck, a common flowering plant found throughout much of California. In normal rainfall years, Popcorn Flower and Common Goldfields will also be found growing here. Note the taller vegetation within the freeway right of way. This area is not subject to grazing. The vegetation is therefore heavier.***



***Photo #5 – Looking North From Corral Hollow Road Approximately 1 Mile West of I-580. This is near the southern Development boundary. Note the scattered clumps of California Buckwheat on the hillside above the fence. Homes are to be built above this hillside as part of phase 2.***



***Photo #6 – Looking Northeast Toward Tracy. Note the existing home construction on the east side of I-580. This construction is part of Phase 1 of the Tracy Hills Master Plan.***

As of the date of this report, there are over 500 homes that have been built and occupied east of I580. Additionally, several commercial businesses are under construction on the east side of I580 (Photo #6). The land surrounding Phase 2 is currently all undeveloped. The existing fuels, primarily grass, are broken up by an occasional dirt roadway and a few cross-fence lines.

There is a historic pattern of significant wildland fires burning from the Northwest, West and Southwest as demonstrated in Illustration #3. Occasionally, a hot dry, southwest to west wind of 50 MPH will occur with low relative humidity. This strong, dry wind condition usually occurs in

the late afternoon or early evenings on very hot days, especially during the summer (June through August) months.

Another critical weather pattern to the project area is a hot, dry offshore wind, typically called in this part of California as a *Foehn Wind*. These winds tend to be stronger further to the east near the base of the Sierra Nevada Mountain range. Such wind conditions are usually associated with strong (>30 MPH), hot, dry winds with very low (<15%) relative humidity. Foehn winds originate over the dry desert land and can occur anytime of the year; however, they generally occur in the late fall (September through November). This is also when non-irrigated vegetation is at its lowest moisture content.

The undeveloped land in proximity to the Development can contribute to a damaging wildland fire event. To the project's benefit, the land to the west of the project is required to have grazing continued to thereby help restrict plant succession per the 3,535-acre Tracy Hills Habitat Conservation Plan CE Area (CE Area). Any wind driven wildfire burning under a northeastern (*foehn*) wind pattern through areas to the north or east creates a wildland fire hazard to the proposed structures. Wildland fires starting north of the proposed residences on a typical fire day with a southwest wind will burn away from the proposed structures and will generally not be a significant wildland fire hazard.

All structures in the area are threatened through wind-blown embers, the closer a home sits to wildland vegetation, the greater the threat. Embers have been known to travel over a mile during high winds and start new fires when they land on dry vegetation, combustible construction, or other flammable fuels. The installation of ember resistant venting throughout the Development will mitigate against the wind-blown ember threat (see Section 6.0 for a discussion of this feature). The goal of this FPP is to prevent the loss of lives, buildings, and personal property when wildfires occur with the challenge of allowing the construction of a well-planned project site. This goal is accomplished by requiring each structure to be built on the edge of the Development that abuts wildland vegetation with ignition resistant materials. Throughout the Development, properly designed and maintained vegetation management treatments should safely mitigate the fire hazard and threat from embers to less than significant levels.

## **2.2 Predicting Wildland Fire Behavior**

The BEHAVE 6.0.0 Fire Behavior Prediction and Fuel Modeling System developed by USDA–Forest Service research scientists Patricia L. Andrews and Collin D. Bevins at the Intermountain Forest Fire Laboratory, Missoula, Montana, is one of the best systematic methods for predicting wildland fire behavior. The BEHAVE fire behavior computer modeling system is utilized by wildland fire experts and managers nationwide. It is used for forecasting fire behavior, assisting current wildfire incidents and for post incident analysis. The program projects the expected fire intensity, rate-of-spread and flame lengths with a reasonable degree of certainty for use in Fire Protection Planning purposes. *FIREWISE2000, LLC* used the BEHAVE 6.0.0 Fire Behavior Prediction Model for the Tracy Hills Development to make the fire behavior assessments discussed below.

## **2.3 Wildland Fire Behavior Calculations for the Off-Site Hazardous Vegetative Fuels**

Wildland fire behavior calculations have been performed for the moderate and high hazard vegetative fuels for the undeveloped areas that will be in proximity to and within the project. These projections are based on scenarios that are 'worst case' San Joaquin County fire weather

assumptions in the vicinity of the project area. Historical weather data was obtained from the RAWS (Remote Automatic Weather Station) network stations located closest to the project area. The closest RAWS to the project is the Altamont RAWS located at Latitude 37° 41' 35" and Longitude 121° 36' 34" at an altitude of RAWS 1,436 feet. The station is approximately 8.9 miles NW of the project. This weather station is also over 1,000 feet higher than the project site. The Western Region Climate Center located in Reno, NV houses all historic weather data.

The four tables which follow are the projected fire behavior under “worst case” fuel and weather conditions (shown in Red) and the expected fire behavior following the herein described fuel treatments (shown in Green).

The four worst case scenarios depicted below in Tables 2.3.1 thru 2.3.4 display the expected Rate of Fire Spread (expressed in feet per minute), Fireline Intensity (expressed in BTU’s/feet/second) and Flame Length (expressed in feet) in a combined fuel model consisting of gr4 – Moderate Load – Dry Climate Grass (90%) and gs1 – Low load, dry climate grass-shrub (10%). The tables also include the calculation inputs used in the BEHAVE program which were obtained from Project site observations and fuel moisture levels typically observed during the local fire season. In addition, the tables show the change in Rate of Fire Spread, Fireline Intensity, and Flame Length following the completion of the required Vegetation Management fuel treatment which is characterized by a Combined Fuel Model [Tl6– Moderate Load Broadleaf Litter 50% and Gr1 – Short Sparse Dry Climate Grass 50%].

<b>Table 2.3.1</b>	
<b><i>Fire Scenario # 1 - Fire Approaching from the North or Northeast</i></b>	
<b><i>(Late Fire Season With 40 MPH North or Northeast Wind Conditions)</i></b>	
<b>Fire Behavior Calculation Input Data</b> <ul style="list-style-type: none"> <li>• 5 percent slope</li> <li>• 40 mph 20-foot wind speed</li> <li>• 45° wind direction from north</li> <li>• 180° aspect from the north</li> </ul>	<b>Anticipated Fuel Moistures</b> <ul style="list-style-type: none"> <li>* 1-Hour Fine Fuel Moisture of.....2%</li> <li>* 10-Hour Fuel Moisture of.....3%</li> <li>* 100-Hour Fuel Moisture of.....5%</li> <li>* Live Herbaceous Fuel Moisture of.....30%</li> <li>* Live Woody Fuel Moisture of.....50%</li> </ul>
<b>Expected Fire Behavior – Native Fuels</b> <b>Combined Fuel Model [Gr4 – Moderate load, Dry Climate Grass (90%) and</b> <b>Sh1 – Low Load Dry Climate Shrub (10%)]</b>	
<b>Rate of Spread - 923 ft/min</b>	
<b>Fireline Intensity - 8,921 Btu/ft/s</b>	
<b>Flame Length - 29.5 feet</b>	
<b>Expected Fire Behavior in Treated Fuels</b> <b>Combined Fuel Model - [tl6 – Moderate Load Broadleaf Litter (50%)</b> <b>and gr1 – Short Sparse Dry Climate Grass (50%)]</b>	
<b>Rate of Spread - 38.8 ft/min</b>	
<b>Fireline Intensity - 326 Btu/ft/s</b>	
<b>Flame Length - 6.4 feet</b>	



<b>Table 2.3.2</b> <b><i>Fire Scenario # 2 - Fire Approaching from the East or Southeast</i></b> <b><i>(Late Fire Season With 30 MPH East or Southeast Wind Conditions)</i></b>	
<b>Fire Behavior Calculation Input Data</b> <ul style="list-style-type: none"> <li>• 25 percent slope</li> <li>• 30 mph 20-foot wind speed</li> <li>• 90° wind direction from north</li> <li>• 90° aspect from the north</li> </ul>	<b>Anticipated Fuel Moistures</b> <ul style="list-style-type: none"> <li>* 1-Hour Fine Fuel Moisture of.....2%</li> <li>* 10-Hour Fuel Moisture of.....3%</li> <li>* 100-Hour Fuel Moisture of.....5%</li> <li>* Live Herbaceous Fuel Moisture of.....30%</li> <li>* Live Woody Fuel Moisture of.....60%</li> </ul>
<b>Expected Fire Behavior – Native Fuels</b> <b>Combined Fuel Model [Gr4 – Moderate load, Dry Climate Grass (90%) and Sh1 – Low Load Dry Climate Shrub (10%)]</b>	
<b>Rate of Spread - 636.3 ft/min</b>	
<b>Fireline Intensity - 6,033 Btu/ft/s</b>	
<b>Flame Length - 24.7 feet</b>	
<b>Expected Fire Behavior in Treated Fuels</b> <b>Combined Fuel Model - [tl6 – Moderate Load Broadleaf Litter (50%) and gr1 – Short Sparse Dry Climate Grass (50%)]</b>	
<b>Rate of Spread - 34.4 ft/min</b>	
<b>Fireline Intensity - 225 Btu/ft/s</b>	
<b>Flame Length - 5.4 feet</b>	

<b>Table 2.3.3</b> <b><i>Fire Scenario # 3 - Fire Approaching from the Southwest or West</i></b> <b><i>(Late Fire Season With 50 MPH West or Southwest Wind Conditions)</i></b>	
<b>Fire Behavior Calculation Input Data</b> <ul style="list-style-type: none"> <li>• 15 percent slope</li> <li>• 50 mph 20-foot wind speed</li> <li>• 240° wind direction from the north</li> <li>• 110° aspect from the north</li> </ul>	<b>Anticipated Fuel Moistures</b> <ul style="list-style-type: none"> <li>* 1-Hour Fine Fuel Moisture of.....2%</li> <li>* 10-Hour Fuel Moisture of.....3%</li> <li>* 100-Hour Fuel Moisture of.....5%</li> <li>* Live Herbaceous Fuel Moisture of.....30%</li> <li>* Live Woody Fuel Moisture of.....60%</li> </ul>
<b>Expected Fire Behavior – Native Fuels</b> <b>Combined Fuel Model [Gr4 – Moderate load, Dry Climate Grass (90%) and Sh1 – Low Load Dry Climate Shrub (10%)]</b>	
<b>Rate of Spread - 1,294 ft/min</b>	
<b>Fireline Intensity - 12,272 Btu/ft/s</b>	
<b>Flame Length - 34.2 feet</b>	
<b>Expected Fire Behavior in Treated Fuels</b> <b>Combined Fuel Model - [tl6 – Moderate Load Broadleaf Litter 50% and gr1 – Short Sparse Dry Climate Grass 50%]</b>	
<b>Rate of Spread - 44.8 ft/min</b>	
<b>Fireline Intensity - 449 Btu/ft/s</b>	
<b>Flame Length - 7.5 feet</b>	

<b>Table 2.3.4</b> <b><i>Fire Scenario #4 - Fire Approaching from the West or Northwest</i></b> <b><i>(Late Fire Season With 50 MPH West or Northwest Wind Conditions)</i></b>	
<b>Fire Behavior Calculation Input Data</b> <ul style="list-style-type: none"> <li>• 15 percent slope</li> <li>• 50 mph 20-foot wind speed</li> <li>• 290° wind direction from the north</li> <li>• 100° aspect from the north</li> </ul>	<b>Anticipated Fuel Moistures</b> <ul style="list-style-type: none"> <li>* 1-Hour Fine Fuel Moisture of.....2%</li> <li>* 10-Hour Fuel Moisture of.....3%</li> <li>* 100-Hour Fuel Moisture of.....5%</li> <li>* Live Herbaceous Fuel Moisture of.....30%</li> <li>* Live Woody Fuel Moisture of.....60%</li> </ul>
<b>Expected Fire Behavior – Native Fuels</b> <b>Combined Fuel Model [Gr4 – Moderate load, Dry Climate Grass (90%) and</b> <b>Sh1 – Low Load Dry Climate Shrub (10%)]</b>	
<b>Rate of Spread - 1,293.6 ft/min</b>	
<b>Fireline Intensity - 12,272 Btu/ft/s</b>	
<b>Flame Length - 34.2 feet</b>	
<b>Expected Fire Behavior in Treated Fuels</b> <b>Combined Fuel Model - [tl6 – Moderate Load Broadleaf Litter 50%</b> <b>and gr1 – Short Sparse Dry Climate Grass 50%]</b>	
<b>Rate of Spread - 44.7 ft/min</b>	
<b>Fireline Intensity - 448 Btu/ft/s</b>	
<b>Flame Length - 7.5 feet</b>	

The above fire behavior calculations demonstrate that 100 feet of fuel treatment will be sufficient to protect the structures located on the perimeter of the Development from flame impingement, radiant and convective heat from a wildfire.

### **3.0 ASSESSING STRUCTURE IGNITIONS IN THE WILDLAND/URBAN INTERFACE**

Structure ignitions from wildland wildfires basically come from three sources of heat: convective firebrands (flying embers), direct flame impingement, and radiant heat. The Behave Plus Fire Behavior Computer Modeling Program does not address wind blown embers or firebrands. However, ignition resistant exterior building materials will be used in the construction of the Tracy Hills Development that will significantly reduce the threat from embers (see APPENDIX ‘C’ Ignition Resistive Construction). Radiant and convective heat issues are addressed in this FPP principally through the creation of Vegetation Management Zones and associated fuel treatments found in Section 5.0.

#### **3.1 Firebrands**

Firebrands are pieces of burning materials that detach from burning fuel due to the strong convection drafts in the flaming zone. Firebrands may also be referred to as embers. Firebrands can be carried a long distance (one mile or more) by fire drafts and strong winds. Severe wildland/urban interface fires can produce heavy showers of firebrands. The chance of these firebrands igniting a structure will depend on the size and number of the firebrands, how long each ember burns after contact, and the type of building materials, building design, and construction features of the structure. Firebrands

landing on combustible roofing and decks are common sources for structure ignition. They can also enter a structure through unscreened vents and chimneys, and unprotected skylights and windows.

Even with non-combustible roofing, firebrands landing on leaves, needles, and other combustibles located on a roof (due to lack of maintenance) can cause structure ignition. Any open windows, doors or other types of unscreened openings are sources for embers to enter a structure during a wildland fire. If the herein maintenance issues are addressed on a regular basis, firebrands should not be a concern for the Development as each home will be constructed with ignition resistant building materials.

To the Developments benefit, the majority of vegetation types located adjacent to the project contain few plants that produce significant embers. It was observed that there are historical wooden fences and other combustibles intermixed with the grassland fuels that are capable of producing embers, but their numbers will be limited due to their low numbers.

### **3.2 Radiant Heat/Direct Flame Impingement**

Radiation and convection involve the transfer of heat directly from the flames. Unlike radiation heat transfer, convection requires that the flames or heat column contact the structure. An ignition from radiation (given an exposed flammable surface) heat transfer depends on two aspects of the flame: 1) the radiant heat flux to a combustible surface and, 2) the duration (length of time) of the radiant flux. The radiant heat flux depends on the flame zone size, flame-structure distance, and how much combustible material of the structure is exposed to the flame. While the flame from a wildfire may approach 1,800 degrees Fahrenheit, it is the duration of heat that is more critical. For example, a blow torch flame typically approaches 2,100 degrees Fahrenheit, yet a person can easily pass his/her hand through the flame. Heat duration only becomes critical to a building with a wood exterior surface if the heat is allowed to remain for 30-90 seconds.

Research scientist Jack Cohen of the United States Forest Service has found that a home's characteristics-its exterior materials and design in relation to the immediate area around a home within 100 feet - principally determine the home ignition potential. He calls the home and its immediate surroundings the "home ignition zone". In a study of ignition of wood wallboard, tests by a USDA Forest Service research team described in the Proceedings, 1st International Fire and Materials Conference showed that flame impingement for sufficient length of time (approximately 1 min.) ignites a typical hardboard siding material. Since the requirement in this FPP is for a non-combustible wall or 1-hour fire resistive construction for the exterior portion of a structure, the likelihood of structure's exterior reaching ignition temperature is very unlikely due to either radiant or convective heat.

Fire agencies consider vegetation management a principal approach to wildland fire hazard reduction. Whenever the flame length, 1-2 minutes in duration or more, is equal to or more than the separation of combustible vegetation from a combustible structure, there is a high probability of structure ignition. Contact with a fire's convection heat column also may cause ignition but the temperature of the column's gases generally is not hot enough or long enough in duration to sustain the ignition of the structure.

Comparing the expected wildland fire behavior projections in each of the scenarios in Section 2.3 against the required fuel modification zones outlined in Section 5.0, demonstrates substantial reductions in the expected flame length and fireline intensity.

By requiring the structures built adjacent to wildland fuels to incorporate the following guidelines, those structures will be provided with the most effective treatment for minimizing losses from flame impingement and associated radiant heat intensities.

- Each structure is constructed of ignition resistant building materials.
- The area surrounding all structures within the Development contains an irrigated zone (defensible space) and a thinning zone (low fuel volume buffer strip) between the irrigated zone and untreated fuels.

Each property owner shall be required to maintain their property to Zone O and 1A Vegetation Management Zone criteria and shall keep the roofs and rain gutters free of leaves, needles and other combustible debris. All firewood and other combustible materials must be properly stored away from each structure so that burning embers falling on or near a structure have no suitable host. Each resident shall be responsible for maintaining their property including the plant material growing in pots and containers on decks and patios and for keeping all doors and windows tightly closed whenever a wildland fire is reported in the vicinity.

### **3.3 Fire Resistant Plant Palette**

Wildland fire research has shown that some types of plants, including many natives, are more fire resistant than others. These low fuel volume, non-oily, non-resinous plants are commonly referred to as 'fire resistant'. This term comes with the proviso that each year these plants are pruned, all dead wood is removed and all grasses or other plant material are removed from beneath the circumference of their canopies. Some native species are not considered 'undesirable' from a wildfire risk management perspective provided they are properly maintained year round (refer to APPENDIX 'A' for a list of prohibited plant species).

## **4.0 FIRE DEPARTMENT RESPONSE TIMES**

The City of Tracy is building a new fire station on the east side of the I-580 freeway on Tracy Hills Dr. This new SSJCFA station will be the closest, within 3-5 minutes (travel and get away time) and less than a mile from the Development. The station will be known as Fire Station 95 and will be located at the corner of Tracy Hills Drive and Criseldo Mina Way from the project entrance. The second closest station is SSJCFA Fire Station #97 located at 595 W. Central Ave, Tracy, CA, approximately 4.6 miles and 9 minutes away from the planned project. Additional agencies such as Cal Fire Station 21 located west of the project and other nearby city fire departments would also respond equipment under mutual aid agreements but most likely arrive after SSJCFA engines were on-scene.

There is no assurance that the closest fire station, the #95 Engine Company, will be in its station when a wildfire threatens the Tracy Hills Project from an ignition in the adjacent wildland. Engines may respond from other stations located further away or from other incidents. On high/extreme fire danger days there often may be multiple fire starts and engine companies may be already deployed on other incidents. This is why planned communities use 'defensible space', ignition resistant building features, and key fuel treatment strategies to enable residents to substantially increase their ability to survive a wildfire on their own or until such time as firefighting equipment arrives and/or residents can be safely evacuated.

## 5.0 VEGETATION MANAGEMENT ZONE DESCRIPTIONS & REQUIRED TREATMENTS

Each property owner shall be responsible for maintaining the Vegetation Management Zone (VMZ) within their lot. In the event a lot or property is repossessed, the unit/agency holding title to the property will be responsible for VMZ maintenance. Below are the descriptions and required treatments for each VMZ. All distances in this report are measured horizontally. These distances are depicted on the attached Fire Protection Plan Exhibit (See Section 10.0). See CC&Rs (Section 9.0) for HOA oversight and enforcement. VMPZ throughout the project will provide 100 feet or more of treated area from each structure, depending on the structures location, which should be sufficient to mitigate for direct flame impingement and the radiant heat effects of a worst case wildland fire with 34.2 foot flame lengths from the southwest or west and 29.5 foot flame lengths on the northwest.

A significant portion of the project area shall consist of Irrigated Zone 1B landscaping which is maintained by the H.O.A. These maintained areas will also improve resident and emergency responder access during a wildfire event as irrigated landscaping will be located along all fire access roads. See Fire Protection Plan Exhibit for details.

### **5.1 Ember Resistant Zone 0 – Lot Owner Maintained (*Shown as No Color on the Fire Protection Plan Map Exhibits*)**

#### **Defined**

In Zone 0, the intent is to create a landscape absent of all combustible materials. This zone includes the area surrounding the structure and under and around all decks, and requires the most stringent wildland fire fuel reduction and maintenance. This area shall be kept clear of combustibles, plant based landscaping mulch, and all shrubs and trees. It may have a few plants, generally confined to pots or containers, that are low growing and nonwoody. No plants shall be grown beneath windows or adjacent to doorways. Each plant shall be properly irrigated and maintained and may include species such as sedges, lilies, and succulents. Plants that grow in water are also a good choice.

Place plastic garage and recycling containers outside this zone. Combustible fencing shall not exist within the zone nor be attached to any structure. The soil surface may be bare ground or covered with hardscape features such as pavers, gravel, concrete, rock, or other non-combustible material.

### **5.2 Vegetation Management Zone 1A Owner Maintained (*Shown as No Color on the Fire Protection Plan Map Exhibits*)**

#### **Defined.**

Vegetation Management Zone 1A is commonly called the *defensible space zone* and shall be composed of non-combustible, ignition-resistant, or self-extinguishing construction materials excluding fencing. It is an irrigated landscaped zone located throughout each lot. Its dimensions will therefore vary by lot size. It provides the best protection against the high radiant heat produced by wildfire. It also generally provides an open area in which fire suppression forces can operate during wildfire events. Landscaping installed in this area is much less likely to ignite due to maintenance, irrigation, and plant selection. This zone is typically located on a level or nearly level-graded area around each structure but on a portion of the lots within the development, will also include manufactured slopes within the homeowner's lot.

### **Required Landscaping**

- Plants in this zone need to be fire resistant and shall not include any pyrophytes that are high in oils and resins such as pines, eucalyptus, cedar, cypress or juniper species. Plants used in fuel modification zones should exhibit the following qualities to be the most “fire resistant: thick, succulent or leathery leaf species with high moisture content; tendency to produce limited litter; the presence of high salt levels or similar compounds which may contribute to fire resistance; ability to withstand drought; and the ability to withstand severe pruning. Refer to APPENDIX ‘A’ for the Prohibited Plant list.
- Zone 1A will be cleared of all fire prone and undesirable plant species (see APPENDIX ‘A’).
- Landscape designs using hardscape features such as driveways, swimming pools, concrete, rock, pavers, and similar non-combustible features to break up fuel continuity within Zone 1A are encouraged.
- Xeriscape™ designs, where compatible with hardscape features such as concrete, rock, pavers, water features, artificial turf installed on sand or non-combustible bases that meets a Class A fire resistant rating, and similar non-combustible or ignition resistant features are encouraged to break up fuel continuity within Zone 1A.
- Landscaping shall be permanently irrigated and primarily consist of fire-resistant, maintained native or ornamental plantings.
- Shrubs shall be low growing when planted over large areas. The mature height of plants shall not exceed 24 inches.
- Groups of larger shrubs shall be spaced by the greater of the following two measurements: A distance of 15 feet minimum (or) 3 times the height of the tallest specimen in any of the groups.
- All small shrubs and trees can be in groups of 3 specimens or less. No horizontal spacing is required inside the group.
- Trees are to be planted such that the mature canopies will be at least 10 feet from the exterior walls of each structure or from the most distal point of a combustible projection, an attached accessory structure, or an accessory structure within 10 feet of a habitable building.
- Trees must have a minimum of six feet of vertical separation from low growing, irrigated vegetation beneath the canopy of each tree.

### **Required Maintenance**

- Vegetation Management Zone 1A shall be maintained year round by the owner(s) within their property boundary as required by this FPP and SSJCFA.
- Irrigation systems shall be checked bi-weekly to insure proper working order.
- Any dead or dying plant material shall be remove and replaced monthly. Shrubs and trees are to be bi-annually maintained free of dead material.
- Trees must be maintained to have a minimum of six feet of vertical separation from low growing, irrigated vegetation beneath the canopy of each tree.
- All trees must be maintained to the current ANSI A300 standards [*Tree, Shrub, and Other Woody Plant Maintenance — Standard Practices (Pruning)*] (see ([http://www.tcia.org/TCIA/TCIA/BUSINESS/A300\\_Standards/A300\\_Standards.aspx](http://www.tcia.org/TCIA/TCIA/BUSINESS/A300_Standards/A300_Standards.aspx)).

### **5.3 Fuel Treatment Zone 1B – H.O.A. Maintained (Shown as on the fire Protection Plan Map Exhibits)**

#### **Defined**

Zone 1B is an irrigated zone that includes manufactured slopes, parks, and greenbelts that are located in common areas and maintained by the H.O.A.

#### **Required Landscaping**

Same as Zone 1A. Drip irrigation should be considered for more remote manufactured slopes, especially during plant establishment.

#### **Required Maintenance**

Same as Zone 1A

### **5.4 Vegetation Management Zone 2A (H.O.A. Maintained) - (Shown as Yellow on the Fire Protection Plan Map Exhibits)**

#### **Defined**

Zone 2A is a transition area between the strict requirements of Zone 1A or 1B and the frequently undisturbed native and exotic vegetation designed to maintain a reasonably open character in this area or may be located on manufactured slopes. Zone 2A is located in common areas, typically a non-irrigated thinning zone 50 - 100 from a structure depending on location beginning at the outer edge of Zone 1A or 1B or within storm water basins. Zone 2A is utilized to reduce the fuel load of a wildland area adjacent to buildings thereby reducing both radiant and convective heat of wildland fires. In areas where shrubs exist, the intent is to achieve and maintain an overall 50 percent reduction of the canopy cover spacing and a 50 percent reduction of the original fuel loading by reducing the fuel in each remaining shrub or tree without substantially decreasing the canopy cover. Care shall be taken not to remove soil holding root systems. Portions of the zone are located in a future Phase 3 or 4 of the Tracy Hills Master Plan. Portions of the zone will be considered temporary as future development will eliminate the need for this fuel treatment.

#### **Required Landscaping**

- Thinning the native shrub vegetation where applicable to a point where 50% open space is created and only grass exists between the shrubs.
- Removal of all dead, woody debris and exotic flammable vegetation including designated prohibited plants (Appendix A).
- If native shrubs are located within a tree's drip line, the lowest branch of the tree shall be a distance from the ground of at least three times the height of the shrub or 10 feet, whichever is greater.
- Trees and shrubs may be established in this zone if they meet the plant species requirements set in Zone 1A. Trees should be separated by a minimum of 30 feet and not include any of the species found in Appendix 'A'. Shrubs shall be single specimens or a grouping not exceeding three plants.
- Allowances for the needs of protected species and habitats will be considered in this zone.
- No combustible construction or materials are allowed in Zone 2A.

#### **Required Maintenance**

- Annually maintain all tree crowns to keep a separation of ten feet between the ground fuels (shrubs and ground covers) and the lower limbs. All trees must be maintained to the current

ANSI A300 standards [*Tree, Shrub, and Other Woody Plant Maintenance —Standard Practices (Pruning)*] see <https://www.isa-arbor.com/store/product/124>.

- Annually remove any undesirable exotic vegetation (see APPENDIX ‘A’) to maintain a 50% thinning from the original vegetation cover.
- Individual shrubs shall be thinned/pruned to reduce their foliage mass or fuel loading.
- Native and exotic annual and perennial grasses will be allowed to grow and produce seed during the winter and spring. As grasses begin to cure (dry out), they shall be cut to 4 inches or less in height and maintained at that height until the following growing season. Mowing and similar cutting methods should be restricted to the morning hours before 12 noon or when relative humidity is high such as on cloudy overcast days to reduce the chance of equipment starting a fire.
- Bi-annually remove all dead and dying vegetation and highly flammable exotic species (see APPENDIX ‘A’).

#### **5.5 Vegetation Management Zone 2B (Conservation Easement Grazing Tenant Land Manager Maintained) - (Shown as **Blue** on the Fire Protection Plan Map Exhibits)**

##### **Defined**

Zone 2B is a transition area between the strict requirements of Zone 1A or 1B and undisturbed native and exotic vegetation designed to maintain a reasonably open character in this area. This zone is located in Conservation Easements: one established in October of 2011 for the Preserve Management Plan for the Tracy 580 BP Preserve (580 Preserve); second and third areas through the creation of a Management Plan for the Tracy Hills Habitat Conservation Plan (THHCP); and Conservation Easement (CE) areas which was established in March 2021. Each plan is very similar, the main difference is that each addresses different land areas. What is important is that together they abut planned development on the west, north and a portion of the south side of the Development See Illustration #4 below for the locations of each CE which abut the project on the North (CE1), and West and South (CE2 and CE3).



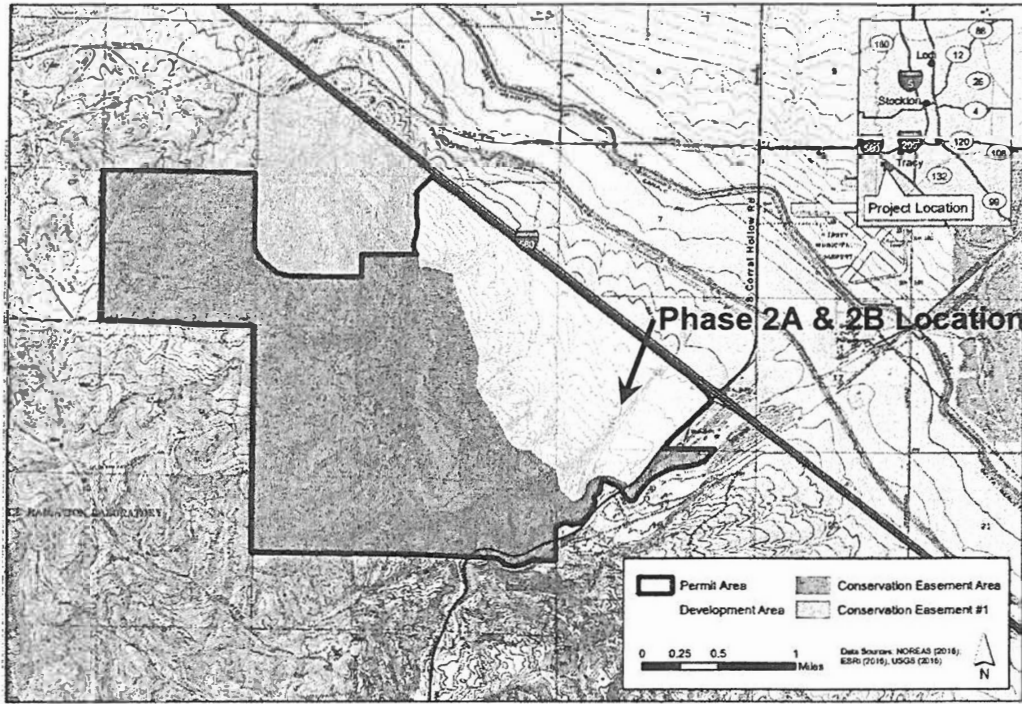


Figure 1  
Tracy Hills Management Plan: Conservation Easement Area



**Illustration #4 – Conservation Easements.** *The Development abuts two (2) Conservation Easements which contain requirements for the creation of a firebreak 70-feet in width each year adjacent to the Development.*

Vegetation Management Zone 2B will be located within lands identified in the THHCP and 580 Preserve. These CE Plans have been developed by ICF International of Sacramento, CA. Each plan calls for the CE holder, to ensure compliance with the terms of the CE Plans. This includes a key wildlife management responsibility to manage both plant and animal habits.

One of the key elements of each CE plan is a Grazing Tenant. The Grazing Tenant is the entity which will hold a grazing lease for the CE Area. The Grazing Tenant will graze cattle or other livestock on the CE areas consistent with provisions in the THHCP and 580 BP Preserve in coordination with a Land Manager. Cattle grazing will be used to maintain the grassland in optimum condition and maximize habitat values for San Joaquin kit fox and other THHCP and 580 BP Preserve covered species. To maintain optimum habitat values, average grass height should be maintained in the range of 3–12 inches year-round, with 4–7 inches being optimal. The grass height of 12 inches or above is acceptable for short periods during the growing season. This action will be effective in reducing the intensity of future wildland fires adjacent to the Tracy Hills Development.

An additional provision in the CE Plans is the requirement for the creation of a 70-foot-wide firebreak area immediately adjacent to those lots that abut the CE area. The Conservation Easement Grazing Tenant Land Manager will be annually responsible for construction and maintenance of the fuel break. The HOA shall coordinate with the Land Manger activities adjacent to the development.

It should be noted that the THHCP permit period is for 15 years or until the permit is terminated. Any future permits shall include a provision for continued “firebreak maintenance” as this is critical to future community life safety.

### **Required Landscaping**

No landscaping within this zone, it is all protected habitat where only grazing is allowed.

### **Required Maintenance**

The following grazing management practices were extracted directly from one of the preserve management plans:

“A firebreak will be allowed within a 70-foot-wide area adjacent to proposed development as shown in Figure 4. Mowing and disking will be permitted in the construction and maintenance of this 70-foot-wide firebreak. However, disking, mowing, and other forms of vegetation management other than grazing will be prohibited outside of the firebreak. This prohibition includes ground disturbance for the purpose of fuel management except as may be required for public safety under emergency conditions (e.g., if control of a wildfire requires use of bulldozer or other equipment). The Land Manager and/or HOA will be responsible for construction and maintenance of the firebreak.”

While the CE agreement allows for disking, the preferred maintenance method would be to mow the area. Disking while being highly effective frequently allows for the introduction of exotic species such as the highly flammable Russian Thistle and due to the soil disturbance, provides an area for wind erosion. Russian thistle or tumble weed can affect cattle health. Should they consume sufficient quantities of it, it can result in nitrate poisoning according to the University of Colorado’s Guide to Poisonous Plants.

### **5.6 Roadside Fuel Treatment – H.O.A. Maintained (Shown as *Bright Green* on the Fuel Modification Plan Map Exhibits).**

All publicly accessible roads within the Tracy Hills Development shall be cleared of all combustible vegetation by the developer for a minimum of 20-feet on the side of each roadway and landscaped per the criteria outlined in Vegetation Management Zone 1B. Sidewalks and related non-combustible improvements may be placed in this fuel treatment zone to further increase the level of protection. The purpose of this action is to minimize the cutting-off of workers, property owners and guests from safely evacuating the area when a wildland fire occurs and for the safe ingress by emergency responders. In addition to Zone 1A and 1B, it is the most critical zone found within the Development.

### **5.7 No-Build Zone – Lot Owner Maintained (Shown as *Purple* on the Fire Protection Plan Map Exhibits)**

#### **Defined**

The ‘No Build Zone’ is 30-feet in width and has the same landscaping and maintenance requirements as Zone 1A and is located on perimeter lots that front the CE area. No combustible structures, which include the house, can be built within this zone. Combustible decks, patio covers, and gazebos shall be prohibited in this zone. Heavy timber construction, non-combustible structures, patios, pools, etc. are allowed in this zone.

## **6.0 Construction Standards**

Construction requirements prior to lumber drop and by location within the Development.

### **Pre-Construction Requirements**

Construction or building permits shall not be issued until the fire code official inspects and approves required fire apparatus access and the water supply including fire hydrants for the construction site. The issuance of building permits regarding these requirements shall be in accordance with SSJCFA requirements for fire apparatus access and water supply systems for fire protection. Prior to the delivery of any combustible building construction materials to the project site the following conditions shall be completed to the satisfaction of the SSJCFA:

- All wet and dry utilities shall be installed and approved by the appropriate inspecting department or agency.
- Approved vehicle access for firefighting shall be provided to all construction sites prior to the start of construction.
- Clearance of Vegetation Management Zone 1A and 1B and Vegetation Management Zone 2A and 2B vegetation management shall be provided prior to combustible material arriving on the site and shall be maintained throughout the duration of construction. The SSJCFA may allow this clearance to occur in phases to help protect the soil from erosion.
- Street names shall be made available to the SSJCFA prior to the start of construction.
- Lot numbers and/or address identification shall be provided for each lot under construction and posted at the front of the unit.

### **Interior Structures**

All structures within the interior portions of the Development that are not located adjacent to wildland fuels shall meet all the building standards to the satisfaction of the SSJCFA and be designed and constructed pursuant to the Building, Fire, Plumbing, Electrical, and Mechanical codes as adopted by the State of California in addition to the Tracy Municipal Code. All construction shall meet the 2019 California Fire Code; 2019 California Building Code (CBC); and the California Residential Code.

### **Perimeter Structures**

All perimeter structures located adjacent to wildland fuels shall be constructed per Chapter 7A of the California Building Code and per the California Residential Code, Section R337. The lots impacted are those located adjacent to Fuel Modification Zone 1B except when Zone 1B is located in a lot designated as a park, school, clubhouse, or similar area within the project. For a summary description of ignition resistant construction requirements under CBC Chapter 7A and CRC Section R337 for wildland urban interface zones as of the date of this report, see APPENDIX 'C'.

Any future additional structures (such as additions, etc.) within any perimeter lot that abuts wildland fuels will require evaluation; will need to be designed and constructed with the current Ignition Resistant Construction requirements in place at the time of approval; and comply with the the construction requirements outlined in APPENDIX 'C'. Fire or building officials may require additional mitigation on a case by case basis. All non-habitable accessory structures such as decks, balconies, patios, covers, and gazebos shall be built from non-combustible, ignition resistant, or heavy timber materials. The owners are not restricted from having concrete or stone patios and walkways or swimming pools within their property in compliance with other codes. Refer to APPENDIX 'B' for

photos and descriptions of non-combustible decks, patio covers, and railings for non-habitable accessory structures.

### **Additional Construction Requirements Required for all Lots**

In addition to the requirements listed above, the following are required for all lots located within the Development;

1. All operable windows shall be provided with metal mesh bug screens or similar non-combustible screens over the operable opening to replace traditional vinyl bug screens to prevent embers from entering the structure during high wind conditions when windows may be inadvertently left open.
2. All vents shall be flame and ember resistant type vents such as “Brandguard”, “O’Hagin Fire & Ice® Line – Flame and Ember Resistant” or other equivalent product.

## **7.0 INFRASTRUCTURE**

The basic systems needed to develop a property and support its use by its residents and businesses. For fire protection planning, these typically consist of the water supply for fire hydrants and fire sprinkler systems and accessways to and from the property.

### **7.1 Water Supply**

The water supply will be provided by the City of Tracy. The water supply shall consist of pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required fire flow. Per table B105.1 of the California Fire Code, the minimum fire flow for each hydrant within residential areas shall be 1,000 GPM at 20 psi residual pressure for a 2-hour duration. This flow is based on the exception that is allow for buildings with automatic sprinkler systems. The minimum fire flow for schools and commercial property shall be 2,500 GPM at 20 psi residual pressure for a 4-hour duration. The SSJCFA may, at their discretion, require an alternative flow based on their equipment and anticipated future needs. The water supply system shall be designed as a looped system to allow water to be supplied from more than one source.

Currently, the closest public fire hydrants to the proposed Development are located on the opposite side of I-580 from the development. Additional fire hydrants are required by the SSJCFA. The exact locations and numbers shall be determined by the SSJCFA. The size, type and location of fire hydrants shall be approved by the SSJCFA Fire Marshal. Fire hydrants are required to be located within 2 linear feet of the edge of a public street and within 5 linear feet of an on-site fire apparatus access road. Each new fire hydrant shall meet current SSJCFA standards.

For all commercial buildings and schools, protected with an automatic fire extinguishing system, a Fire Control Room shall be provided in which are housed the control valves and where practical, the fire alarm panel, smoke exhaust controls and all other equipment (excluding fire pump) as designated by the fire code official. If the electrical power equipment is not located within the Fire Control Room, then, it shall be in a room immediately adjacent thereto or as approved by the fire code official. The fire control room shall be located so as to be directly accessible from the exterior of the building and provided with a durable and permanent sign on the exterior of the access door to identify the space as the fire control room.

## **7.2 Access Roads**

The primary ingress and egress for the Development will be from Corral Hollow Road. The major North/South roadway within the development is designated as Lammers Road and will be 4-lanes in width. Several interior 2-lane roadways will connect to Lammers to create several looped roadways that link with Lammers.

The City of Tracy has approved the Tracy Hills Specific Plan which calls for access improvements to Interstate 580 and Corral Hollow Road. The Tracy Hills Development plan calls for the extension of the 4-lane Lammer Road within the Development westerly then northerly through an existing underpass of Interstate 580 as an interim accessway. Due to the width of this underpass, only two-lane traffic will be supported creating a potential bottleneck for not only evacuation but emergency response. The City and developer will need to coordinate the timing of the new I-580 and Lammers Road interchange and Phases 3 and 4 constructions to support safe evacuation and ingress.

The roadways within the Development that provide access shall be termed 'Fire Access Roads' within this FPP. The fire access roads shall meet the requirements of the SSJCFA and shall be of a paved all-weather surface capable of supporting loads of 70,000 lbs gross vehicle weight and with overhead clearance that is a minimum of 13 feet 6 inches. All interior access roads shown in Illustration #1 shown on page 2 shall be a minimum of 36 feet in width to accommodate fire apparatus and allow parking on both sides of each roadway. Grades must not exceed 10% however grades between 10% and 15% may be allowed for short distances but must be paved with brushed concrete or an equivalent material and approved by the SSJCFA.

Traffic calming devices shall be prohibited unless approved by the fire code official.

Each fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the exterior walls of the first story of any building as measured by an approved route around the exterior of the building or facility. The Development shall be designed such that all sides of each structure can be reached with a maximum hose pull of 150 feet from a fire apparatus. Fire access roads shall be maintained for clear access for emergency vehicles. No vehicle storage shall be allowed along a fire access roadway.

Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO HB-17 and designed per the San Joaquin County Fire Apparatus Access Road Standard. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus.

Dead-end roads that are over 150 feet in length shall be provided with an approved fire apparatus turnaround. Turnarounds can range from cul-de-sacs that are a minimum of 24 feet in improved width to hammerhead turnaround roadway configurations. No parking shall be allowed within any cul-de-sacs or approved turnarounds. The area shall be signed to indicate "No Parking" per City of Tracy requirements.

## **7.3 Gates and Bollards**

Gates whether installed during construction or in the future, and intended for automatic operation shall be designed, constructed, and installed to comply with the requirements of ASTM F 2200. All manual gates shall be equipped with a Knox-Box containing a key to the gate, or an approved

Knox-Padlock. As part of the California Building Code, per Division 10 – Development Regulations, Chapter 9-1022.2(f) requires that gates to be setback from the property line a minimum of ten (10) feet. Knox switches shall be provided on both sides of any gate unless an exit loop is provided at automatic gates.

Electric gate operators, where provided, shall be listed in accordance with UL 325. Each gate shall be equipped with traffic preempting optical signal receivers compatible with the emitters used by the SSJDFA which will activate each gate and override all command functions of the gate controller. All automatic gates shall have a battery back-up, or a manual mechanical disconnect readily accessible to emergency personnel in case of power failure.

Removeable bollards in roadways are often used to limit access to all but emergency responders and pedestrians. To ensure that the posts can be easily removed, the H.O.A. shall have the bollards inspected and tested yearly to ensure that they do not have debris within the collar that goes into the ground that might prevent their easy removal. As an alternative, fold down bollards may be utilized. Each bollard shall have a locking mechanism approved by the SSJCFA.

#### **7.4 Signage and Address Identification**

A metal sign with raised letters at least 1 inch (25 mm) in stroke width shall be mounted on all fire department connections serving automatic sprinklers, standpipes, or fire pump connections. Such signs shall read: AUTOMATIC SPRINKLERS or STANDPIPES or TEST CONNECTION or a combination thereof as applicable.

All structures shall be provided and maintained with approved address identification. The identification shall comply with all of the following:

1. Not less than 4" high with a 1/2" stroke width
2. Located a minimum of 6' above grade.
3. Illuminated at night. Illumination shall be either internally or externally at a minimum intensity of 5.0 foot-candles.
4. Numbers shall contrast with the background.
5. Numbers shall be placed on a portion of the building that is both legible and visible from the street that fronts the property.
6. Numbers shall not be placed on a moveable door and shall not be obstructed from view from the street.
7. Addresses shall be English numbers or alphabetical letters and conventional in form.

## **8.0 HOMEOWNER/BUYER REQUIREMENTS AND EDUCATION**

Each homeowner, by reviewing this Fire Protection Plan, shall be aware of the herein described fire protection measures; the types of non-combustible construction; and the plant materials that are allowed within the Development. Of particular importance to each homeowner are Section 5.1 and Appendices 'A', 'B' and 'C' of this plan, which provide guidance in the types of plants that are prohibited in

Vegetation Management Zones and appropriate building measures for decks and patios. Plant selection is critical as embers often travel over a mile during strong wind driven wildland fire events.

A copy of this FPP shall be available in the Tracy Hills Sales office and or H.O.A. for review by any potential owner, employee or worker. The Sales Office shall provide a copy of this Fire Protection Plan to each buyer at the close of escrow of the initial sale. In all subsequent sales of the property, the new property owner(s) shall be provided with a copy of this FMP by the escrow company to insure continued compliance with all Fire Protection Plan maintenance and construction requirements contained herein.

The Tracy Hills Development HOA shall inform its residences that in the event of a wildland fire, they should always relocate to a safe area well beyond the path of the threatening wildland fire. The ignition resistant buildings will have a 'defensible space' area around each structure for firefighters to make their stand in the protection of each structure. In the event firefighting forces are not readily available, the defensible space will substantially increase the probability of 'structure survivability'.

Where this FPP requires specific construction features, these features shall not be changed without the approval of the SSJCFA. These features are required to maintain reasonable fire safety.

Homeowners should be aware that smoke is harmful to your health, especially if a person has asthma or chronic obstructive pulmonary disease, including bronchitis and emphysema. People with pre-existing health conditions related to the heart or circulatory systems may want to relocate to a safe area before official notification to relocate to avoid smoke impacts. It is recommended that people leave the area affected by wildfire smoke if indoor air cannot be kept clean.

Ready, Set, Go is the evacuation strategy proposed for this Development as described on the Cal Fire website (<https://www.readyforwildfire.org/prepare-for-wildfire/ready-set-go/>) Should a wildfire exist that threatens the property or safety of people located in the Tracy Hills Development, the following actions shall be implemented:

*1. **Ready – Preparing for the Fire Threat:** Take personal responsibility and prepare long before the threat of a wildfire so the home is ready in case of a fire. Maintain a defensible space by clearing brush away from all structures. Use fire-resistant landscaping and harden structures with fire-safe construction measures. Assemble emergency supplies and belongings in a safe spot. Make sure all individuals within the area are 'on the same page' in commitment to advance preparation. Plan escape routes.*

*2. **Set – Situational Awareness When a Fire Starts:** Pack vehicle(s) with emergency items. Stay aware of the latest news from local media and the local fire department for updated information on the fire and perform the following:*

- ✓ *Close all windows and doors that lead outside to prevent sparks from entering the house.*
- ✓ *Close all doors within the house in case the house does catch on fire; this will slow down the spread of the fire from room to room.*
- ✓ *Move all combustible materials in the home away from windows to prevent the possibility of heat from a fire radiating through windows and glass doors and catching flammable materials inside the home on fire. This includes drapes, curtains and furniture.*
- ✓ *Close windows and all Venetian blinds or noncombustible window coverings.*

- ✓ *Turn on the lights in each room, porch, and yard. This aids in visibility when the smoke gets thick and darkens the sky.*
- ✓ *Fill all sinks, bathtubs and buckets with water in case the power goes out.*
- ✓ *Shut off any gas valves within the house or outside.*
- ✓ *Open the damper on fireplaces to stabilize inside/outside pressure, but close fireplace screens to keep sparks from igniting the house.*

**3. Go – Leave early!** *Following an Action Plan makes one prepared and firefighters are now able to best maneuver the wildfire and ensuring everyone's safety. Follow instructions given by the Fire Department official on site.*

Should residents not be able to relocate, they should:

1. Ensure that all doors and windows are closed to prevent embers from entering their structure.
2. Doors should be unlocked to allow emergency personnel unimpeded access.
3. Both inside and outside lights should be placed on to allow emergency personnel to know that a structure is present when smoke or darkness may otherwise obscure visibility.
4. Open the damper on fireplaces but close the fireplace screen to keep sparks from igniting the house.
5. Fill sinks, bathtubs and buckets with water in case the power goes out.
6. Fill containers with potable water to maintain proper body hydration.
7. Remove any combustible materials located within 10 feet of any home or structure.

## **9.0 Mandated Inclusions in the CC&R's**

The CC & R's shall include the following statements:

- 1) Each lot owner is personally responsible for all Zone 1A landscaping and fuel treatment measures within their property as per the Tracy Hills H.O.A.
- 2) Each lot owner shall annually financially contribute their fair share of HOA required fuel treatment costs.
- 3) All landscaping plans, including additional structures, must be reviewed and approved by the H.O.A. under the guidance of the South San Joaquin County Fire Authority.
- 4) The Tracy Hills H.O.A. has the responsibility and authority for enforcing Irrigated Zone 1A, on any privately owned lot.
- 5) The South San Joaquin County Fire Authority will hold the H.O.A. of the Tracy Hills Development accountable for enforcement of all wildland fire protection issues discussed in this plan.
- 6) The H.O.A. has the responsibility and authority for enforcing a ban on trash dumping or disposal of green waste in the fuel treatment zones or open space areas.
- 7) All landscaping plans, including additional structures, must be approved by the H.O.A.



- 8) The H.O.A. is responsible to the South San Joaquin County Fire Authority for the completion of all required Fuel Treatments in the common areas. Required on-going maintenance will be accomplished on an as needed basis. Should maintenance not be performed in a manner consistent with this Plan, the South San Joaquin County Fire Authority shall have the right to abate any treatment zone they deem a threat to the Tracy Hills Development or adjoining properties. In doing so, all costs incurred will be billed to the owner(s). At the discretion of the South San Joaquin County Fire Authority Fire Marshal, yearly inspection of treatment areas may be required.
- 9) The irrigation system for all Fuel Modification Zones shall be always kept in good condition and proper working order. The irrigation system shall not be turned off except for necessary repairs, maintenance or during extended rainfall.
- 10) Any disputes related to individual lot landscaping or fuel treatment, with respect to interpretation of the Fire Protection Plan, shall be decided by the South San Joaquin County Fire Authority or its designated representative and whose decision shall be final and binding on the lot owner.

## **10.0 FIRE PROTECTION PLAN MAP EXHIBITS**

Attached to this FPP are the Tracy Hills Phase 2 Fire Protection Map Exhibits or a file containing the exhibit depicting the location of all proposed fuel treatments within each Village, as well as roads, lot lines and project boundaries. These maps also depict adjacent roadways and stormwater basins for the interlinking of fuel treatments.

**Note:** All the photos within this document were taken in May of 2021. The state and local area have experienced a significant drought and the vegetative cover is thus lighter than what would typically be seen. The 3<sup>rd</sup> driest water year (October to March) on record was in 2021 based on more than 100 years of precipitation records according to the California Department of Water Resources.

# **APPENDIX 'A'**

## **Prohibited Plants and Trees**

# APPENDIX 'A'

## Prohibited Plants and Trees

### For Fuel Modification Zones in Moderate, High & Very High Hazard Areas

The following plant species are highly flammable and are more susceptible to burning, due to rough or peeling bark, production of large amounts of litter, vegetation that contains oils, resin, wax, or pitch, large amounts of dead material in the plant, or plantings with a high dead to live fuel ratio.

Botanical Name	Common Name	Plant Form
Acacia species	Acacia	Shrub/Tree
Adenostema fasciculatum	Chamise	Shrub
Adenostema sparsifolium	Red Shank	Shrub/Tree
Arborvitae	Thuja	Shrub/Tree
Artemisia californica	California Sagebrush	Shrub
Anthemis cotula	Mayweed	Weed
Arundo donax	Giant reed	Grass/weed
<u>Bambusa species</u>	Bamboo	Shrub
Brassica nigra	Black Mustard	Weed
Brassica ropa	Yellow Mustard	Weed
Cedrus species	Cedar	Tree
Cirsim vugare	Wild Artichoke	Weed
Conyza canadensis	Horseweed	Weed
Cortaderia selloana	Pampas Grass	Tall Grass
Cupressus species	Cypress	Tree
Cytisus species	Broom	Shrub
Eriogonum fasciculatum	Common Buckwheat	Shrub
Eucalyptus species	Eucalyptus	Shrub/Tree
Gensita species	Broom	Shrub
Hedera canariensis	Algerian Ivy	Ground Cover
Heterotheca grandiflora	Telegraph plant	Weed/shrub
Juniperus species	Junipers	Shrub
Miscanthus sinensis	Maiden Grass	Tall Grass
Nicotiana bigeleveli	Indian tobacco	Shrub
Palmae species	Palms	Tree
Pennisetum species	Fountain Grass	Ground cover
Picea species	Spruce	Tree
Pinus species	Pines	Tree
Rosmarinus species	Rosemary	Shrub
Retama monosperma	Broom	Shrub
Salvia species *	Sage	Shrub
Silybum marianum	Milk thistle	Weed
Spartium junceum	Spanish Broom	Shrub
Ulex europea	Gorse	Shrub
Washingtonia species	Palms	Tree

\* Except -Salvia columbariae (chia), Salvia sonomensis (Creeping Sage)

**Notes:**

- A. Certain natives are suitable to use in Fuel Modification Zone 2, where noted, if maintained. See comments in the Comment column.
- B. Plants that freeze should not be planted as they create additional maintenance requirements and fuel for wildfire.
- C. Not all plants could be listed. Here are the characteristics of more fire prone species:
  - Dry and dead leaves or twigs
  - Dry, leathery leaves
  - Abundant, dense foliage
  - High oil or resin content including gums or terpenes.
  - Shaggy, rough, or peeling bark
  - Abundant number of dead leaves underneath the plant (litter)
  - Needle-like or very fine leaves
  - Foliage with low moisture

**Information:**

1. Some plants on this list that are considered invasive. There are many other plants considered invasive that should not be planted in a fuel modification zone and they can be found on The California Invasive Plant Council's Website [www.cal-ipc.org/ip/inventory/index.php](http://www.cal-ipc.org/ip/inventory/index.php). Other plants not considered invasive at this time may be determined to be invasive after further study.
2. For the purpose of using this list as a guide in selecting plant material, it is stipulated that all plant material will burn under various conditions.
3. The absence of a particular plant, shrub, groundcover, or tree from this list does not necessarily mean it is fire resistive and does not imply that a particular plant, shrub, groundcover, or tree will be approved by the fire code official or H.O.A. for landscaping in a Wildland Urban Interface Fire Area.
4. Landscape architects may submit proposals for use of certain vegetation on a project specific basis. They shall also submit justifications as to the fire resistivity of the proposed vegetation.
5. Tracy is located USDA Climate Zone 9b or Climate Zones 9b as defined in Sunset Western Garden Book. Plants, shrubs, groundcover, or trees recommended for this climate zone can be submitted for approval for landscaping purposes unless the plant is listed in this prohibited list.
6. Native, drought tolerant plants are encouraged unless they are on this list or otherwise known as flammable or invasive. Note that invasive species tend to require more maintenance and are therefore discouraged.
7. Notwithstanding the type of plant not included on this list, spacing and configuration of plantings in relationship to structures is critical to stopping fire spread. Spacing and configuration shall be approved by the H.O.A.
8. This list was created by **Firewise2000, LLC**. It is based on a review of several public agencies, non-profits and firesafe councils lists utilized in central and northern California and **Firewise2000, LLC** personal knowledge and experience.

## **APPENDIX 'B'**

### **Non-Combustible & Ignition Resistant Building Materials For Balconies, Carports, Decks, Patio Covers and Floors**

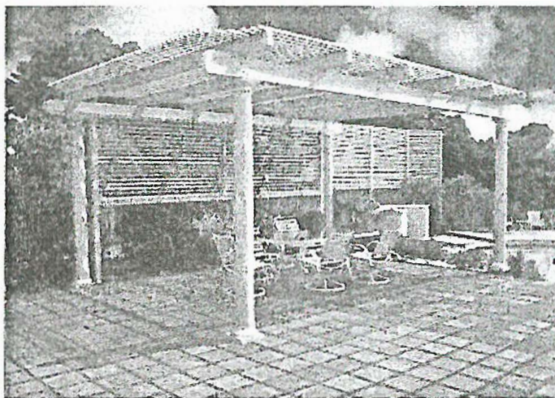
# Appendix B

## Non-Combustible & Fire-Resistant Building Materials For Balconies, Carports, Decks, Patio Covers and Floors

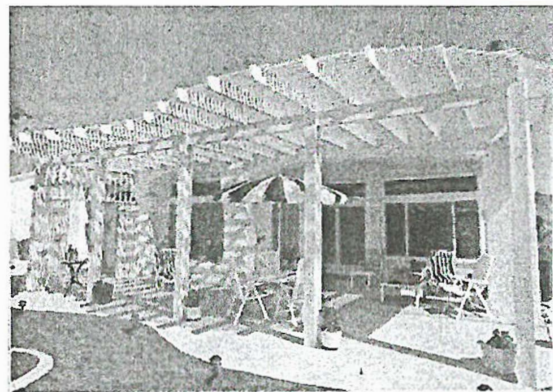
**Note:** The Office of the State Fire Marshal (SFM) Fire Engineering Division administers licensing programs and performs engineering functions affecting consumer services and product evaluation, approval and listing. The following link is to the State Fire Marshal's office for more information on the Building Material List for non-combustible and fire resistant building materials: <https://osfm.fire.ca.gov/divisions/fire-engineering-and-investigations/building-materials-listing/bml-search-building-materials-listing>.

Examples of non-combustible & fire-resistant building materials for balconies, carports, decks, patio covers, and floors are listed below. These are only examples, and materials listed here must meet local fire and building codes and are not an endorsement of any brand or manufacturer.

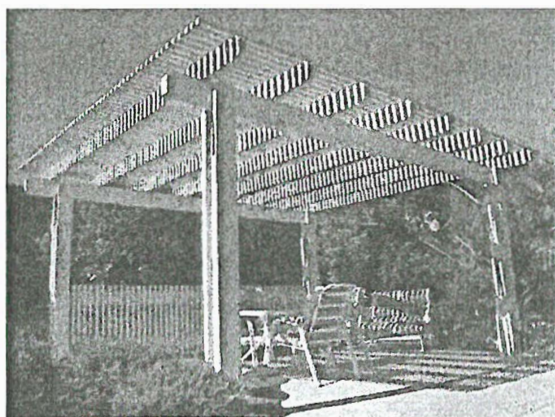
### I. NON-COMBUSTIBLE HEAVY GAGE ALUMINUM MATERIALS - Metals USA Building Products Group - Ultra-Lattice



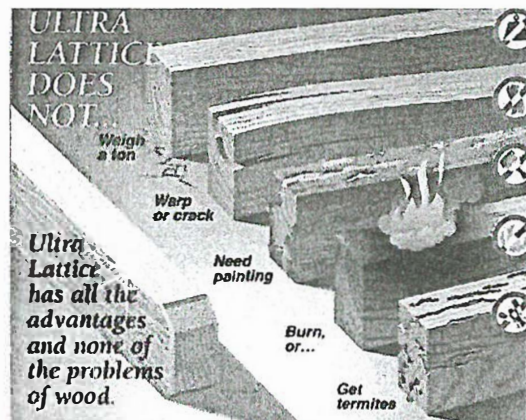
Ultra-Lattice Stand Alone Patio Cover



Ultra-Lattice Attached Patio Cover



Ultra-Lattice Solid Patio Cover



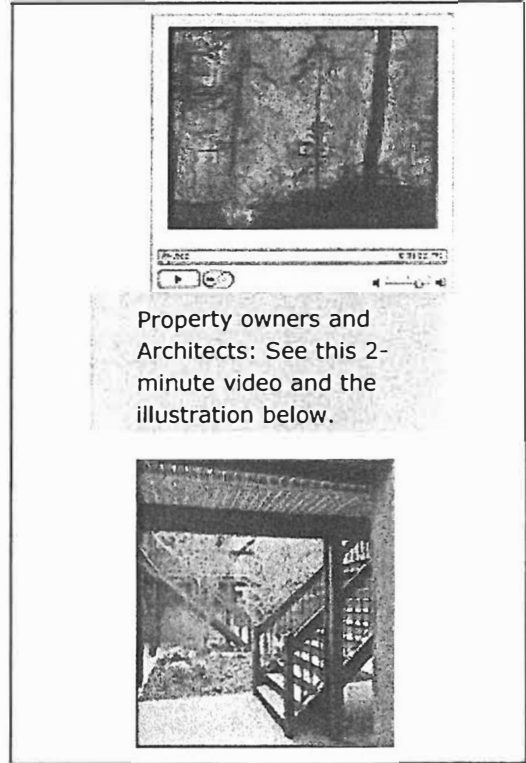
Ultra-Lattice Vs. Wood

## II. FRX EXTERIOR FIRE-RETARDANT TREATED WOOD

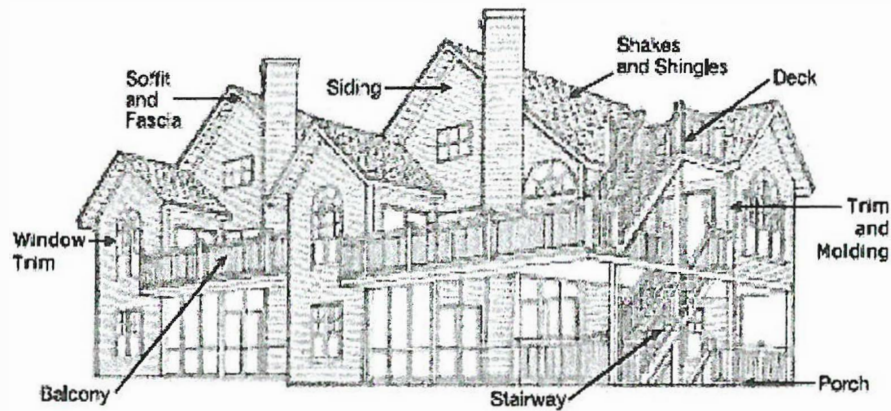
FRX® fire retardant treated wood may be used in exterior applications permitted by the codes where: public safety is critical, other materials would transfer heat or allow fires to spread, sprinkler systems cannot easily be installed, corrosive atmospheres necessitate excessive maintenance of other materials, or fire protection is inadequate or not readily available. The International Building, Residential and Urban Wildland Interface Codes and regulations, permit the use of fire-retardant treated wood in specific instances. See below for typical exterior uses and typical residential uses.

### *Typical Exterior Uses*

- Wall coverings
- Balconies
- Decks
- Stairways
- Fences
- Sheds
- Gazebos
- Roof coverings
- Open-air roof systems
- Canopies and awnings
- Storefronts and facades
- Eaves, soffits and fascia
- Agricultural buildings and horse stalls
- Scaffolding and scaffold planks
- Construction staging
- Various other residential and commercial uses



### Typical Residential Uses



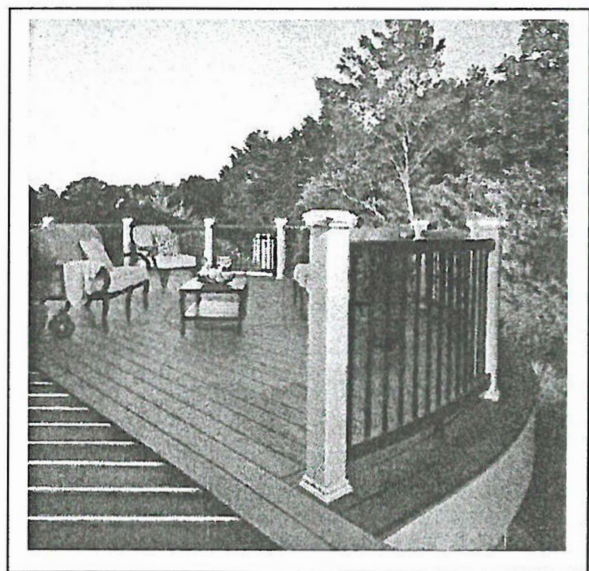
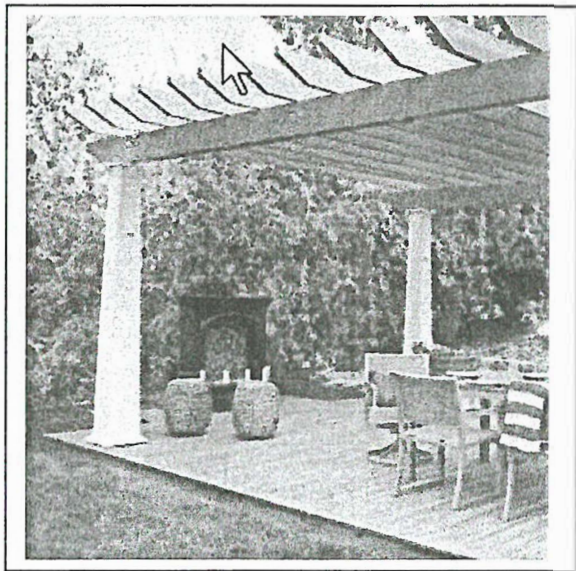
Rising concerns over fire damage and the adoption of urban-wildland interface codes have increased the use of FRT wood in residential structures.

For information on fire retardant treated wood for exterior uses, visit [www.frxwood.com](http://www.frxwood.com).

### III. DECKING MATERIALS

**Trex Company, Inc.** – “Trex Transcend®, Trex Select® and Trex Enhance® wood and polyethylene composite deck board, nominal ranging in size from 1” x 5-1/2” to 1-3/8” x 5-1/2” installed per manufacturer maximum edge-to-edge gap of 3/16”. All Trex decking products meet or exceed the SFM 12-7A-4A testing protocol.

Trex combines both beauty and fire defense. A few examples of installations are shown below:







#### **IV. SOLID "WOOD" DECKING**

Company Name: Various Manufacturers

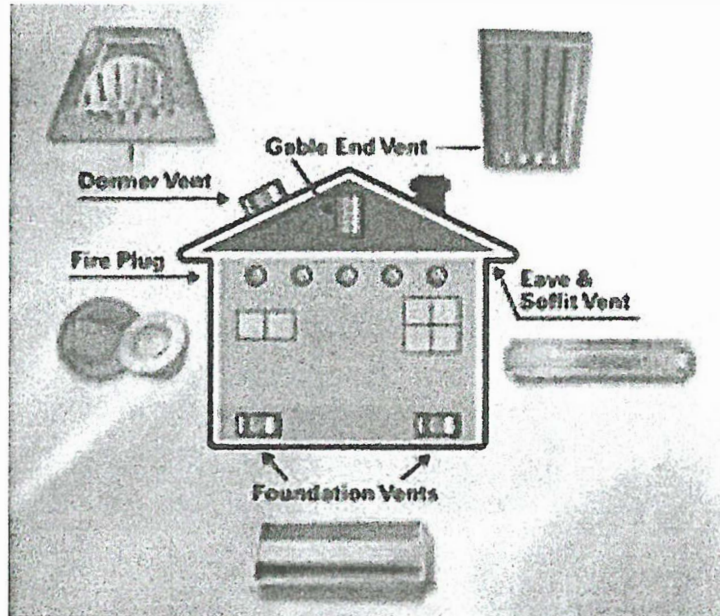
Product Description: Solid "Wood" decking, when installed over minimum 2" x 6" solid "Douglas Fire" or better joists, space 24" or less on center, and decking and joints comply with American Softwood Lumber Standard PS2o as follows:

Minimum nominal 5/4" thick and nominal 6" wide decking boards with a maximum 3/8" radius edges made of solid wood species "Redwood", "Western Red Cedar", "Incense Cedar", "Port Orford Cedar", or "Alaska Yellow Cedar" having a Class B Flame Spread rating when tested in accordance with ASTM E84. Lumber grades; construction common, commercial or better grade for Redwood; 3 common, commercial or better grades for Cedars.

## V. Vents

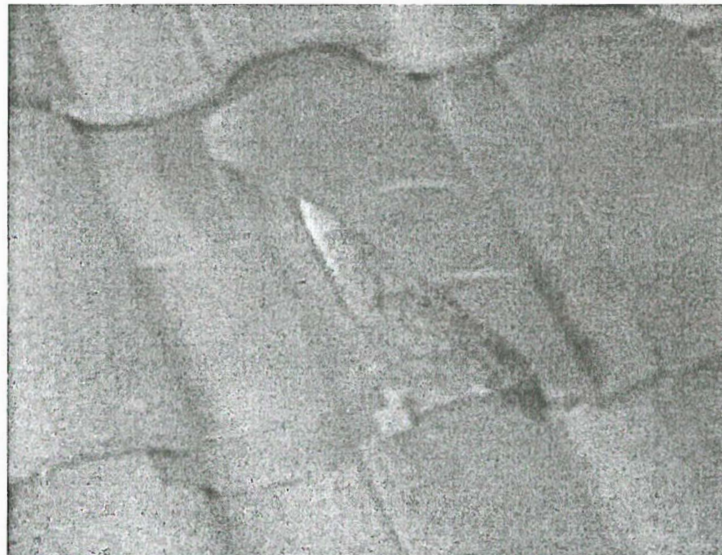
Examples of Ember Resistant Approved Vents

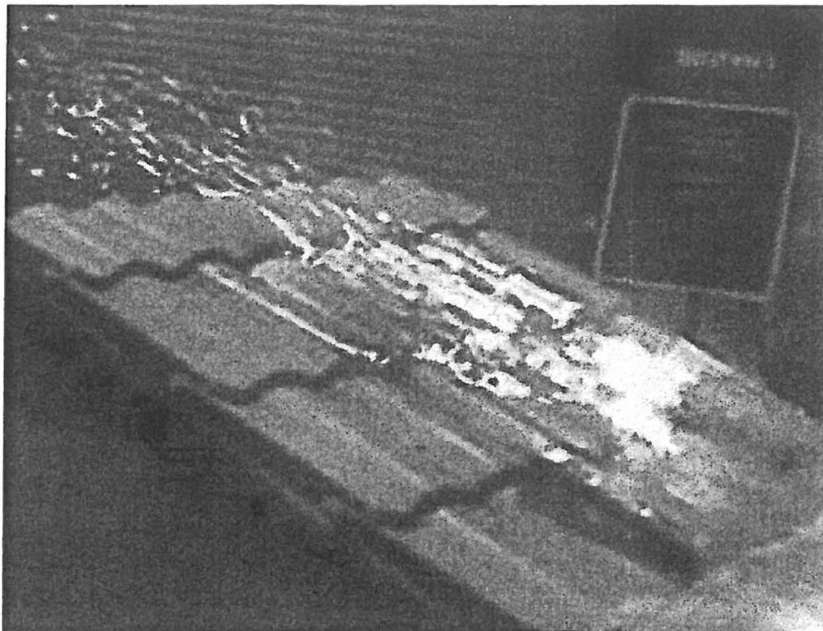
### Brandguard



### O'Hagin Fire & Ice® Line – Flame and Ember Resistant

An available option for all O'Hagin attic ventilation products, this attic vent not only features all the same design, construction elements and color choices as the O'Hagin Standard Line, but also features an interior stainless-steel matrix that resists the intrusion of flames and embers. This patent-pending attic vent is accepted for use by many local fire officials for installation in Wildland Urban Interface (WUI) zones.





## **Vulcan Vents**

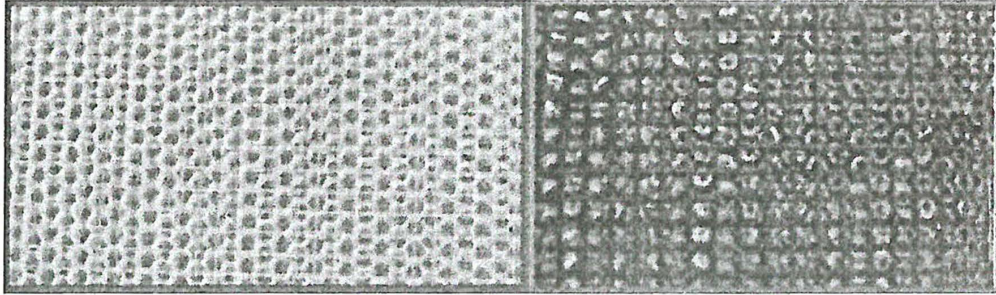
The founders of Gunter Manufacturing have been working closely over the last two years, with the scientists and inventors of Vulcan Technologies to bring to market this incredible product.

Combining our quality vent products with the fire-stopping honeycomb matrix core designed by Vulcan has produced unique and remarkable results.

At Gunter manufacturing has over 50 years of combined sheet metal manufacturing experience. Special orders are not a problem. Their vent frames are industry standard frames so there is little or no learning curve for installers and contractors. Their stated goal is to provide people with the vents they need to secure their homes with additional safety against wildfires and give them piece of mind from knowing that their home or structure is protected by a product that works!

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The core of their fire and ember safe vents are manufactured out of hi-grade aluminum honeycomb and coated with an intumescent coating made by FireFree Coatings. The intumescent coating is designed to quickly swell up and close off when exposed to high heat. The expanded material acts as an insulator to heat, fire, and embers

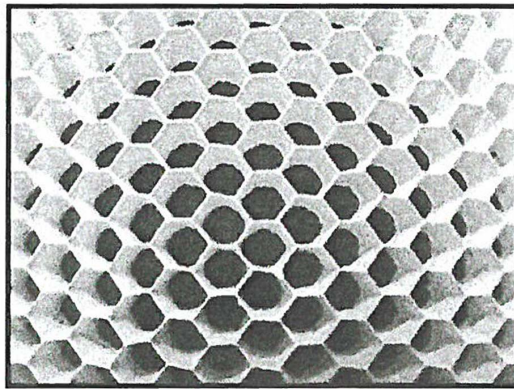


**Before**

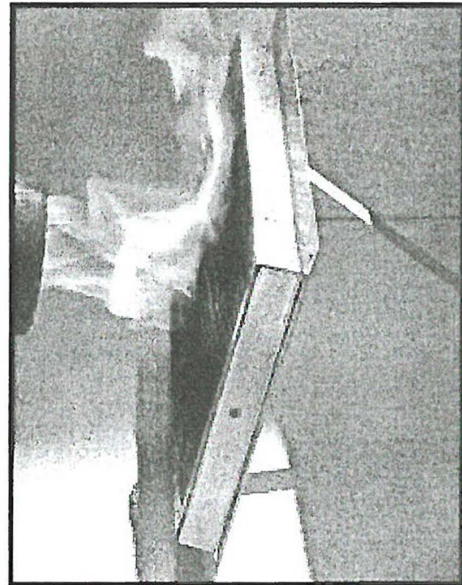
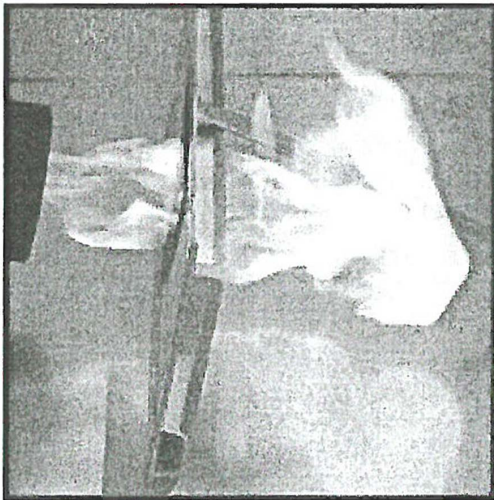
**After**

After the cells close off, they are extremely well insulated, and fire or embers cannot penetrate.

Even before the cells close off, the vent is designed to protect against flying embers. In many cases embers will attack a structure before fire ever comes near, so this feature is very important.



**Close-up of the coated honeycomb matrix.**



Fire easily passes through a standard vent, on the left, but stops cold when it comes up against a Vulcan Vent shown on right.

# **APPENDIX 'C'**

## **Ignition Resistant Construction Requirements**

# Appendix 'C'

## Ignition Resistant Construction Requirements

The following is a summary of the current requirements for ignition resistant construction for high fire hazard areas under Chapter 7A of the California Building Code (CBC) 2019 edition and the current California Residential Code, Section R337. However, the requirements listed below are not all inclusive and all exterior building construction including roofs, eaves, exterior walls, doors, windows, decks, and other attachments must meet the current CBC Chapter 7A ignition resistance requirements, the California Fire Code, and any additional County and/or City codes in effect at the time of building permit application. See the current applicable codes for a detailed description of these requirements and any exceptions.

1. All structures will be built with a Class A Roof Assembly and shall comply with the requirements of Chapter 7A and Chapter 15 of the California Fire Code. Roofs shall have a roofing assembly installed in accordance with its listing and the manufacturer's installation instructions.
2. Roof valley flashings shall be not less than 0.019-inch (0.48 mm) No. 26 gage galvanized sheet corrosion-resistant metal installed over not less than one layer of minimum 72-pound (32.4 kg) mineral-surfaced nonperforated cap sheet complying with ASTM D3909, at least 36-inch-wide (914 mm) running the full length of the valley.
3. Attic or foundation ventilation louvers or ventilation openings in vertical walls shall be covered with a minimum of 1/16-inch and shall not exceed 1/8-inch mesh corrosion-resistant metal screening or other approved material that offers equivalent protection.
4. Where the roof profile allows a space between the roof covering and roof decking, the spaces shall be constructed to resist the intrusion of flames and embers, be fire stopped with approved materials or have one layer of a minimum 72-pound (32.4 kg) mineral-surfaced nonperforated cap sheet complying with ASTM D3909 installed over the combustible decking.
5. Enclosed roof eaves and roof eave soffits with a horizontal underside, sloping rafter tails with an exterior covering applied to the under-side of the rafter tails, shall be protected by one of the following:
  - noncombustible material
  - Ignition-resistant material
  - One layer of <sup>5</sup>/<sub>8</sub>-inch Type X gypsum sheathing applied behind an exterior covering on the underside of the rafter tails or soffit
  - The exterior portion of a 1-hour fire resistive exterior wall assembly applied to the underside of the rafter tails or soffit including assemblies using the gypsum panel and sheathing products listed in the Gypsum Association Fire Resistance Design Manual
  - Boxed-in roof eave soffit assemblies with a horizontal underside that meet the performance criteria in Section 707A.10 when tested in accordance with the test procedures set forth in ASTM E2957.

## NOTICE OF DETERMINATION

**To:**        Office of Planning and Research  
 1400 Tenth Street, Room 113  
 Sacramento, CA 95812-3044

**From:** City of Tracy/ Lead Agency  
 Development Services Department  
 333 Civic Center Plaza  
 Tracy, CA 95376

**Contact:** Scott Claar, Senior Planner  
**Phone:** (209) 831-6429

  X   County Clerk  
 County of San Joaquin  
 44 North San Joaquin Street  
 Second Floor, Suite 260  
 Stockton, CA 95202

**Filed Doc #:** 39-12012021-360  
 12/01/2021 01:59:14 PM  
**Steve J. Bestolarides**  
 San Joaquin County Clerk

**SUBJECT:** *Filing of Notice of Determination in Compliance with Section 21108 or 21152 of the Public Resources Code for City of Tracy's adoption of Ordinances Numbers 1212 and 1213*

**State Clearinghouse Number:** Not Applicable

**Project Title:** Tracy Hills 35-Acre Annexation Project

**Project Applicant:** John Palmer

**Project Location (include county):**

The Tracy Hills 35-Acre Annexation Project site is located west of Corral Hollow Road, south of I-580, adjacent to the southwestern portion of the City of Tracy in San Joaquin County.

**Project Description:**

Tracy Hills 35-Acre Annexation Project includes a General Plan Amendment, a Tracy Hills Specific Plan Amendment, and the pre-zoning and annexation to the City of Tracy of approximately 35 acres located south of I-580 in the vicinity of Corral Hollow Road. The project involves the swapping of an area planned for conservation easement/open space with an area planned for residential development. There would be no change to the number of projected dwelling units for the overall Tracy Hills Specific Plan area. An Environmental Impact Report (EIR) was certified by the Tracy City Council on April 5, 2016 for the Tracy Hills Specific Plan. An Addendum to the EIR has been prepared for the Tracy Hills 35-Acre Annexation Project consistent with the requirements of California Environmental Quality Act (CEQA) Guidelines Section 15162 and 15164.

This is to advise that the City of Tracy City Council, as the Lead Agency, has approved the above described project on June 15, 2021 and has made the following determinations regarding the Project:

1. The Project [ will  will not] have a significant effect on the environment.
2.  An Environmental Impact Report was prepared for this Project pursuant to the provisions of CEQA.  
 A Negative Declaration was prepared for this Project pursuant to the provisions of CEQA.
3. Mitigation measures [ were  were not] made a condition of the approval of the Project.
4. A mitigation reporting or monitoring plan [ was  was not] adopted for this Project.
5. A Statement of Overriding Considerations [ was  was not] adopted for this Project.
6. Findings [ were  were not] made pursuant to the provisions of CEQA.

# APPENDIX 'E'

## Literature References

For any reference below, the most current version of the document should be consulted.

1. California Code of Regulations, Title 14, section 1280; California Public Resources Codes sections 4201 through 4204
2. California Government Code, sections 51175 through 51189
3. 2019 Fire Code portion of the California Building Standards Code, including appendices to Chapters 1 & 4 and appendices B, F & H
4. National Fire Protection Association - NFPA 13R Standard for the Installation of Sprinkler Systems in Low-Rise Residential Occupancies, 2022 Edition.
5. National Fire Protection Association - NFPA 1140 Standard for Wildland Fire Protection. 117 pp., 2022 Edition.
6. Noreas, 2015a. Tracy Hills Project, General Biological Resources Assessment. September, 2015.
7. ICF International. 2011. Preserve Management Plan for the Tracy 580 Business Park Preserve. (ICF 05076.05.) October, Sacramento, CA. Prepared for the San Joaquin Council of Governments, Inc., Stockton, CA.
8. ICF 2021. *Management Plan for the Tracy Hills HCP CE Area*. March. Sacramento, CA. Prepared for Tracy Phase 2, LLC, Tracy Phase 3, LLC, Tracy Phase 4, LLC, Tracy, CA.
9. *The 2019 California Fire Code and Local Amendments*
10. *Chapter 7A- 2019 California Building Code*
11. *The California State and Local Responsibility Area Fire Hazard Severity Zone Map – Fire and Resource Assessment Program of CAL FIRE.*
12. California Residential Code 2019 Edition
13. City of Tracy, Ordinance 1274 adopting CA Fire, Building and related codes. Adopted on November 5, 2019.
14. City of Tracy, Ordinance 1273 adopting the Tracy Municipal Code relating to Landscaping requirements for Parking Areas. Adopted October 15, 2019.
15. City of Tracy, Ordinance 1302 Amending the Tracy Hills Specific Plan. Adopted November 10, 2019.



**6. Vehicle Preparation:**

- Place your vehicle on the driveway facing the street.
- Ensure that the vehicle has at least 1/2 tank of fuel in your vehicle at all times.
- Roll up the car windows and close the moon roof.
- Close the garage door but leave it unlocked.
- If you do not drive, make other arrangements for transportation in advance.

**7. Other Useful Items (If time is available):**

- Take cameras & expensive jewelry and important electronic devices.
- If you have enough room, consider a few items from your camping or picnic supplies
- Pillows & light blankets (in case you might have to sleep outside while evacuated).
- Take special or valuable items (make your own list).

#### 4. What to Wear:

- Wear only cotton or wool clothes, including long sleeve shirt, pants and or jacket, a hat and boots or close toed shoes.
- Carry gloves, a cotton handkerchief to cover your face and goggles to protect your eyes.
- Keep your battery powered cell phone, flashlight, and portable radio with you at all times.

#### 5. To Go Bag Items:

- Important files, back-up disks, plug-in USB virtual drive, small compact file box ready to go. Include such things as homeowner's policy, auto policies, life & investment files, bank records etc. (or store in a fireproof safe or fireproof vault).
- Include a backup battery powered flashlight, portable radio, and extra batteries.
- Cell phone charger
- Address books for both snail mail and email that include your doctor(s) contact information.
- Prescription medications.
- Sufficient clothing for 3-5 days in him and her bags.
- Personal toiletries including deodorant, disposable shavers, extra toothbrushes, shampoo & shaving cream, toothpaste, and feminine supplies to last 3-5 days.
- Computer backup files.
- Family heirlooms, photo albums and videos
- Inventory of home contents (consider making a video inventory now, prior to an emergency).
- ATM, credit, and debit cards.
- Medications such as ibuprofen, aspirin, and antihistamines
- Prescription glasses
- Social security cards
- Passport's
- Driver's licenses
- Take important documents such as birth certificates, health insurance cards, marriage certificates, home deed and insurance policies and power of attorney and will.
- Take masks that will reduce exposure to both disease and the inhalation of flying ash.
- Take all household & car keys, wallet, and handbag
- A container of sanitary wipes.

# APPENDIX 'D'

## EVACUATION CHECKLIST – WHAT TO TAKE

The following is a recommended list of items to take should a person or family expect that they could be evacuated due to a wildfire. It was adapted from numerous United States Forest Service, Bureau of Land Management and Cooperative Extension publications.

### 1. Outside the Home:

- Move all flammable outdoor furniture or other combustibles away from the home, either place them inside the home, garage or throw it into a pool.
- Turn off natural gas at the meter or propane gas at the tank, remove BBQ propane tank, take it with you or store it in a secure place such as the garage or away from your house.
- Turn on outdoor lighting so in darkness, emergency responders will know where the home is located.
- Close all exterior vents, doors, and windows.
- Leave exterior doors and gates unlocked to allow emergency responder access.
- Fill trash cans and buckets with water and place them where emergency responders can find them, preferably in a well-lit area.
- Connect garden hoses to exterior faucets and attach nozzles if available.
- If there is time, wet down landscaping to provide additional moisture, especially wet down flammable mulches.

### 2. Inside the House:

- Close the Fireplace damper.
- Close all windows and exterior vents, close all interior and exterior doors including the garage door, remove flammable curtains from windows.
- Close fire-resistant drapes, shutters, and blinds.
- Close and lock any cat or doggie doors that lead to the outside.
- Move fabric covered furniture away from windows and toward the center of the room.
- Leave a light on in each room.
- Close all interior doors as you leave.

### 3. Preparation of Family, Pets, and Livestock:

- Round up your pets: get them secured and ready to go into the car with no way of escape before they are loaded into the car (this is especially important with cats).
- Have pet carriers, leashes, food bowls, food, litter boxes, litter, and other pet needs ready to go & ready to be loaded into a car.

2. The exterior surface or cladding shall be of ignition-resistant material or,
  3. The exterior door shall be constructed of solid core wood that complies with the following requirements:
    - 3.1. Stiles and rails shall not be less than 1-3/8 inches thick.
    - 3.2. Panels shall not be less than 1-1/4 inches thick, except for the exterior perimeter of the panel that shall be permitted to taper to a tongue not less than 3/8 inch thick.
  4. The exterior door assembly shall have a fire-resistance rating of not less than 20 minutes when tested according to NFPA 252 or,
  5. The exterior surface or cladding shall be tested to meet the performance requirements of Section 707A.3.1 when tested in accordance with ASTM E2707 or,
  6. The exterior surface or cladding shall be tested to meet the performance requirements of SFM Standard 12-7A-1.
- 
26. Fire access tunnels shall have two hour rated walls consisting of two layers of 5/8" Type 'X' gypsum wallboard panels on each side of the studs. The EZ Taping Systems "Fire Tape" product or equivalent should be used as an alternative to convention joint tape when:
    1. Two or more layers of listed Type 'X' gypsum wallboard are applied vertically with joints staggered and joints of the face board are":
      - a. Tightly butted and taped with EZ Taping Systems "Fire Tape" or equivalent product or
      - b. Finished with joint compound of EZ Taping Systems "Fire Tape" or equivalent product if the gap between gypsum wallboard panels are visible at the joint.
    2. Two or more layers of USG "Sheetrock" Fire code C gypsum wallboard are applied (horizontally or vertically).
    3. Gypsum panels shall be attached with Type S drywall screws, placed 8" oc to vertical edges and 12" oc to top and bottom runners and intermediate studs.
    4. Fire Tape shall be nominal 2" wide and applied on the vertical joints at studs.

\*\* FAHJ – Fire Authority Having Jurisdiction  
SFM – State Fire Marshal  
NFPA – National Fire Protection Association

percent, the area below the structure shall have all underfloor areas and exterior wall construction in accordance with Chapter 7A of the Building Code.

20. Exterior windows, skylights and exterior glazed door assemblies shall comply with one of the following requirements:
  - Be constructed of multiplane glazing with a minimum of one tempered pane meeting the requirements of Section 2406 Safety Glazing, or
  - Be constructed of glass block units, or
  - Have a fire-resistance rating of not less than 20 minutes when tested according to NFPA 257, or
  - Be tested to meet the performance requirements of SFM Standard 12-7A-2.
21. All eaves, fascia and soffits will be enclosed (boxed) with non-combustible materials. This shall apply to the entire perimeter of each structure. Eaves of heavy timber construction are not required to be enclosed as long as attic venting is not installed in the eaves. For the purposes of this section, heavy timber construction shall consist of a minimum of 4x6 rafter ties and 2x decking.
22. Detached accessory buildings that are less than 120 square feet in floor area and are located more than 30 feet but less than 50 feet from an applicable building shall be constructed of noncombustible materials or of ignition-resistant materials as described in Section 704A.2 of the California Building Code.

**Exception:** Accessory structures less than 120 square feet in floor area located at least 30 feet from a building containing a habitable space.
23. All side yard fence and gate assemblies (fences, gate and gate posts) when attached to the home shall be of non-combustible material. The first five feet of fences and other items attached to a structure shall be of non-combustible material.
24. Exterior garage doors shall resist the intrusion of embers from entering by preventing gaps between doors and door openings, at the bottom, sides and tops of doors, from exceeding 1/8 inch. Gaps between doors and door openings shall be controlled by one of the methods listed in this section.
  - Weather-stripping products made of materials that:
    - (a) have been tested for tensile strength in accordance with ASTM D638 (Standard Test Method for Tensile Properties of Plastics) after exposure to ASTM G155 (Standard Practice for Operating Xenon Arc Light Apparatus for Exposure of Non-Metallic Materials) for a period of 2,000 hours, where the maximum allowable difference in tensile strength values between exposed and non-exposed samples does not exceed 10%; and (b) exhibit a V-2 or better flammability rating when tested to UL 94, Standard for Tests for Flammability of Plastic Materials for Parts in Devices and Appliances.
  - Door overlaps onto jambs and headers.
  - Garage door jambs and headers covered with metal flashing.
25. Exterior doors shall comply with one of the following:
  1. The exterior surface or cladding shall be of noncombustible material or,

- Wall assemblies that meet the performance criteria in accordance with the test procedures for a 10-minute direct flame contact exposure test set forth in SFM Standard 12-7A-1.

**Exception:** Any of the following shall be deemed to meet the assembly performance criteria and intent of this section including;

- One layer of 5/8-inch Type X gypsum sheathing applied behind the exterior covering or cladding on the exterior side of the framing, or
  - The exterior portion of a 1-hour fire resistive exterior wall assembly designed for exterior fire exposure including assemblies using the gypsum panel and sheathing products listed in the Gypsum Associate Fire Resistance Design Manual.
13. Exterior walls shall extend from the top of the foundation to the roof and terminate at 2-inch nominal solid blocking between rafters at all roof overhangs, or in the case of enclosed eaves, terminate at the enclosure.
  14. Gutters shall be provided with the means to prevent the accumulation of leaf litter and debris within the gutter that contribute to roof edge ignition.
  15. All rain gutters, down spouts and gutter hardware shall be constructed from metal or other noncombustible material to prevent wildfire ignition along eave assemblies.
  16. No attic ventilation openings or ventilation louvers shall be permitted in soffits, in eave overhangs, between rafters at eaves, or in other overhanging areas.
  17. All projections (exterior balconies, decks, patio covers, unenclosed roofs and floors, and similar architectural appendages and projections) or structures less than five feet from a building shall be of non-combustible material, one-hour fire resistive construction on the underside, heavy timber construction or pressure-treated exterior fire-retardant wood. When such appendages and projections are attached to exterior fire-resistive walls, they shall be constructed to maintain same fire-resistant standards as the exterior walls of the structure.
  18. Deck Surfaces shall be constructed with one of the following materials:
    - Material that complies with the performance requirements of Section 709A.4 when tested in accordance with both ASTM E2632 and ASTM E2726, or
    - Ignition-resistant material that complies with the performance requirements of 704A.3 when tested in accordance with ASTM E84 or UL 723, or
    - Material that complies with the performance requirements of both SFM Standard 12-7A-4 and SFM Standard 12-7A-5, or
    - Exterior fire-retardant treated wood, or
    - Noncombustible material, or
    - Any material that complies with the performance requirements of SFM Standard 12-7A-4A when the attached exterior wall covering is also composed of noncombustible or ignition-resistant material.
  19. Accessory structures attached to buildings with habitable spaces and projections shall be in accordance with the Building Code. When the attached structure is located and constructed so that the structure or any portion thereof projects over a descending slope surface greater than 10

8. Vents shall not be installed on the underside of eaves and cornices.

**Exceptions:**

1. Vents listed to ASTM E2886 and complying with all the following:
  - There shall be no flaming ignition of the cotton material during the Ember Intrusion Test.
  - There shall be no flaming ignition during the Integrity Test portion of the Flame Intrusion Test.
  - The maximum temperature of the unexposed side of the vent shall not exceed 662°F (350°C).
2. The enforcing agency shall be permitted to accept or approve special eave and cornice vents that resist the intrusion of flame and burning embers.
3. Vents complying with the requirements of Section 706A.2 shall be permitted to be installed on the underside of eaves and cornices in accordance with either one of the following conditions:
  - 3.1. The attic space being ventilated is fully protected by an automatic sprinkler system installed in accordance with Section 903.3.1.1 or,
  - 3.2. The exterior wall covering, and exposed underside of the eave are of noncombustible materials, or ignition-resistant materials, as determined in accordance with SFM Standard 12-7A-5 Ignition-Resistant Material and the requirements
9. All chimney, flue or stovepipe openings that will burn solid wood will have an approved spark arrester. An approved spark arrester is defined as a device constructed of nonflammable materials, having a heat and corrosion resistance equivalent to 12-gauge wire, 19-gauge galvanized steel or 24-gauge stainless steel, or other material found satisfactory by the Fire Protection District, having ½-inch perforations for arresting burning carbon or sparks nor block spheres having a diameter less than 3/8 inch (9.55 mm). It shall be installed to be visible for the purposes of inspection and maintenance and removable to allow for cleaning of the chimney flue.
10. All multi-family structures will have automatic interior fire sprinklers installed according to the National Fire Protection Association (NFPA) 13R 2019 edition - Standard for the Installation of Sprinkler Systems in Low-Rise Residential Occupancies.
11. All single-family structures will have automatic interior fire sprinklers installed according to the National Fire Protection Association (NFPA) 13D 2019 edition – Standard for the Installation of Sprinkler System in One- and Two-Family Dwellings and Manufactured Homes.7
12. The exterior wall covering or wall assembly shall comply with one of the following requirements:
  - Noncombustible material, or
  - Ignition resistant material, or
  - Heavy timber exterior wall assembly, or
  - Log wall construction assembly, or
  - Wall assemblies that have been tested in accordance with the test procedures for a 10-minute direct flame contact expose test set forth in ASTM E2707 with the conditions of acceptance shown in Section 707A.3.1 of the California Building Code, or

- Boxed-in roof eave soffit assemblies with a horizontal underside that meet the performance criteria in accordance with the test procedures set forth in SFM Standard 12-7A-3.

**Exceptions:** The following materials do not require protection:

1. Gable end overhangs and roof assembly projections beyond an exterior wall other than at the lower end of the rafter tails.
2. Fascia and other architectural trim boards.

6. The exposed roof deck on the underside of unenclosed roof eaves shall consist of one of the following:

- Noncombustible material, or
- Ignition-resistant material, or
- One layer of 5/8-inch Type X gypsum sheathing applied behind an exterior covering on the underside exterior of the roof deck, or
- The exterior portion of a 1-hour fire resistive exterior wall assembly applied to the underside of the roof deck designed for exterior fire exposure including assemblies using the gypsum panel and sheathing products listed in the Gypsum Association fire Resistance Design Manual.

**Exceptions:** The following materials do not require protection:

1. Solid wood rafter tails on the exposed underside of open roof eaves having a minimum nominal dimension of 2 inch (50.8 mm).
2. Solid wood blocking installed between rafter tails on the exposed underside of open roof eaves having a minimum nominal dimension of 2 inch (50.8 mm).
3. Gable end overhangs and roof assembly projections beyond an exterior wall other than at the lower end of the rafter tails.
4. Fascia and other architectural trim boards.

7. Vents - ventilation openings for enclosed attics, enclosed eave soffit spaces, enclosed rafter spaces formed where ceilings are applied directly to the underside of roof rafters, and underfloor ventilation openings shall be fully covered with metal wire mesh, vents, other materials or other devices that meet one of the following requirements:

A. Vents listed to ASTM E2886 and complying with all the following:

- i. There shall be no flaming ignition of the cotton material during the Ember Intrusion Test.
- ii. There shall be no flaming ignition during the Integrity Test portion of the Flame Intrusion Test.
- iii. The maximum temperature of the unexposed side of the vent shall not exceed 662°F (350°C).

B. Vents shall comply with all the following:

- i. The dimensions of the openings therein shall be a minimum of 1/16-inch (1.6 mm) and shall not exceed 1/8-inch (3.2 mm).
- ii. The materials used shall be noncombustible.

**Exception:** Vents located under the roof covering, along the ridge of roofs, with the exposed surface of the vent covered by noncombustible wire mesh, may be of combustible materials.

- iii. The materials used shall be corrosion resistant.



## RESOLUTION 2021-083

APPROVING A GENERAL PLAN AMENDMENT, AN ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORT FOR THE TRACY HILLS SPECIFIC PLAN, AND THE SUBMISSION OF AN APPLICATION TO LAFCO FOR ANNEXATION OF THE TRACY HILLS 35-ACRE ANNEXATION AREA INTO THE TRACY CITY LIMITS WITH PRE-ZONING OF TRACY HILLS SPECIFIC PLAN ZONE FOR APPROXIMATELY 35 ACRES LOCATED SOUTH OF I-580 IN THE VICINITY OF CORRAL HOLLOW ROAD, ASSESSOR'S PARCEL NUMBERS 253-030-13 AND 253-040-10

WHEREAS, The Tracy Hills Specific Plan consists of approximately 2,732 acres located in the vicinity of the existing Corral Hollow Road interchange and the proposed Lammers Road interchange on Interstate 580, and

WHEREAS, On April 5, 2016, City Council certified an Environmental Impact Report and approved a General Plan Amendment and a comprehensive update to the Tracy Hills Specific Plan, and

WHEREAS, Applications were submitted regarding the Tracy Hills 35-Acre Annexation Project, which includes a proposed General Plan Amendment, pre-zoning, and annexation to the City of Tracy of approximately 35 acres located south of I-580 in the vicinity of Corral Hollow Road, Assessor's Parcel Numbers 253-030-13 and 253-040-10, Application Numbers GPA20-0001 and AP20-0002, and

WHEREAS, The proposed General Plan Amendment would change the General Plan land use designation from Open Space to Residential Low for the approximately 35-acre annexation area, and also change the General Plan land use designation from Residential Very Low to Open Space for an equivalent sized 35-acre area located within the Tracy Hills Specific Plan area, adjacent to the southwestern boundary of the Specific Plan area, and

WHEREAS, The proposal includes annexing the Tracy Hills 35-Acre Annexation Area into the Tracy city limits, and upon annexation, the Tracy Hills 35-Acre Annexation area would be zoned Tracy Hills Specific Plan (THSP) Zone, and the Tracy Hills Specific Plan (THSP) Zone would be the pre-zoning for the application for annexation request to Local Agency Formation Commission (LAFCo), and

WHEREAS, Future infrastructure serving the Tracy Hills 35-Acre Annexation Area, including water, sewer, storm drain and roadways, would be provided in accordance with the Tracy Hills Specific Plan and the Citywide Infrastructure Master Plans, and incorporated into the development plans, subdivision maps, and infrastructure designs for the Tracy Hills Phase 2 Area, and

WHEREAS, The Tracy Hills 35-Acre Annexation area is currently split between Tracy Rural Fire Protection District and CAL FIRE (Department of Forestry), and based on current LAFCo policy, the annexation of this area into the City limits is expected to result in this area being detached from Tracy Rural and CAL FIRE jurisdictions and incorporated into the City's fire service jurisdiction, and

WHEREAS, An Environmental Impact Report (EIR) was certified by the City Council on April 5, 2016 for the Tracy Hills Specific Plan, and

WHEREAS, An Addendum to the EIR has been prepared in accordance with the

Tracy Hills Specific Plan Project NOD

November 30, 2021

Page 2

This is to certify that the Final Subsequent Environmental Impact Report, with comments and responses and record of project approval, are available to the General Public at Tracy City Hall, Development Services Department, 333 Civic Center Plaza, Tracy, CA 95376.

Signature (Public Agency): Scott Claan Title: Senior Planner

Date: November 30, 2021 Date Received for filing at OPR \_\_\_\_\_

Authority cited: Section 21083, Public Resources Code  
Reference: Sections 21000-21174, Public Resources Code

provisions of the California Environmental Quality Act (CEQA) Guidelines to document the finding that none of the conditions or circumstances that would require preparation of a subsequent EIR, pursuant to Sections 15162 and 15164 of the CEQA Guidelines, exist in connection with the Tracy Hills 35-Acre Annexation Project, and therefore, no further environmental review is required, and

WHEREAS, On May 12, 2021, the Planning Commission conducted a duly noticed public hearing to consider this matter and recommended that the City Council approve the General Plan Amendment and the submission of an application to LAFCo for annexation of the Tracy Hills 35-Acre Annexation area into the Tracy city limits with a pre-zoning of Tracy Hills Specific Plan Zone, and

WHEREAS, The City Council considered this matter at a duly noticed public hearing held on June 15, 2021;

NOW, THEREFORE BE IT RESOLVED as follows:

1. Recitals. The foregoing recitals are true and correct and are incorporated herein as findings.

NOW, THEREFORE BE IT FURTHER RESOLVED that the City Council of the City of Tracy hereby takes the following actions:

1. General Plan Amendment. Approves the General Plan Amendment (Application Number GPA20-0001), as shown in Attachment A of the City Council staff report dated June 15, 2021.
2. Pre-zoning and Annexation. Approves of annexation of the Tracy Hills 35-Acre Annexation area into the Tracy city limits with pre-zoning of Tracy Hills Specific Plan Zone (Application Number AP20-0002).
3. Application for Annexation Request to LAFCo. Directs staff to prepare and submit an application to LAFCo for annexation of the Tracy Hills 35-Acre Annexation area into the Tracy city limits with pre-zoning of Tracy Hills Specific Plan Zone.

\* \* \* \* \*

The foregoing Resolution 2021-083 was passed and adopted by the City Council of the City of Tracy on the 15<sup>th</sup> day of June 2021, by the following vote:

AYES: COUNCIL MEMBERS: BEDOLLA, DAVIS, VARGAS, YOUNG  
NOES: COUNCIL MEMBERS: NONE  
ABSENT: COUNCIL MEMBERS: ARRIOLA  
ABSTAIN: COUNCIL MEMBERS: NONE



MAYOR

ATTEST:



CITY CLERK

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**SAN JOAQUIN  
LOCAL AGENCY FORMATION COMMISSION  
LAFCo**

44 SAN JOAQUIN STREET SUITE 374 STOCKTON, CA 95202 209-468-3198

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**EXECUTIVE OFFICER'S BRIEF**

**CHAIR**  
**TOM PATTI**  
COUNTY BOARD OF  
SUPERVISORS

March 9, 2022

**VICE CHAIR**  
**KEVIN LINCOLN**  
STOCKTON CITY COUNCIL

TO: LAFCo Commissioners

FROM: J. D. Hightower, Executive Officer

**DAVID BREITENBUCHER**  
MANTECA CITY COUNCIL

AGENDA ITEM NO. 6

**MIGUEL VILLAPUDUA**  
COUNTY BOARD OF  
SUPERVISORS

SUBJECT: Final Municipal Service Review/ Sphere of Influence Plan City of Escalon

**PETER JOHNSON**  
PUBLIC MEMBER

**Recommendation:**

It is recommended that the Commission approve the Final Municipal Service Review (MSR) and Sphere of Influence (SOI) Update for the City of Escalon. Attached are two separate resolutions the first resolution adopting the MSR; and, the second adopting the SOI.

**ALTERNATE MEMBERS**

**STEVEN J. DING**  
COUNTY BOARD OF  
SUPERVISORS

**Environmental:**

As a responsible agency LAFCo staff concurs with the City of Escalon's determination that the proposed MSR Update and amended SOI is exempt from further environmental impact evaluation and analysis pursuant to Section 15262, Feasibility and Planning Studies, CEQA Guidelines, California Code of Regulations.

**VACANT**  
ALTERNATE PUBLIC MEMBER

**MINNIE DIALLO**  
LATHROP CITY COUNCIL

**Brief:**

A Municipal Service Review (MSR) is a comprehensive review of an agency intended to obtain information about the City of Escalon's ability to provide services. As highlighted in the attached Staff Report and explained in detail within the MSR, the City of Escalon has the resources to plan and deliver urban services to the requested 59 acre SOI expansion.

**EXECUTIVE OFFICER**  
J.D. HIGHTOWER

**ANALYST / COMMISSION CLERK**  
MITZI STITES

**Attachments:**

**COUNSEL**  
ROD ATTEBERY

1) Staff Report



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**SAN JOAQUIN**

**LOCAL AGENCY FORMATION COMMISSION**

**AGENDA ITEM NO. 6**

**LAFCo**

44 N SAN JOAQUIN STREET      SUITE 374      STOCKTON, CA 95202

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**EXECUTIVE OFFICER'S REPORT**

March 9, 2022

TO: LAFCo Commissioners

FROM: J. D. Hightower, Executive Officer

**SUBJECT: Final Municipal Service Review/ Sphere of Influence Plan City of Escalon**

**Recommendation:**

It is recommended that the Commission approve the Final Municipal Service Review (MSR) and Sphere of Influence (SOI) Update for the City of Escalon. Attached are two separate resolutions the first resolution adopting the MSR; and, the second adopting the SOI.

**Environmental:**

As a responsible agency LAFCo staff concurs with the City of Escalon's determination that the proposed MSR Update and amended SOI is exempt from further environmental impact evaluation and analysis pursuant to Section 15262, Feasibility and Planning Studies, CEQA Guidelines, California Code of Regulations.

**Background:**

A Municipal Service Review (MSR) is a comprehensive review of an agency intended to obtain information about the agency's ability to provide services. Its purpose is to evaluate the provision of services from a comprehensive perspective and recommend actions, when necessary, to promote the efficient provision of those services. Service reviews are intended to serve as a tool to help LAFCo, the public and other agencies better understand the public service structure and evaluate options for the provision of efficient and effective public services that the agency currently provides. State law requires that LAFCo update Spheres of Influence and prepare a Municipal Service Review in conjunction with that update.

The MSR is required by the Cortese-Knox-Hertzberg Act to have six categories, as defined by the San Joaquin LAFCo "Service Review Policies" December 14, 2012. Each of these categories requires a written determination. The six categories are as follows:

- Growth and Population Projections for the Affected Area
- The Location and Characteristics of any Disadvantage Unincorporated Communities within or Contiguous to the Sphere of Influence
- Present and Planned Capacity of Public Facilities and Adequacy of Public Services, Including Infrastructure Needs and Deficiencies
- Financial Ability of Agencies to Provide Services
- Status of and Opportunities for Shared Facilities
- Accountability for Community Service Needs, Including Governmental Structure and Operational Efficiencies

In determining a sphere of influence, the Commission is required to consider and make written determinations with respect to the following factors (Government Code Section 56425):

- The Present and Planned Land Uses in the Area, Including Agricultural and Open Space Lands.
- The Present and Probable Need for Public Facilities and Services in the Area
- The Present Capacity of Public Facilities and Adequacy of Public Services that the Agency Provides or is Authorized to Provide
- 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 Present and Probable Need for those Public Facilities and Services within any Disadvantaged Unincorporated Communities (DUCs) within the Sphere of Influence.

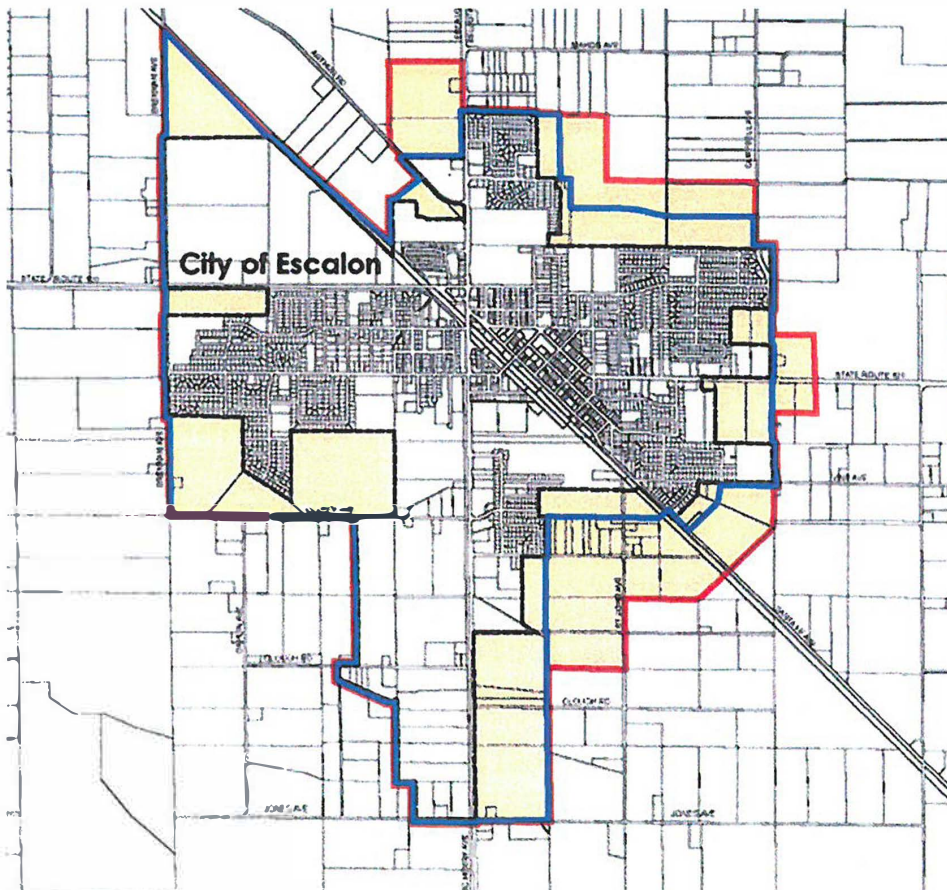


Figure 1 – City of Escalon Existing Sphere of Influence



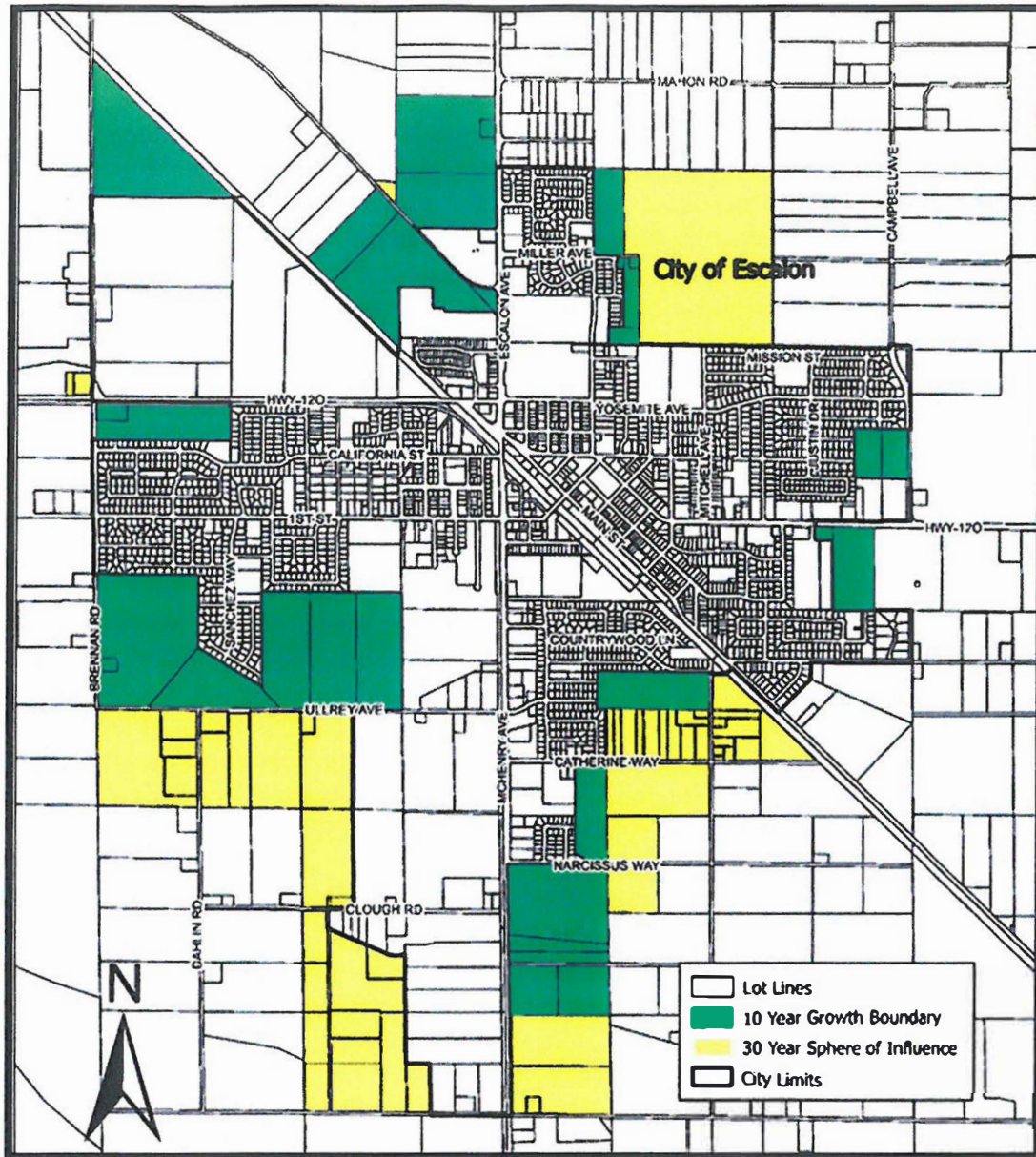


Figure 2 – Escalon Proposed Sphere of Influence

The Sphere of Influence and Municipal Service Review for the City of Escalon was last updated in 2011. The proposed amendment to the current Escalon SOI comprises the following areas:

- The inclusion of the land north of Miller Avenue, area northeast of the City;
- The removal of the land east of Cambell Avenue and south of State Route 120, area east of the City;
- The inclusion of the land north of Jones Avenue and west of Ellis Road, area west of the City;
- The inclusion of the land north of Clough Road, area west of the City;
- The inclusion of the land south of Ullrey Ave, easterly of Brennan Road in the southwest corner of the City;
- The inclusion of land westerly of the intersection of SR 120 and Brennan Road, west of the City; and,

- The inclusion of land between Sante Fe Railroad Grade and Arthur Road, northwest of the City.

There are approximately 736 acres within the City's existing SOI. There are approximately 795 acres contained in the proposed Sphere of Influence. This represents an increase of approximately 59 acres between the existing and proposed Sphere of Influence. The proposed Sphere of Influence does not extend beyond Jones Road to the south. This is in part due to existing Agricultural Easements south of Jones Road, particularly the Dawson Farm Agricultural Easement that was deeded to the American Farmland Trust in 2002. Specifically, the Dawson Family granted a Conservation Easement to the American Farmland Trust on September 17, 2002 (recorded in San Joaquin County Document Number 2002160211) for two (2) properties south of Jones Road (APNs: 247-160-17 (49.36-acres) and a portion of APN: 247-200-01 (20.0-acres)).

Escalon actively manages the community's growth through a Growth Management Ordinance (GMO). The GMO places a limit new residential permits allocations to 75 with the ability to roll-over 25 permit allocations for no more than 100 building permit allocations in any given year. The GMO has managed growth over the years and has developed in a compact form with a balance of land uses.

The effect of having a fixed absolute number of permit allocations means that the growth percentage rate for the community continues to slow. Population estimates for Escalon between 2000 and 2021 was about 0.98% per year. The 2021 Department of Finance (DOF) E-5 Report suggest that the population for Escalon was 7,501 persons. This is consistent with the findings of the University of Pacific, Center for Business & Policy Research, (UPO) forecasts prepared for San Joaquin County Council of Governments of September 10, 2020. The regional UOP projections for Escalon provided a conservative approach to Escalon's population growth and suggest it could reach 8,452 by 2030 and 8,927 by 2050.

The City intends to maintain the GMO numerically absolute allocation providing an orderly growth over both the 10-year and 30 year planning horizons. The City has set the GMO growth projections as the maximum design population and thus guides population projections for 2030 and 2050. By maintaining a set number of allocations issued each year and assuming an average of 2.89 persons per household (allocation), the population of the City will maintain a slow and steady growth rate of less than 1% as shown in Table 1 below.

The City's 2030 population is expected to increase by 951, reaching a population of 8,452 by 2030. By comparison, the City's 2050 population is projected to increase by 1,426 residents, reaching a population of 8,927 by 2050. Additional background information and details used for the forecasts are within the Escalon MSR.

**Table 1  
30 -Year Average Annual Population Projections**

Year	UOP Estimated Population Growth	Net Change in Population	UOP Estimated Average Annual Projected Population Growth	Number of Dwelling Units	UOP Estimated DU's Needed to Support Population Growth	DU's Authorized Through the Escalon Growth Management Ordinance	Number of Dwelling Units	GMO Estimated Population
2020	7,740			2,664				
2025	8,158	418	1.02%	2,823	159	375	3,039	8,783
2030	8,452	294	0.70%	2,912	89	375	3,414	9,866
2035	8,599	147	0.34%	2,962	50	375	3,789	10,950
2040	8,718	119	0.27%	3,006	44	375	4,164	12,034
2045	8,831	113	0.26%	3,046	40	375	4,539	13,118
2050	8,927	96	0.22%	3,089	43	375	4,914	14,201

Source: US Census data; University of Pacific, Center for Business & Policy Research, San Joaquin County Demographic and Employment Forecasts dated September 10, 2020; and JB Anderson Land Use Planning. Average Household size is 2.89 persons per household.

**Disadvantaged Communities**

There are no disadvantaged communities within the City of Escalon or the proposed SOI. CKH Section 56033.5. defines a disadvantaged unincorporated community as an inhabited territory that constitutes all or a portion of a "disadvantaged community" as defined by Section 79505.5 of the Water Code. In turn the California Water Code Section 79505.5 defines a disadvantaged community as “a community with an annual median household income that is less than 80 percent of the statewide annual median household income.”. The City of Escalon prepared an Environmental Justice white paper for their General Plan Update that identified two census tracts (49.01 and 49.02) as potentially being disadvantaged communities. Upon further analysis both census tracts have median household incomes of greater than 80% of the statewide median, please see table below. The Escalon MSR has a more detailed analysis of disadvantaged communities and the finding that there are none within the City or proposed SOI.

**Household Median Income – Escalon Census Tracts**

	<u>Median Household Income</u>	<u>Percentage to Statewide Median Household Income</u>
<u>Census Tract 49.01</u>	<u>\$63,595</u>	<u>80.84%</u>
<u>Census Tract 49.02</u>	<u>\$64,994</u>	<u>82.61%</u>
<u>Statewide</u>	<u>\$78,672</u>	<u>=</u>

**Source:**

**U.S. Census Bureau, 2016-2020 American Community Survey 5-Year Estimates, Table S1901**

**U.S. Census Bureau, 2015-2019 American Community Survey 5-Year Estimates, Table A1901**

## Fire Protection

Fire protection and emergency medical services are provided by the Escalon Consolidated Fire Protection District (EFD). EFD, formed in 1912, provides fire suppression and rescue operations around the clock to a district that covers 65 square miles of primarily agricultural land. EFD does not have a contract with the City to provide these services however the City is within their service boundary. The map on the following page illustrates the Escalon Consolidated Fire Protection District's boundaries.

When fully staffed the department consists of a Fire Chief, three (3) Battalion Chiefs, and three (3) Firefighter Engineers. Coverage is based on a three (3) Platoon Shift. The firefighter's schedule has been adjusted so the City is adequately covered while they seek the additional firefighters. Support personnel consist of one (1) part time Administrative Assistant. These personnel are assisted by ten (10) reserve officers and six (6) volunteers.

Between January of 2019 and December 2019 there were 1,342 calls for assistance. The average reflux time (time from dispatch to on scene) for calls within the City limits is 5 minutes 32 seconds. Reflux time to rural areas is an average of 9 minutes 50 seconds. The District's 90 percentile "turnout time" and "travel time" in 2009 was 2:25 minutes turnout time and 7:25 minutes response time. These times were below the average 90 percentile time for all combination rural fire districts at 2:18 minutes turnout time and 7:13 minutes travel time. (Source: San Joaquin LAFCo Final Municipal Service Review for Rural Fire Districts, October 21, 2011). These response times continue to be accurate as of September, 2021 per email correspondence with the Escalon Fire District Chief Rick Mello (email correspondence on September 13, 2021).

The Insurance Services Office (ISO) currently classifies the area in the City as a Class 4 and the rural area as a Class 8b.

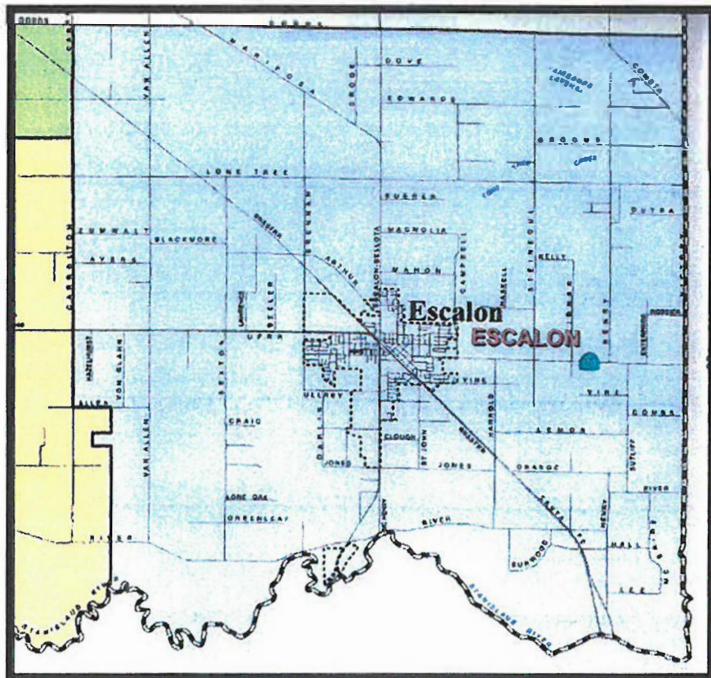


Figure 3 – Escalon Fire District

The City of Escalon MSR found that EFD costs to maintain equipment and facilities and to train and equip personnel is expected to increase. Additional facilities, personnel, equipment, and materials costs

will be offset through the increased revenue and fees generated by the expanded property tax base, the Fire Facility Fee and the override tax.

The City of Escalon MSR is consistent with the 2011 San Joaquin Rural Fire District MSR. The 2011 Fire District MSR found that:

- The two revenue sources for the District include property tax revenue (28.2 percent) and special tax override (71.1 percent). The District receives the lowest property tax increment of all rural fire districts. It would not be able sustain operations if it did not have a special tax override in place.
- The District did not experience a dramatic decrease in property tax revenues as did other rural fire districts. Property taxes revenues decreased 4.85 percent between 2008 and 2010. Over half of the fire districts saw a decrease of over 10 percent in its property tax revenue base.
- The District's property tax revenue base is not affected by city annexations.

The 2011 conditions remain with a relatively stable property tax base and the special tax override being essential for EFD to operate. The City MSR found that the Fire Facility fees may not be adequate to meet the projected needs in the future. The Fire Facility fee has not been reviewed or increased since the early 1990's. It is suggested that the Fire District commission a nexus study to determine the appropriate fee for new development with escalation rate so that the Fire District can ensure their ability to adequately accommodate the projected growth. If the nexus study or a subsequent fee adjustment is unsuccessful, the City will explore other permissible funding mechanisms to provide adequate fire service to residents of the City of Escalon.

The evaluation of fire protection service will be an on-going issue that will need to be resolved as Escalon continues its managed growth. The proposed SOI for the City of Escalon is a 59 acre increase in size is expected to provide growth capacity until 2050. The annual UOP annual growth projection for the City of Escalon of less than 1% is compared to the 2011 Rural Fire District MSR that found that the District's population is projected to grow at an average rate of 1.4 percent annually, from 12,598 in 2010 to 18,836 in 2040, an increase of 6,238 people. In 2040 the City of Escalon is projected to account for approximately 55% (using the average of UOP and GMO growth forecasts) of the population of EFD. LAFCo is expected to complete an update to the 2011 Rural Fire District MSR during FY 23-24. As annexations take place, the City and LAFCo staff will evaluate EFD's ability to provide effective service in relation to the existing and updated Fire District MSR.

The City MSR recognizes the need for cooperation with EFD in evaluating future annexations and states that:

*“As the City grows and the capital expenditures and staffing needs increase, the City will need to work closely with the Escalon FD to ensure that the fire district is able to adequately service the additional population generated by the annexation of additional land into the City. This may mean that the City establishes a contract with the Fire District for the required level of services needed by the City or the City and District work together to implement a fire mitigation fee or a public safety tax.”*

The City of Escalon's MSR has a more detailed discussion of Fire Protection needs within the community. The upcoming LAFCo prepared Rural Fire District MSR Update is expected to complement the findings of Escalon's MSR:

## **Police Protection**

Police protection services in the City of Escalon are provided by the Escalon Police Department (EPD). EPD operates out of the Escalon Police Station at 2040 McHenry Avenue. The EPD has a staff of 12 full-time sworn officers, 7 part-time sworn reserve officers and two (2) support staff. The breakdown of the full-time officers is as follows: one (1) Chief, two (2) sergeants, and nine (9) full-time sworn officers. EPD's support personnel includes, a Police Manager, a Code Enforcement Officer and four (4) part-time Animal Services Officers. As it relates to Police Dispatch Services, the City has maintained a partnership with the City of Ripon since 2001 for services and a contract is executed that will term in 2032.

In 2019, 137 Part 1 violent offenses were reported, which include homicide, rape, burglary, larceny and simple assaults. Part 1 property crimes for 2019 numbered 140. In 2020, 46 Part 1 violent offenses and 136 Part 1 property crimes were reported. The Escalon Police Department's ratio of officers to 1,000 population is 1.4.

The average response time is three (3) minutes or less for priority calls (life threatening situations) and seven (7) minutes or less for non-priority calls.

<b>Regional Crime Response Times</b>		
<b>City</b>	<b>Priority 1 (Minutes)</b>	<b>Priority 2 (Minutes)</b>
Escalon	>3:00	>7:00
Lodi	4:42	26:39
Manteca	4:48	27:00
Tracy	9:58	27:46
Stockton	19:18	26:00

Based on the ratio of 1.4 sworn officers per 1,000 residents, using the average of the UOP and GMO population forecasts, Escalon would need a total of 13 sworn officers in 2030 and 17 sworn officers in 2050. The City will be able to pay for the additional law enforcement operational needs through the expanded tax base generated by new development.

Additional information regarding Police Services is within the City of Escalon MSR.

## **Water Supply, Conservation and Treatment**

The City of Lodi Water Utility is the sole water purveyor for the City. The City's water service area is contiguous with City boundaries and covers approximately 2.4 square miles. There are a few minor connections outside the City. The service area includes a mix of residential, commercial, and industrial land use, and is characterized by an essentially flat terrain. The City's existing distribution system consists of approximately 33 miles of water lines that delivers on average 1.4 Million Gallons per Day (MGD).

The City relies on local groundwater from the Eastern San Joaquin Groundwater Subbasin (ESJGS). The City's source of water is three (3) active groundwater production wells distributed throughout the City. In the latest Consumer Confidence Report (January 2022), the City complies with all State and federal drinking water standards, and does not exceed any MCL standards.

Projected future water supplies through 2050, includes a combined groundwater system and surface water from the SSJID water treatment plant. The ESJGS has been identified by the California Department of Water Resources (DWR) as being in a state of critical overdraft. Therefore, it is likely that in the long term, the City of Escalon will choose to fund necessary improvements to support connection to the SSJID surface water treatment system.

The City was initially slated to take delivery of up to 2,015 acre-feet of treated water after completion of Phase I and has been allotted up to 2,799 acre-feet of treated water through Phase II. The City opted to defer delivery of project water until Phase II to delay costs implications on the City, therefore the City has relied on the groundwater supply in the interim period. The plan to connect to SSJID surface water includes a transmission pipeline of about 18,000 linear feet to convey treated water from the WTP transmission main to the City and the turnout facilities in the northeast corner of Hogan Park.

The estimated costs for the SSJID connection is \$4,877,600. The City of Escalon continues to collect dollars from existing water users to fund these future improvements. It is envisioned initially that the SSJID water will be used during the summer months. As the population of Escalon grows, the SSJID water will be used as a reliable source of domestic water for its current and future customers.

The City, in coordination with SSJID, have completed the initial surveys and preliminary alignment of the improvements. The City and SSJID are in the process of completing the environmental, project timing and design. The current schedule is for design to be completed in 2023, secure funding in 2024 and begin construction in 2025.

The SSJID water will supplement the City's groundwater supply and provide a redundant source of supply. The timing of the SSJID supply could vary depending on a number of factors including: the actual demands in the City, schedule of the SSJID Phase II expansion, and financial considerations associated with the necessary improvements. Please refer to the MSR for a detailed discussion of Escalon's water supplies and distribution system.

### **Wastewater Collection and Treatment**

Wastewater treatment for the City of Escalon is provided by the City operated Waste Water Treatment Plant (WWTP) on River Road, approximately 2.5 miles south of the City.

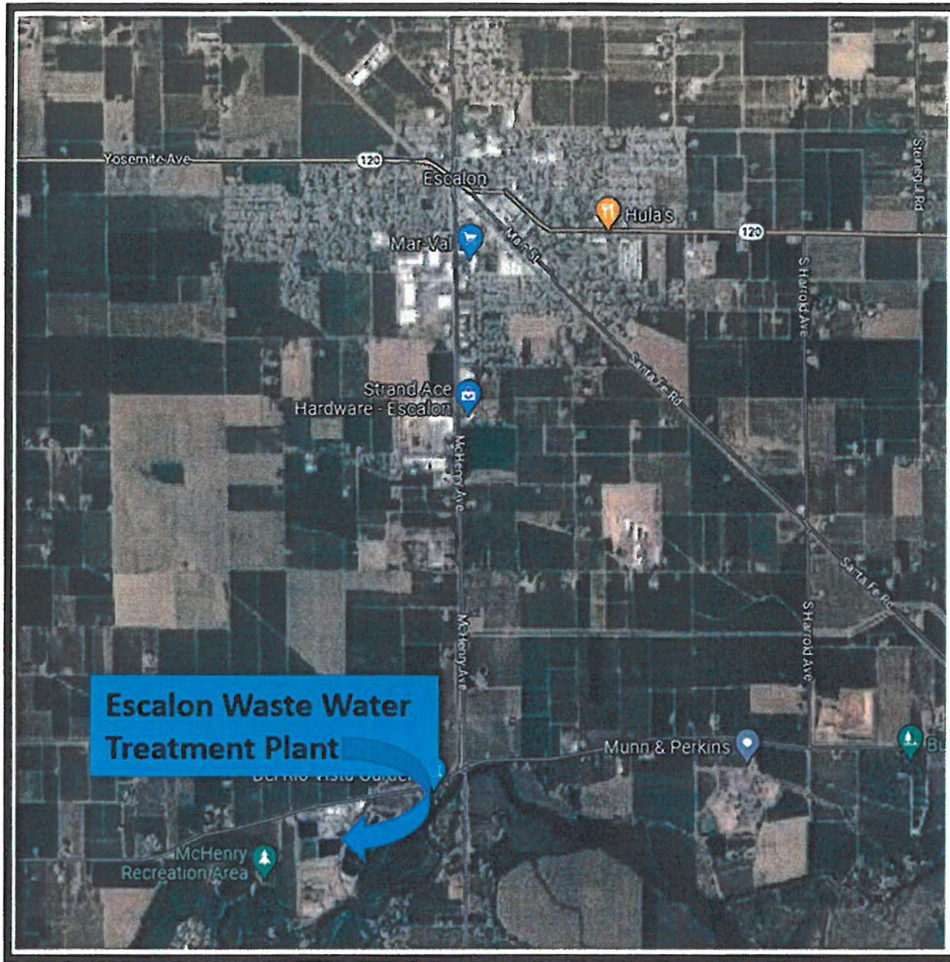


Figure 4 – Escalon WWTP

The City of Escalon owns and operates two (2) wastewater treatment and disposal systems: The municipal system handles wastewater from residential, commercial, and small industrial sources in the City; the industrial system handles wastewater from the food processing industries in the City. Both systems treat waste water at the City's WWTP.

The maximum monthly average dry weather flow for the municipal WWTP is 0.90 MGD and the maximum daily flow shall not exceed 1.0 MGD. For the industrial WWTP, the monthly average dry weather flow shall not exceed 2.0 MGD with a maximum daily flow of 3.0 MGD. The City's current average flow for municipal use is 0.5 MGD (53% of capacity) measured during the months of July – November.

For the industrial WWTP each year the City sends individual industries a permit to discharge effluent into the WWTP. For example, the Industrial Waste Discharge Permit for the Kraft Heinz Company limits the on-season and off-season flow (2.1 MGD (monthly average) and 1 MGD (monthly average), respectively).

Combined the influent flows for both the municipal and industrial WWTP are anticipated to increase to approximately 2.8 million gallons per day as development occurs. Based on the unit flow factor per equivalent single family dwelling unit (EDUs), the projected 2.8 million gallons per day future flow represents approximately 8,400 future EDU's to be connected to the sewer system. Currently, there are



approximately 3,300 EDU's connected to the system with an average existing unit flow factor of approximately 210 gallons per day per existing EDU.

On September 24, 2014, the City received a Notice of Violation from the Central Valley Regional Water Quality Control Board (CVRWQCB) which detailed violations with Water Discharge Requirements Order 5-00-142. The Notice of Violation identified the following violations of waste discharge requirements with regards to effluent violations, odor violations, capacity violations, and discharge violations. Since 2014, the City has completed a number of improvements that have addressed the Notice of Violation and will be upgrading the plant through the City's Modernization Project.

On-site sewer system improvements required by new development would be the responsibility of developers and sub-dividers who must design, install and pay for improvements based on the Sewer Master Plan. All improvements listed in the Sewer Master Plan have been included in the Development Impact Fees and will be built when thresholds are met. Major facilities are to be financed based on timing of fees collected or expected to be collected under a Development Impact Fee.

Demands for sewage disposal are significant but can be met with implementation of the adopted Sewer Master Plan, as amended. The Master Plan is monitored and updated to ensure that the infrastructure and fees are keeping pace with the City's growth and inflation with an annual escalation rate of 2.8% (per City Council Resolution No. 26-07). The MSR has more details on the wastewater service plan of the City.

### **Storm Water Drainage**

Escalon's storm water drainage system is managed by the City's Public Works Department. The gravity-based storm water system consists of trunk lines, retention basins, pump stations, and surface infrastructure such as gutters, alleys, and storm ditches. Most of the basins are used as parks and recreational facilities during non-runoff periods. Storm water is disposed by pumping into South San Joaquin Irrigation District (SSJID) existing system of irrigation laterals that transport storm drain runoff from the City. These laterals run south and west to the Stanislaus River and the Lone Tree Creek respectively.

According to the FEMA Flood Maps, the City of Escalon is in Zone X, 500-year flood zone. The greatest external risk to flooding is the Stanislaus River, however, due to the distance from the river and the topography (sloping toward the River) the City is out of the 100- and the SB-5 200-year flood zone.

The City has adopted a Storm Drain Master Plan that takes into consideration the City's General Plan growth boundaries. The Master Plan establishes the cost to develop each of the identified storm drain basins needed to accommodate ultimate build out. Based on these calculations, the City has adopted a new storm drain connection fee that will provide adequate financing for the eventual build out of the City's General Plan boundary. The MSR has additional details for the management of Escalon's storm water management.

### **Financial Ability of Agency to Provide Service**

The City of Escalon receives funds for the provision of public utilities and services through impact fees, property taxes, and connection and usage fees. These fees apply to all land that is annexed into the City. The City's Department of Finance reviews these fee structures every two (2) years to ensure that they provide adequate financing to cover the provision of city services.

The City of Escalon has the financial ability to provide services needed for the 59 acre expansion of the City's Sphere of Influence. The MSR found that:

*The General Fund and all other funds had positive fund balances except for the Transit Fund which is dependent on reimbursable grant funds and the City Hall Fees fund which is repaying other Impact Fee Funds for the purchase and improvements of a building in both 2011 and 2013.*

Therefore, City has adequate fee structures and planning processes to ensure that the fee structures remain sufficient to cover costs of required services, and thus no financial constraints to service provisions have been identified. The General Plan includes policies that require new development to pay its fair share capital improvement costs for water, wastewater, electricity, schools, fire protection, and police protection facilities and services. The cost of providing on-going services for annexed land is offset by the increased tax base provided by new development.

### **Comments Recieved**

Pursuant to CKH Section 56425(b), On August 29, 2022, the City of Escalon met with San Joaquin County regarding the proposed Escalon's Sphere of Influence (ESOI) Update. The result of that meeting is that San Joaquin County supported the ESOI Update. The document has been transmitted to the surrounding jurisdictions and special districts. LAFCo has not received any comments.

**Attachments:** Resolution 23-1514 Adopting the MSR  
Resolution 23-1515 Adopting the SOI  
A: City of Escalon MSR

**Resolution No. 23-1514**

**Before the San Joaquin Local Agency Formation Commission (SJLAFCO)  
Approving the City of Escalon Municipal Service Review**

WHEREAS, Section 56430 of the Government Code requires the Commission to conduct a service review of the municipal services provided in the county or other appropriate area designated by the Commission; and

WHEREAS, the City of Escalon Municipal Services Review (EMSR) does evaluate growth and population projections for the City of Escalon; and

WHEREAS, the EMSR does evaluate disadvantaged unincorporated communities within or contiguous to the proposed Sphere of Influence for the City of Escalon; and

WHEREAS, the EMSR does evaluate 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 within the City of Escalon's proposed Sphere of Influence; and

WHEREAS, the EMSR does evaluate Escalon's financial ability to provide services; and .

WHEREAS, the EMSR evaluates the status of, and opportunities for, shared facilities; and

WHEREAS, the EMSR evaluates accountability for community service needs, including governmental structure and operational efficiencies; and

WHEREAS, the Commission held a public hearing on the proposed Municipal Services Review on March 9, 2023 in the Board of Supervisors Chamber, 44 North San Joaquin Street, Stockton, California, pursuant to the notice of hearing which was posted, and published; and

WHEREAS, at said hearing the Commission heard and received evidence, both oral and written regarding the EMSR, and all persons present were given an opportunity to be heard; and

WHEREAS, this Commission has duly considered the EMSR dated February 2023.

NOW, THEREFORE, SJLAFCO DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

Section 1. Certifies that the EMSR is found to be exempt from further environmental impact analysis pursuant to Section 15262 of the State Code of Regulations, CEQA Guidelines, Section 15262.

Section 2. The determinations required by State Government Code, Cortese-Knox-Hertzberg Act, Section 56430 have been made within the EMSR dated February 2023 and are hereby incorporated by reference.

Section 3. The EMSR is hereby approved.

Section 4. The Executive Officer is hereby authorized and directed to distribute copies of the EMSR and this Resolution to affected agencies and interested parties.

PASSED AND ADOPTED this 9<sup>th</sup> day of March 2023 by the following roll call votes:

AYES:

NOES:

ABSTAIN:

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TOM PATTI, Chairperson  
San Joaquin Local Agency  
Formation Commission

ATTEST:

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Mitzi Stites, Secretary  
San Joaquin Local Agency  
Formation Commission

**Resolution No. 23-1515**

**Before the San Joaquin Local Agency Formation Commission (SJLAFCo)  
Approving the City of Escalon Sphere of Influence**

WHEREAS, Section 56425 of the State Government Code requires the Commission to review and update each Sphere of Influence (SOI) every five (5) years; and

WHEREAS, Section 56076 of the State Government Code provides that a SOI means a plan for the probable physical boundaries and service area of a local governmental agency; and

WHEREAS, on August 29, 2022, the City of Escalon and San Joaquin County did meet and agreed on the boundaries for a proposed SOI Update for the City of Escalon (ESOI); and,

WHEREAS, the plan for the ESOI Update provides written analysis of the present and planned land uses in the Escalon General Plan area, including agricultural and open-space lands; and

WHEREAS, the plan for the ESOI Update provides written analysis of the present and probable need for public facilities and services in the Escalon General Plan area; and

WHEREAS, the plan for the ESOI Update provides written analysis of the present capacity of public facilities and adequacy of public services that the City of Escalon provides; and

WHEREAS, the plan for the ESOI Update provides written analysis of the existence of any social or economic communities of interest in the Escalon General Plan; and

WHEREAS, the plan for the ESOI Update provides written analysis of the present and probable need for sewers, municipal and industrial water, and structural fire protection facilities and services of any disadvantaged unincorporated communities within the existing ESOI; and

WHEREAS, a Municipal Service Review in compliance with Section 56430 of the State Government Code has been prepared in conjunction with the ESOI Update; and

WHEREAS, the Commission held a public hearing on the ESOI Update on March 9, 2023 in the Board of Supervisors Chamber, 44 North San Joaquin Street, 6<sup>th</sup> Floor,

Stockton, California, pursuant to notice of hearing which was posted and published in accordance with State law; and

WHEREAS, this Commission has duly considered the ESOI Update.

NOW, THEREFORE, SJLAFCo DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

Section 1. Certifies that the proposed ESOI Update is found to be exempt from further environmental impact analysis pursuant to Section 15262, Feasibility and Planning Studies, of the California Environmental Quality Act Guidelines, State Code of Regulations.

Section 2. The ESOI Update provides for the planning and shaping for the logical, orderly development of the City of Escalon.

Section 3. The ESOI Update advantageously provides for the present and future needs of San Joaquin County and the City of Escalon.

Section 4. The determinations required by Section 56428 of the State Government Code have been made and are within the ESOI Update and are incorporated herein by reference.

Section 5. The ESOI is hereby approved and is depicted in Exhibit A, attached.

Section 6. The Executive Officer is hereby authorized and directed to distribute copies of the adopted ESOI and this resolution to affected agencies and interested parties.

PASSED AND ADOPTED this 9<sup>th</sup> day of March 2023 by the following roll call vote:

AYES:

NOES:

ABSTAIN:

---

TOM PATTI, Chairperson  
San Joaquin Local Agency  
Formation Commission

ATTEST:

---

MITZI STITES, Secretary  
San Joaquin Local Agency  
Formation Commission





# CITY OF ESCALON

## *Municipal Services Review & Sphere of Influence Update*

*Final Draft*



**October 2022**

Submitted by:



# CITY OF ESCALON MUNICIPAL SERVICE REVIEW and SPHERE OF INFLUENCE PLAN

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## EXECUTIVE SUMMARY

This Municipal Service Review (MSR) has been prepared in accordance with Section 56430 of the California Government Code as a means of identifying and addressing the relationships among regional issues, goals and objectives and various service options associated with the City of Escalon's Sphere of Influence. The City of Escalon last updated its MSR in 2011. Recently, in 2019, the City of Escalon updated their General Plan to address anticipated growth and to prioritize development areas. The updated General Plan has resulted in the need to amend the SOI to adequately accommodate planned growth commensurate with the 2019 General Plan Update.

This MSR reviews the City's ability to provide services to residents and businesses within its existing boundaries as well as the future residents and businesses within 10-Year and 30-Year growth horizons.

The Cortese-Knox-Hertzberg (CKH) Local Government Reorganization Act of 2000 requires that a Municipal Service Review (MSR) be prepared prior to or concurrent with an update of a Sphere of Influence (SOI). The MSR evaluates existing and future service conditions and reviews the advantages and disadvantages of various government service structure options in the form of written determinations. This MSR will be used by San Joaquin LAFCo to consider the minor modifications to the adopted SOI for the City of Escalon.

The purpose of the MSR is to review the City's ability to provide services to the residents and businesses within its existing boundaries as well as future residents and businesses within the proposed Sphere of Influence. An MSR provides the basis for modifying the City's Sphere of Influence based on factual information bridging the gap between General Plan Policies and statements of intent with declaratory statements of facts represented to the Commission.

The MSR is required by the CKH Act and San Joaquin LAFCo's "Service Review Policies" updated December 14, 2012, to consider six (6) determinations. Each of these determinations requires a written evaluation of facts by the City of Escalon. The six (6) determinations are as follows:

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 and adequacy of public services, including infrastructure needs or deficiencies.
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.

### **DETERMINATIONS**

The following determinations cover each of the six (6) areas required to be addressed in pursuant State law and San Joaquin LAFCo policy. The following determinations are based on the information presented in this MSR:

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

The Escalon General Plan, originally approved in 2005, estimated the population in Escalon will reach approximately 8,825 by 2015 and 11,950 by the year 2025. Population estimates vary widely for Escalon as growth has slowed dramatically between 2000 and 2021 to about 0.98% per year. The 2021 Department of Finance (DOF) E-5 Report suggest that the population for Escalon was 7,501 persons. This conforms with the findings of the University of Pacific, Center for Business & Policy Research, forecasts prepared for San Joaquin County Council of Governments of September 10, 2020 (UOP). UOP projections provided a conservative approach to Escalon's population growth and suggest it could reach 8,452 by 2030 and 8,927 by 2050.

On September 22, 2022, the San Joaquin Council of Governments (SJCOG) approved the Final Regional Housing Needs Plan (RHNP) for the Housing Element 6<sup>th</sup> Cycle of 2023 – 2031. The Regional Housing Needs Allocation (RHNA) sets forth the total number of housing units that each city and the unincorporated county must plan for during the 6<sup>th</sup> cycle planning period (2023 – 2031). The RHNP is the official assignment of total units to the jurisdictions in San Joaquin County. For this cycle (6<sup>th</sup>), the allocation covers the projection period beginning June 30, 2023, and ending December 31, 2031. For Escalon, the total number of RHNA is 367 units, including a total of 146 Lower Income (Below Market Rate (BMR)) and 221 Higher-Income (Moderate & Above-Moderate Income). Planning for these units over the course of the 6<sup>th</sup> Planning Period will be achieved through the City of Escalon Housing Element Update.

The General Plan Update of 2019 along with the Growth Management Ordinance (GMO) provides the framework for future growth within the City and its potential Sphere of Influence. To that end, the General Plan includes a policy that states the City shall conform to the Growth Management Ordinance. By following the adopted GMO, the City will maintain an average annual absorption rate over the life of the General Plan of 2.5%. We have set the GMO growth projections as the maximum design population and thus guides population projections for 2030 and 2050.

Escalon will continue to review future growth and population patterns on a regular basis and monitor growth within its adopted SOI. In this regard, the City regularly files the Housing Element Annual Progress Report (APR) to the State Department of Housing and Community Development (HCD) each year. The Housing Element APR includes the status and progress in implementing the Housing Element. The City will continue to file the Housing Element APR each year in compliance with Government Code Section 65400.

### **Location and Characteristics of any Disadvantaged Unincorporated Communities within or Contiguous to the Sphere of Influence**

SB 244 requires the identification and description of all “disadvantaged unincorporated communities” (DUC's) located within or contiguous to the existing Sphere of Influence of cities and special districts that provide fire protection, sewer, and/or water services. Disadvantaged unincorporated communities are defined as inhabited unincorporated areas with an annual median household income that is 80% or less than the statewide annual median household income. The identified disadvantaged unincorporated communities are required to be addressed by LAFCo when:

- Considering a City Annexation proposal involving 10 acres or more with an existing disadvantaged unincorporated community contiguous to the proposed area; and
- Approving Sphere of Influence and municipal service review determinations associated with the updated or established Sphere of Influence for local agencies subject to SB 244 requirements.

According to the City of Escalon Environmental Justice White Paper, prepared by DeNovo Planning Group in 2019 in preparation of the General Plan Update, Census Tract No. 6077004902 is considered a DUC. The portion of this DUC is within City Limits, the Planning Area, and Sphere of Influence, as defined by SB 1000. The City does not have any Disadvantaged Unincorporated Communities, as defined by SB 244, with or contiguous to the Sphere of Influence. Further discussion and analysis is in Section 4 of this MSR.

### **Present and Planned Capacity of Public Facilities and Adequacy of Public Services, Including Infrastructure Needs or Deficiencies**

#### **▪ Law Enforcement**

The City of Escalon provides adequate law enforcement services to meet the needs of the existing population.

The City of Escalon has planned for the anticipated growth in population and associated need for law enforcement capital improvements by incorporating these needs into a Development Impact Fee Nexus Study prepared by David Taussig & Associates dated December 16, 2016. The City will be able to pay for the additional law enforcement operational needs through the expanded tax base generated by new development. Capital costs for facilities and equipment will be funded through development fees collected from these new developments. The City's Police Department will continue to monitor these fees to ensure that the fees collected are adequate to serve the expanded needs of the City.

- **Fire Protection**

The fire protection needs of the City are currently being met by the Escalon Consolidated Fire Protection District (CFPD).

Escalon, the 2019 General Plan growth boundary, and the City's proposed Sphere of Influence are all within the service boundary of the Fire District therefore, the Fire District will continue to serve the land within the City boundaries as well as the land in the proposed SOL. As the City grows and the capital expenditures and staffing needs increase, the City will need to work closely with the Escalon CFPD to ensure that the Fire District is able to adequately service the additional population generated by the annexation of additional land into the City.

Since the fire facility fee has not been reviewed or increased since the early 1990's, it is suggested that the Fire District commission a nexus study to determine the appropriate fee with a built-in escalation rate for new development so that the Fire District can adequately accommodate the projected growth.

- **Water Supply**

The City has an adequate water supply and provides adequate water service to the residents of the City.

General Plan build out and associated expansion of the City water well system will increase demands on the underlying groundwater system. However, this increased demand will be satisfied through the use of groundwater as well as the SSJID surface water acquired through the City's participation in the South San Joaquin Irrigation District (SSJID) South County Water Supply Program. Two independent water supplies in a conjunctive use program will provide redundancy and reliability to the City's long-term water supply. The Water Master Plan also sets a connection fee which offsets the costs of new development through build out of the General Plan. The City has developed a schedule of improvements and triggers for necessary improvements which will ensure that the water systems grows in conjunction with the City's future expansion according to the adopted General Plan. The City continues to use the adopted master Water Plan as a blue print to guide necessary water improvements to keep pace with increased water demand. Therefore, the City has an adequate supply of water and water system to meet the increased demand through General Plan build out.

- **Wastewater Collection**

The City provides adequate wastewater services to meet the collection and treatment needs of the existing population.

On-site sewer system improvements required by new development would be the responsibility of developers and sub-dividers who must design, install and pay for improvements the City Engineer determines to be necessary based on the Sewer Master Plan. Major facilities would be financed on the basis of fees collected or expected to be collected as part of the sewer connection fee established by the Sewer Master Plan and adopted by the City Council.

The City received a Notice of Violation from the Central Valley Regional Water

Quality Control Board (CVRWQCB) on September 24, 2014 which detailed violations with Waste Discharge Requirements (WDRs), which prescribes requirements for the domestic and industrial wastewater treatment operation. Since 2014, the City has addressed the Notice of Violation through a number of temporary fixes. However, the Notice of Violation will not be removed until permanent upgrades are made to the plant through the City's Modernization Project. The City continues to work with the CVRWQCB to address the violations, upgrade and modernize the Wastewater Treatment Plant. Further discussion related to the Notice of Violation is in Section 5.5, *Wastewater Collection and Treatment*.

Demands for sewage disposal can be met with implementation of the Sewer Master Plan which took into consideration the ultimate build out of the General Plan. Necessary connection fees are being collected by the City to accommodate the Sewer Master Plan objectives. The Sewer Master Plan outlines the improvements needed and the phasing of the improvements depending on where the growth occurs through the General Plan build out. The Master Plan will be monitored and updated to ensure that the infrastructure and fees continue to keep pace with the City's growth and inflation.

- **Storm Water Drainage**

The existing storm water drainage system is adequate for serving the needs of Escalon's population.

Development will place increasing demand on the City's storm drainage facilities and create a need to expand the capacity of the City's storm drainage facilities. Individual developments will provide necessary improvements to their projects based on the City's Storm Water Drainage Master Plan. A storm drainage fee imposed on the new residential and nonresidential land uses will be used to fund the expansion and improvement of the City's storm drainage facilities and thereby meet the increased demand caused by these development types.

The Storm Drain Master Plan took into consideration the City's ultimate growth boundaries when analyzing the storm water needs. The Master Plan also established the cost to develop each of the storm drain basins needed to accommodate ultimate build out of the General Plan. Based on these calculations, the City adopted a new storm drain connection fee and has thus planned for the eventual build out of the City General Plan boundary.

### **Financial Ability to Provide Services**

Escalon receives funds for the provision of public services through development fees, property taxes, and connection and usage fees. As land is annexed into the City from the SOI, these fees will apply to new development. The City reviews the fee structure every two years and indexes the fee on an annual basis to ensure that adequate funds are collected to cover the provision of City services to existing, as well as new residents.

The Escalon CFPD is responsible for the fire protection services in the City of Escalon. As the City grows and the capital expenditures and staffing needs increase, the City will

need to work closely with the Escalon CFPD to ensure that the Fire District is able to adequately service the additional population generated by the annexation of additional land into the City.

Since the fire facility fee has not been reviewed or increased since the early 1990's, it is suggested that the Fire District commission a nexus study to determine the appropriate fee with a built-in escalation rate for new development so that the Fire District can adequately accommodate the projected growth. The Chief is currently putting together a request to his board to increase the fee which, once adjusted, will adequately fund the necessary expansion of the fire department due to new growth.

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

Escalon has multiple processes in place to assess whether levels of service provided are adequate to accommodate new growth, including the City's General Plan, its annual budgeting process, and master planning process for water supply and distribution, wastewater systems, storm water systems, as well as law enforcement services. It is through these processes that the City will continue to monitor and assess whether future opportunities for shared facilities will improve levels of service in a cost-effective manner.

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

- **Local Accountability and Governance**

The City has established a good system of accountability which adequately serves the residents of Escalon.

The City of Escalon is responsible for governance within its incorporated boundaries. Actions of the City Council, including opportunities for public involvement and public hearing, are regulated in accordance with the Brown Act (California Government Code Section 54950 et seq.) other applicable statutes and regulations, and City procedures.

The residents of Escalon are offered a wide range of opportunities to oversee the activities of elected, appointed, and paid representatives responsible for the provision of public services to the community through elections, publicized meetings, and hearings, as well as through the reports completed in compliance with State and Federal reporting requirements.

- **Government Structure Options**

Escalon's government structure is adequate and meets the needs of the residents.

Since Escalon is an incorporated City, the City Council will make the final decisions concerning fee structures and the provisions of services. As discussed in previous chapters, the City of Escalon and the Escalon CFPD should both review their fee structures every two years and index the fees on an annual basis, so they ensure the funds they are collecting are adequate to meet the needs of a growing city. The City's General Plan also has goals, objectives,



policies, and actions to ensure that adequate services are provided in a cost-effective manner to accommodate new growth.

- Evaluation of Management Efficiencies

The City will continue to use the budget and long-range planning processes to ensure the ability to provide direct and adequate levels of service in a cost-effective manner within its service area.

# 1 INTRODUCTION

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act) requires the Local Agency Formation Commission, LAFCo, to update the Spheres of Influence for all applicable jurisdictions in the County. A Sphere of Influence (SOI) is defined by Government Code 56425 as "...a plan for the probable physical boundary and service area of a local agency or municipality ...". 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. This document incorporates the Sphere of Influence Plan and the MSR into one cohesive document for streamlined processing. This MSR will be used by San Joaquin LAFCo to consider amendments to the Escalon SOI consistent with the 1994 General Plan as updated in 2019 and to re-align the 10- and 30-year growth horizons with current growth plans.

The legislative authority for conducting Municipal Service Reviews is provided in the CKH Act and the San Joaquin LAFCo MSR Policies dated December 14, 2012. State law requires the MSR to make six written determinations. This document was set up to address the six (6) determinations as well as the Sphere of Influence Plan and is organized as follows:

1. Introduction.
2. Sphere of Influence Plan.
3. Growth and population projections for the affected area.
4. Location and Characteristics of any Disadvantaged Unincorporated Communities within or Contiguous to the Sphere of Influence.
5. Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies.
6. Financial ability of agencies to provide services.
7. Status of, and opportunities for, shared facilities.
8. Accountability for community service needs, including governmental structure and operational efficiencies.
9. References.

## 1.1 LAFCO AND THE SPHERE OF INFLUENCE (SOI)

The primary role of LAFCo is to implement the 2000 Cortese-Knox-Hertzberg Act consistent with local conditions and circumstances (Government Code Section 56000 et seq.). According to the 2000 Cortese-Knox-Hertzberg Act, the purpose of LAFCo is to:

- Promote orderly growth and urban development;
- Promote cooperative planning efforts among cities, the county, and special districts to address concerns regarding land use and development standards, premature conversion of agricultural and open space lands, efficient provisions of services, and discouragement of urban sprawl;
- Serve as a master plan for future local government reorganization by providing long-range guidelines for efficient provision of public services; and,

- Guide consideration of proposal and studies for changes of organization and reorganization.

An SOI is defined as a "plan for the probable physical boundaries and service area of a local agency, as determined by the Commission" (Government Code Section 56076). In simple terms, an SOI is a planning boundary within which a City or district anticipates to grow over time. The purpose of an SOI is to encourage "logical and orderly development and coordination of local government agencies so as to advantageously provide for the present and future needs of the county and its communities." SOI's serve a similar function for LAFCo determinations as general plans do for cities and counties.

An MSR must be prepared and updated to establish, update, or confirm an existing SOI, and the MSR must address the six determinations previously outlined. LAFCo is required to prepare the MSR and adopt written determinations either prior to, or in conjunction with, any action to establish or update an SOI. Adopted LAFCo policies emphasize the use of existing plans, data, and information currently available for preparation of MSRs rather, than requiring preparation of new service documents.

San Joaquin LAFCo's procedural guidelines adopted December 14, 2012, require documentation through preparation of an MSR of the City's ability to meet the requirements of the 2000 Cortese-Knox-Hertzberg Act. The Sphere Plan, along with this updated MSR and the City's 2019 updated General Plan, provides the basis for consideration of amendments to the City's existing SOI.

## **1.2 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

The update to Escalon's MSR is not defined as a "Project" under CEQA; however, the proposed amendment to the SOI is subject to CEQA. The City of Escalon intends to file a Notice of Exemption pursuant to Section 15262 "Feasibility and Planning Studies" for the proposed minor adjustments to the Cities SOI and growth horizons.

## **SPHERE OF INFLUENCE PLAN**

### **1.3 SPHERE OF INFLUENCE**

The City of Escalon adopted a comprehensive update to its General Plan on June 6, 2005. The General Plan received a technical update on December 2, 2019 and identifies land to provide for potential growth for the next 50 years.

Exhibit 1-1 illustrates the current City limits and adopted Sphere of Influence boundary. Exhibit 1-2 illustrates the City of Escalon's General Plan boundary, the proposed 2030 growth boundary, and the proposed 2050 growth boundary. The proposed growth boundaries are consistent with the goals established with the adopted 2019 General Plan Update.

The proposed Sphere of Influence is the land adjacent to the existing City limits and is targeted for the future expansion and development of the City. This land is designated for future development during the planning period of the General Plan but is currently outside the existing City limits. The SOI proposed in the following SOI Plan Update squares

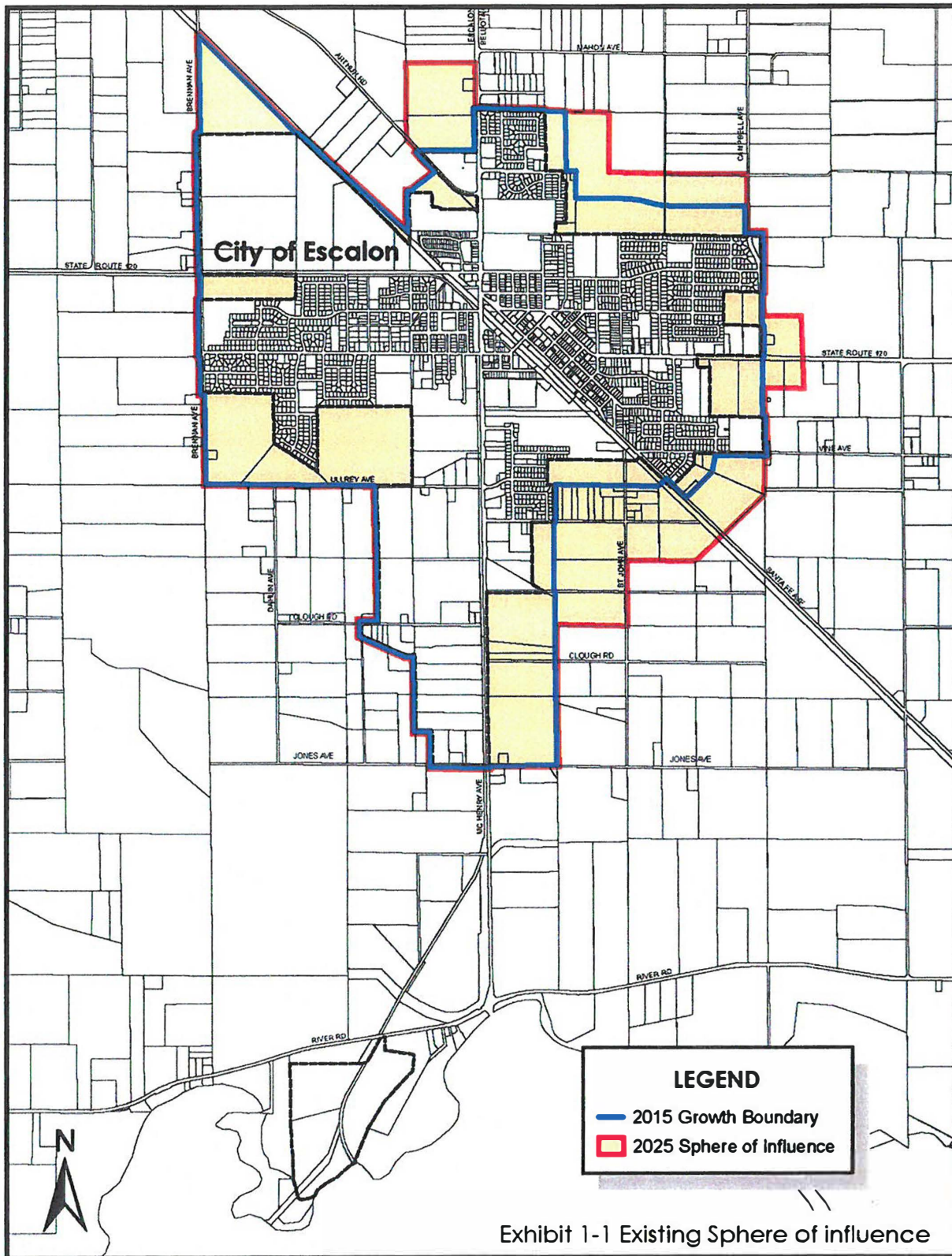
off the existing boundary where appropriate. As illustrated in the comparison of Exhibit 1-1, Existing Sphere of Influence and Exhibit 1-2, Proposed Sphere of Influence, the differences between the adopted SOI and the proposed SOI (moving clockwise from the Escalon-Bellota Road northeast) are:

- The inclusion of the land north of Miller Avenue, area northeast of the City;
- The removal of the land east of Cambell Avenue and south of State Route 120, area east of the City;
- The inclusion of the land north of Jones Avenue and west of Ellis Road, area west of the City;
- The inclusion of the land north of Clough Road, area west of the City;
- The inclusion of the land south of Ullrey Ave, easterly of Brennan Road in the southwest corner of the City;
- The inclusion of land westerly of the intersection of SR 120 and Brennan Road, west of the City; and,
- The inclusion of land between Sante Fe Railroad Grade and Arthur Road, northwest of the City.

There are approximately 736 acres within the City's existing SOI. There are approximately 795 acres contained in the proposed Sphere of Influence. This represents an increase of approximately 59 acres between the existing and proposed Sphere of Influence. The proposed Sphere of Influence does not extend beyond Jones Road to the south. This is in part due to existing Agricultural Easements south of Jones Road, particularly the Dawson Farm Agricultural Easement that was deeded to the American Farmland Trust in 2002. Specifically, the Dawson Family granted a Conservation Easement to the American Farmland Trust on September 17, 2002 (recorded in San Joaquin County Document Number 2002160211) for two (2) properties south of Jones Road (APNs: 247-160-17 (49.36-acres) and a portion of APN: 247-200-01 (20.0-acres)). Additionally, the City's Urban Boundary Element of the City's General Plan includes Policies related to limiting urban growth and converting agricultural lands prematurely (Policy #4).

The land within the proposed SOI was included because the land is contiguous to the existing City limits, is in proximity to urban uses and in an area where urban services can be extended. The City Council has selected key properties within the 10 and 30 year growth horizon which serve to promote the orderly growth objectives. Approval of the proposed SOI will allow for the well-planned expansion of services, consistent with good growth management practices as described in the City's General Plan and Master Infrastructure Plans. The General Plan has been designed to accommodate an expected population growth of 6,461 persons over the next 50 years. (See Table 3-1 and 3-2 for population projections and Table 2-5 for projected acreage needs).

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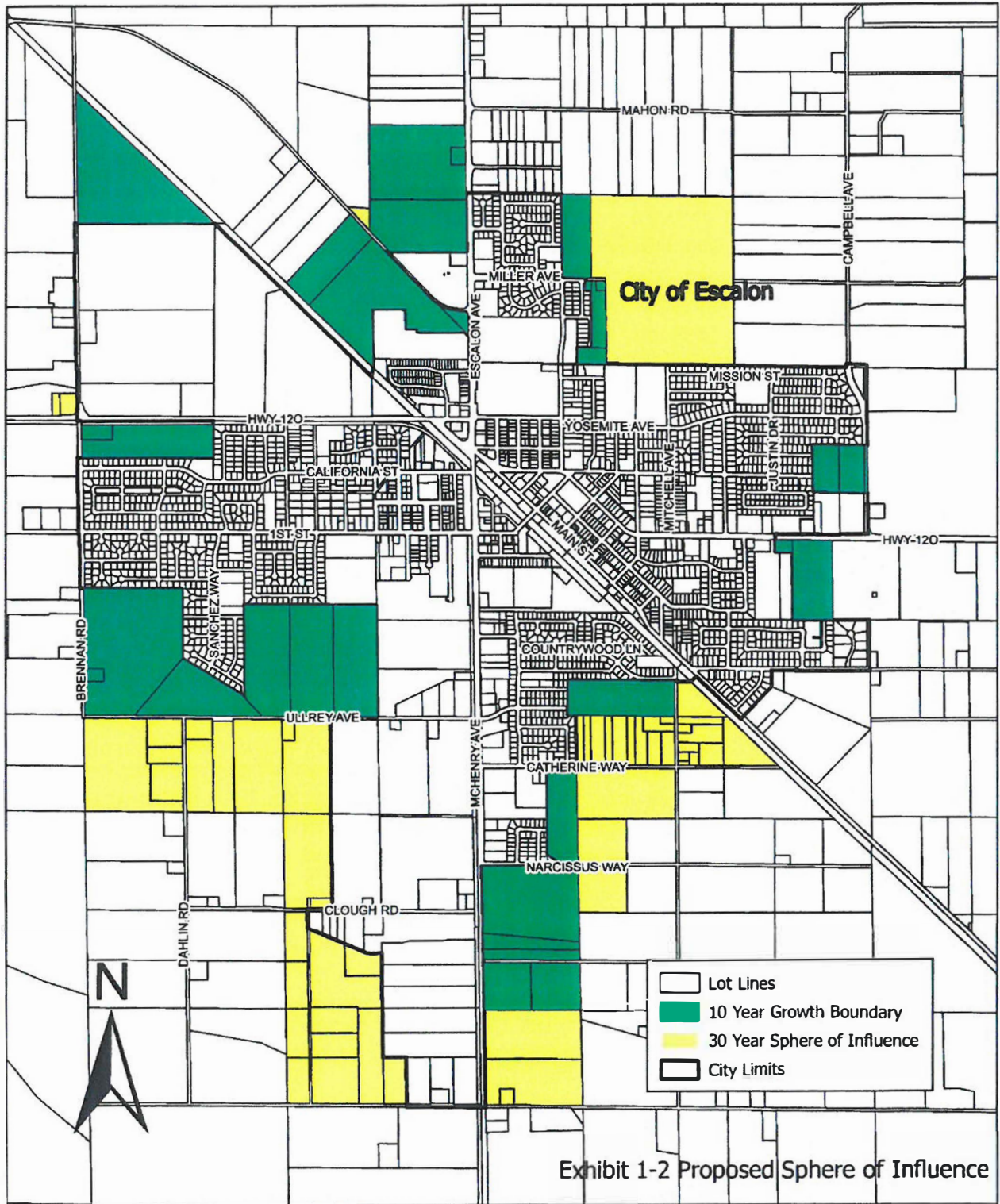


Exhibit 1-2 Proposed Sphere of Influence

**Area of Interest** contains 21,309 acres outside the SOI which are not anticipated to develop within the stated planning horizons and therefore, will not be analyzed in detail as part of this Municipal Service Review.

The Area of Interest (AOI) contains approximately thirty-three (33) square miles outside the Sphere of Influence (SOI). Exhibit 1-3 provides an illustration of the City's Existing Area of Interest. This area is not intended to be for the purposes of future development by the City of Escalon. The City's Growth Management Ordinance limits residential growth and the proposed SOI delineates what may be developed for commercial or industrial purposes. This Area of Interest has been approved by San Joaquin LAFCo and is consistent with LAFCo's procedures, which are provided below.

- Actions of an Acting Agency (county) may impact directly or indirectly upon the Concerned Agency.
- Limits "other" City encroachment into the AOI.
- LAFCo notification of other agency proposals in the AOI.

LAFCo does encourage that agencies notify each other of any proposed action that may impact the other and to formalize such agreements to that extent in Memorandums of Understanding. However, such agreements work well as long as personnel are aware of them. Personnel changeover is inevitable and when it occurs the knowledge of these agreements dims and then can be lost and so the procedure may not be followed. LAFCo approving this AOI adds another level of review that can trigger notification of proposed agency actions.

Escalon is a community much larger than just the City limits. A large number of area residents who live outside the City continually come into the City's Planning and Building divisions for those types of questions, including all types of development/building permits, for which we have to direct them to the offices of San Joaquin County. Another factor that provides an exceptionally strong sense of community for the SE corner of the county is the school district and associated schools. All residents of the proposed AOI attend Escalon High School. There is only one high school within the City of Escalon, and it has and does build a very strong sense of community.

The Area of Interest is vastly compatible with the other 'areas' and District Boundaries that make up the Community of Escalon. The Escalon Fire District would share almost the identical boundaries that would make up the AOI. The Fire District encompasses 59+ square miles. The Escalon Unified School District encompasses 160+ square miles. The Escalon Planning Area, as designated by San Joaquin County, encompasses 97+ square miles. The Escalon Zip Code includes 79+ square miles.

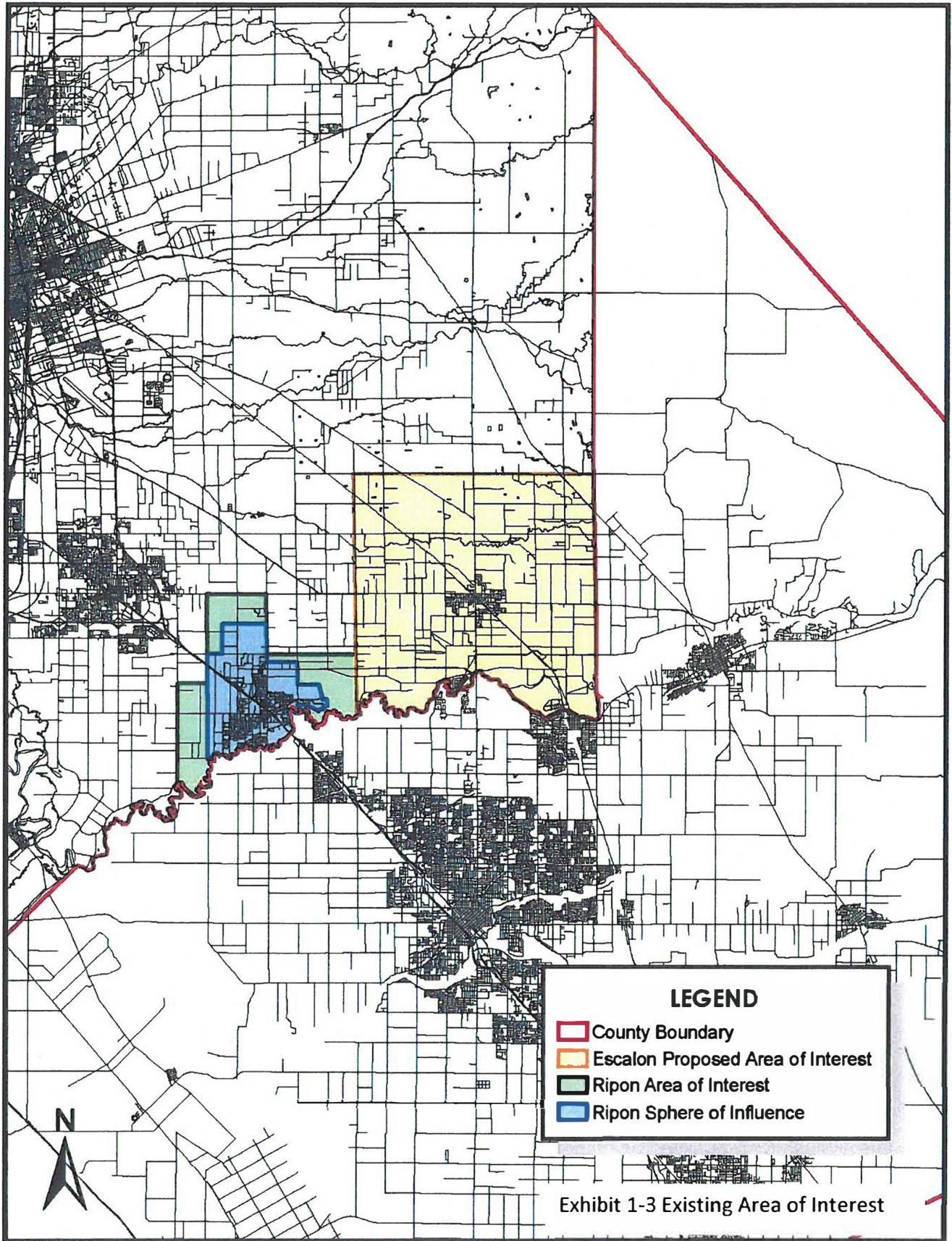
The City of Escalon views the AOI as a buffer both for the preservation of agricultural land and activities but also as a buffer against encroachment by outlying activities, interests, organizations, and agencies. The City does not view the AOI as an area for future expansion urban development and associated services. That is limited to just the Sphere of Influence.



#### **1.4 CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The MSR is an informational document to be used for future actions that LAFCo or the City have not yet approved, adopted, or funded; it is considered exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15262 of the CEQA Guidelines. A Notice of Exemption pursuant to CEQA will be prepared by LAFCo.

A Sphere of Influence is defined as a "plan for the probable physical boundaries and service area of a local agency as determined by the Commission" (Government Code Section 56076). As such, the SOI update, because it modifies the existing SOI, is subject to CEQA review and is not statutorily or categorically exempt from CEQA. The change to the planning boundary and thus the Sphere of Influence, was incorporated into the Escalon General Plan update adopted by the Escalon City Council on December 2, 2019. The City has provided the needed CEQA analysis for the updated SOI through the analysis and adoption of the original General Plan EIR and the updated General Plan CEQA performed in 2019. The City has processed a Notice of Exemption for the 2019 General Plan update and this information is documented in the City Councils actions.



## 2 SPHERE OF INFLUENCE PLAN

This chapter analyzes the City's ability to serve existing and future residents within the proposed SOI. While LAFCo encourages the participation and cooperation of the subject agency, adopting the Sphere of Influence is a LAFCo responsibility, and the Commission is the sole authority as to the sufficiency of the documentation and the plan's consistency with law and LAFCo policy. In updating the SOI for Escalon, LAFCo must consider and prepare a written statement of its determinations with respect to the following four factors as stated in Section 56425 (e) of the Cortese-Knox-Hertzberg Act:

- The present and planned land uses in the area, including agricultural and open-space lands;
- The present and probable need for public facilities and services in the area;
- The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide; and
- The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.

In order to update Escalon's SOI, the State requires LAFCo to conduct a review of the municipal services provided in the City and proposed SOI. The standards, procedures, and policies for service reviews are contained in San Joaquin LAFCo's policies and procedures. The SOI must be consistent with the determinations of the municipal service review. San Joaquin LAFCo requires the Sphere Plan to include maps and explanatory text that describe the boundary of the service area and the City's sphere.

### 2.1 EXISTING AND PROJECTED POPULATION

The City of Escalon's growth rate has shown a consistent rate of growth between 0.79% and 2.95% over the 60-year time period, illustrated in Table 2-1.

**Table 2-1 Historic Population of Escalon**

Year	Population	Compounded Annual Growth
1960	1,763	---
1970	2,366	2.55%
1980	3,127	2.43%
1990	4,437	2.95%
2000	5,963	2.56%
2010	7,132	1.64%
2020	7,742	0.79%

Source: US Census data; JB Anderson Land Use Planning

It is the City's goal to maintain the slow and steady growth rate into the future. To ensure that the growth is managed, the City established a Growth Management Ordinance (GMO) in April 1978. Over the years, the ordinance has been modified and fine-tuned as needed. The GMO caps the maximum number of building allocations that can be distributed each year at the equivalent of 75 single-family residential units. An allocation can be carried over into the next year, but the number of allocations issued, including the rollover allocations, is set at a maximum of 100 per year. By maintaining a set number of allocations issued each year and assuming an average of 2.89 persons per household (allocation), the population of the City will maintain a slow and steady growth rate of less than 1% as shown in Table 2-2.

**Table 2-2 30 -Year Average Annual Population Projections**

Year	UOP Estimated Population Growth	Net Change in Population	UOP Estimated Average Annual Projected Population Growth	Number of Dwelling Units	UOP Estimated DU's Needed to Support Population Growth	DU's Authorized Through the Escalon Growth Management Ordinance	Number of Dwelling Units	GMO Estimated Population
2020	7,740			2,664				
2025	8,158	418	1.02%	2,823	159	375	3,039	8,783
2030	8,452	294	0.70%	2,912	89	375	3,414	9,866
2035	8,599	147	0.34%	2,962	50	375	3,789	10,950
2040	8,718	119	0.27%	3,006	44	375	4,164	12,034
2045	8,831	113	0.26%	3,046	40	375	4,539	13,118
2050	8,927	96	0.22%	3,089	43	375	4,914	14,201

Source: US Census data; University of Pacific, Center for Business & Policy Research, San Joaquin County Demographic and Employment Forecasts dated September 10, 2020; and JB Anderson Land Use Planning. Average Household size is 2.89 persons per household.

## **2.2 PRESENT AND PLANNED LAND USES**

Escalon is known for its small-town charm and can be characterized as a low-rise community (one or two-story buildings) dominated by low density, single-family housing along with some multi-family housing, low intensity commercial and some industrial uses. The City is bisected by State Route 120, an east-west transportation arterial, and by J6 (McHenry Avenue and Escalon/Bellota Avenue), a north-south transportation arterial, and by the Burlington Northern Santa Fe (BNSF) Railroad (formerly Atchison Topeka and Santa Fe Railroad), which runs in a northwest to southeast direction through the center of town.

Undeveloped lands beyond the City limits to the north, south, east and west are primarily in active agriculture production or open space.

The City of Escalon's General Plan contains goals, objectives and policies for growth, development, and open space throughout the City. Exhibit 2-3 shows the Land Use Diagram for the current City limits and Exhibit 2-4 shows the Land Use Diagram for the area within the adopted and Proposed Sphere of Influence (SOI).

Table 2-3 illustrates the breakdown by land use and acres for vacant land are within the City limits and includes an inventory of the lands within the proposed SOI 10-year and 30-year growth horizons.

**Table 2-3 General Plan Land Uses by Planning Horizon**

Land Use	ACRES			
	Available vacant land within the Existing City Limits	Proposed 10 year Growth Horizon	Proposed 30 Year Growth Horizon	Total Proposed SOI
Commercial	6.7	13.5	0.62	14.1
Industrial – Light and Heavy	202.2	65.6	129.4	195.0
Low Density Residential	16.2	236.2	236.6	472.8
Medium Density Residential	9.2	10.1	0	10.1
High Density Residential	4.6	16.3	0	20.9
Park/Open Space	0	52.2	34.9	87.1
Public Facilities	0	0	0	0
Agricultural	0	0	0	0

Source: Escalon Housing Element of December 2, 2019 by Denovo Planning Group, GP Update of 2019 and Giuliani & Kull, Inc. Civil Engineers.

Based on the maximum household projections, the total number of dwelling units is projected to increase from 2,664 in 2020 to maximum of 4,914 dwelling units by 2050 as referenced in Table 2-4 below. As noted above, the San Joaquin Council of Governments (SJCOG) approved the Final Regional Housing Needs Plan (RHNP) for the 6<sup>th</sup> Cycle planning period (2023 – 2031). For Escalon, the total number of RHNA is 367 units, including a total of 146 Lower Income (Below Market Rate (BMR)) and 221 Higher-Income (Moderate & Above-Moderate Income). Planning for these units over the course of the 6<sup>th</sup> Planning Period will be achieved through the City of Escalon Housing Element Update.

The distribution of new housing units by density is projected to remain nearly the same as the current distribution. This assumption is strongly affected by the General Plan and zoning policies adopted by the City. The total acreage demand for housing units is estimated on the basis of the current average density in each residential category as shown in Table 2-4. Comparing the unit counts with the total acreage for each residential land use category, the average densities are approximately 4.8 units per acre in the Low-Density category, 9.6 units per acre in the Medium-Density category, 22.0 units per acre in the High-Density residential land use category and 13.6 units per acre in the Commercial land use category. Pursuant to Chapter 17.11, *List of Permitted Uses* of the Escalon Municipal Code (EMC), residential uses are permitted in the C-1 and C-2 Zoning Districts. Specifically, single-family dwellings and two-family dwellings are permitted above a commercial development unless the project is approved under the planned development zoning district process. Multifamily residential is allowed as a permitted use with a preliminary development plan. Again, these figures could change but they

provide the basis for the land demand estimates for residential uses as shown in Table 2-4 and Table 2-5.

**Table 2-4 Projected New Residential Dwelling Units**

Land Use	2020	2025	2030	2035	2040	2045	2050	Total Possible New DU's
Low Density Residential		225	225	225	225	225	225	1,350
Medium Density Residential		75	75	75	75	75	75	450
High Density Residential		38	38	38	38	38	38	225
Community Commercial (C-2)		38	38	38	38	38	38	225
Total New DU's		375	375	375	375	375	375	2,250
<b>Cumulative</b>	2664	3039	3414	3789	4164	4539	4914	

Source: City of Escalon General Plan Update 2019.

Table 2-5 presented below demonstrates the number of acres of residential land available within the City limits and the projected acres of land and possible dwelling units in the suggested 10 and 30 year growth horizons.

**Table 2-5 Evaluation of Projected Acreage and Possible Dwelling Units in the Proposed SOI**

Land Use	Existing City Limits		Proposed 10-year Growth Horizon		Proposed 30-year Growth Horizon	
	Acres Available	Projected DU's	Acres	Projected DU's	Acres	Projected DU's
Low Density Residential	16.25	108	236.2	1,134	236.6	1,136
Medium Density Residential	9.17	109	10.1	97	0	0
High Density Residential	4.61	104	16.3	358	0	0
Community Commercial (C-2)	6.74	92	13.5	184	0.62	8
<b>Possible DU's</b>		<b>413</b>		<b>1,773</b>		<b>1,144</b>

Source: City of Escalon Housing Element of December 2, 2019 prepared by Denovo Planning Group and Escalon General Plan Update 2019.

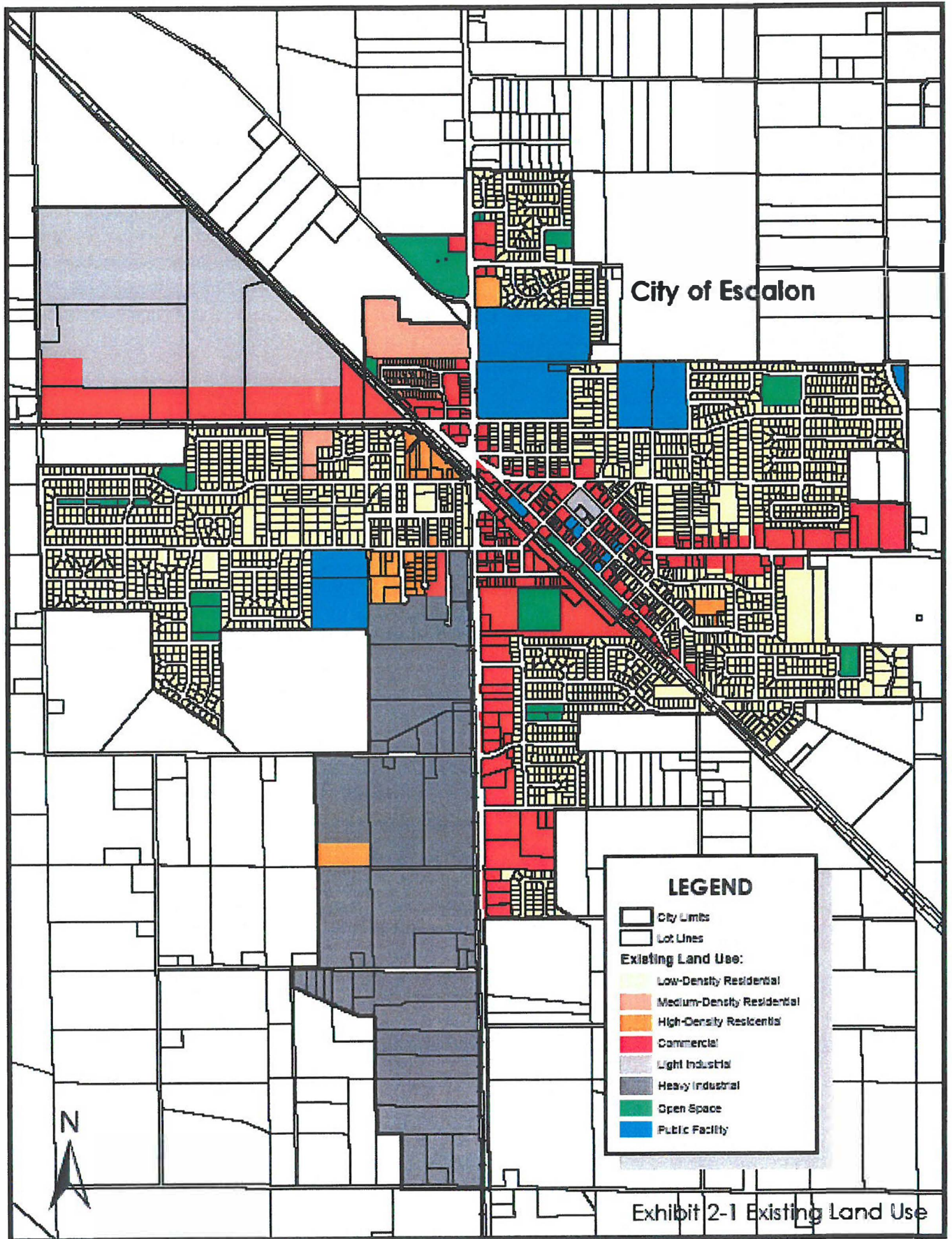
The City of Escalon General Plan, Objective A, Policy 2a suggest that the City needs to assume a 30% vacancy factor ("flexibility factor") for residential designated lands. A comparison of Table 2-4 and 2-5 demonstrates that the amount of land suggested in the 10 and 30 year growth horizons is in keeping with stated General Plan Policy. Infrastructure continues to be designed to accommodate the anticipated population.

### **2.3 PRESENT AND PROBABLE NEED FOR PUBLIC FACILITIES AND SERVICES**

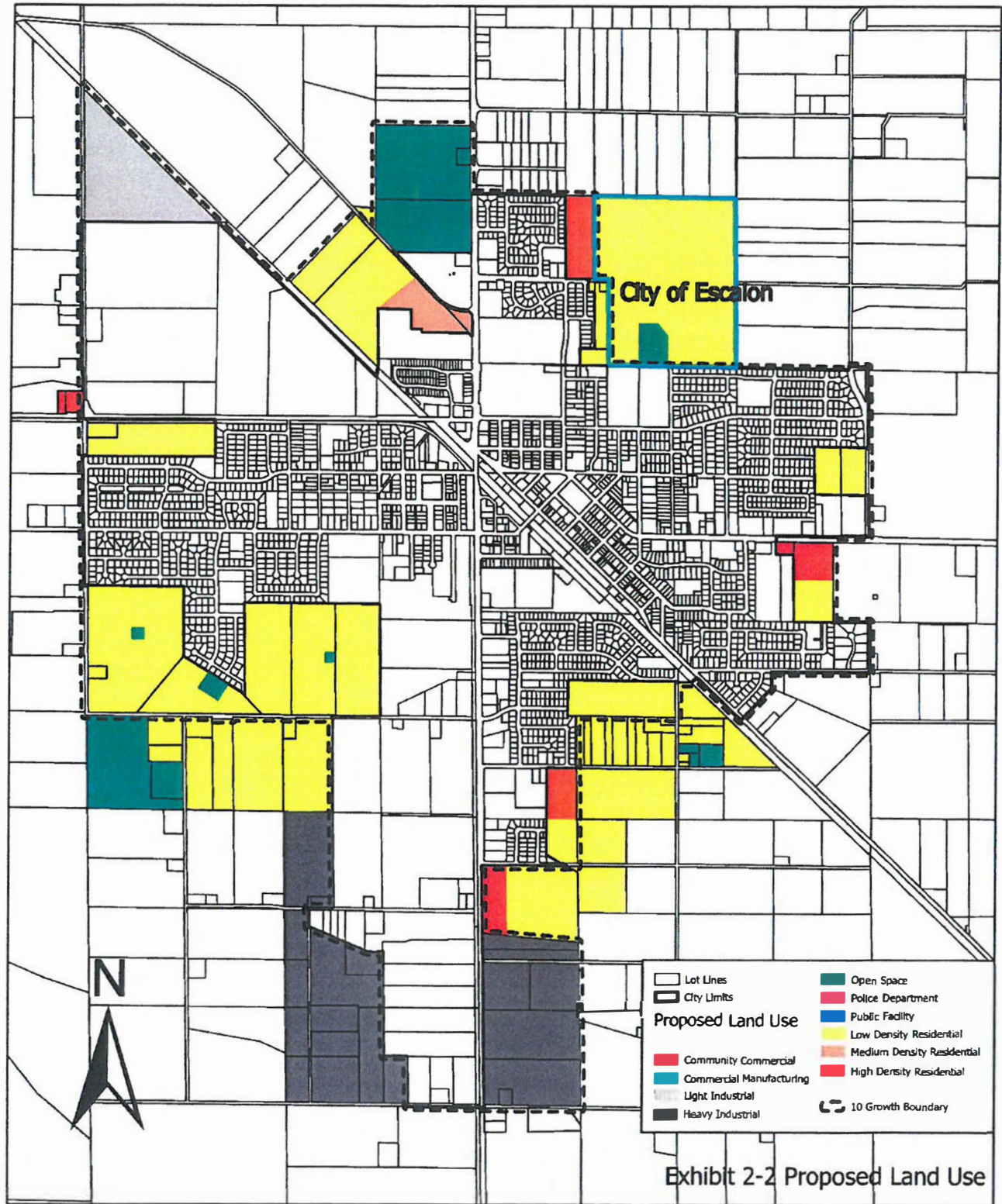
LAFCo is responsible for determining if an agency is reasonably capable of providing needed infrastructure and services to serve areas within its Sphere of Influence. LAFCo is required to evaluate present and long-term infrastructure demands and resource availability and to evaluate whether the resources and services are available at needed

service levels and that orderly maintenance and expansion of such resources and services are made in line with increasing demands.

Escalon's existing public facilities and current level of service are adequate to meet the needs of the existing population. Escalon will need to expand fire, law enforcement, water, wastewater, and drainage facilities and services as the City grows. Future growth and development within the proposed SOI will require continued improvements and upgrades to infrastructure and services; however, the City has policies and procedures and funding mechanisms in place that ensure the proper timing and adequate funding for needed infrastructure and services. Development fees and connection fees will address the capital cost of new development. Areas where growth is projected will be sufficiently served by public facilities, and mechanisms are in place to ensure that adequate facilities and services are provided as growth occurs. Chapter 5 of this document provides the detail to support these statements.







## **2.4 PRESENT CAPACITY AND ADEQUACY OF PUBLIC SERVICES**

As evidenced in this MSR Analysis, the City of Escalon currently provides adequate public services. The Escalon Consolidated Fire Protection District (EFD) will be able to adequately serve the projected growth of the City of Escalon, but the City and Fire District may have to increase fees, assessments and/or taxes in the future to provide the same level of service because costs and regulations will more than likely increase. However, the expansion of the Sphere of Influence and potential annexation of additional land could provide an improved financial position for the City by generating additional property taxes and development fees.

The City will need to monitor their Development Impact Fee and connection fees on a regular basis to ensure the funds collected continue to be adequate to cover the expenses generated from future growth. The City of Escalon and the Escalon Consolidated Fire Protection District will need to work together to ensure that the funding needed by the Fire District is adequate to accommodate the additional growth within the City limits for both capital expenditures and staffing needs will be met.

## **2.5 SOCIAL OR ECONOMIC COMMUNITIES OF INTEREST**

The City of Escalon has a variety of social and economic communities of interest, including numerous businesses, schools, churches, public sector facilities, and other Community Service programs that serve residents. The existing social fabric of the City will not be adversely affected by the proposed changes to the Sphere of Influence. Due to the small increase in the proposed Sphere of Influence it is likely that the existing communities of interest will grow with the added population. It is not likely that new communities of interest will be added. The City will maintain its close knit community feel.

Escalon does not have any City or community immediately adjacent to its existing City limits or proposed SOI. The City's closest neighbors are Modesto and Riverbank to the south, Oakdale to the southeast and Ripon to the west. All these cities share economic and social interests with Escalon due to their shopping and job opportunities. However, due to their distance from the City limits, none of these cities would be adversely impacted by the proposed changes to Escalon's SOI.

### 3 GROWTH AND POPULATION PROJECTIONS

This section identifies growth projections for Escalon and its SOI that need to be taken into consideration when planning for the provision of services. A detailed discussion on existing and future provision of municipal services to meet the future demand identified in this section is included in Section 4.

The City has plans and policies in place to ensure that as demand increases, as allowed by the General Plan adopted in 2019, adequate public services will be provided, while the existing service levels are maintained. The City has updated the Water, Wastewater, and Storm Drain Master Plans to take into consideration the potential future growth as anticipated by the Escalon General Plan.

#### 3.1 GROWTH PROJECTIONS

According to the US Census, there were 7,472 people living in Escalon at the time of the 2020 Census. This represents an annual growth rate of 3% between 1990 and 2000. Since 2010, the California State Department of Finance estimates that Escalon experienced a steady rate of growth, with 7,501 residents estimated for January 1, 2021. This reflects an annual growth rate of 0.79% between 2010 and 2020. This is obviously a much slower growth rate than anticipated by even the adopted Escalon Growth Management Ordinance. Table 3-1 illustrates the population and household projections from 2025 to 2050. (Note: The numbers on Table 3.1 were generated in 2021 using projections presented by the University of Pacific, Center for Business & Policy Research Demographic and Employment Forecasts dated September 10, 2020.)

**Table 3.1 Population and Household Projections, 2025 To 2050**

	<b>2025</b>	<b>2030</b>	<b>2035</b>	<b>2040</b>	<b>2045</b>	<b>2050</b>
<b>Total Population</b>	8,158	8,452	8,599	8,718	8,831	8,927
<b>Households</b>	2,823	2,912	2,962	3,006	3,046	3,089
<b>Average Household Size</b>	2.89	2.89	2.89	2.89	2.89	2.89

Source: University of the Pacific, Center for Business & Policy Research, San Joaquin County Demographic and Employment Forecasts dated September 10, 2020.

It is the City's goal to maintain the slow and steady growth rate into the future. To ensure that the growth is managed, the City established a Growth Management Ordinance (GMO) in April 1978. Over the years, the ordinance has been modified and fine-tuned as needed. The GMO caps the maximum number of building permits that can be allocated each year at 75 single-family residential units. A building permit allocation can be carried over into the next year however, the number of building permits issued including the rollover allocations is set at a maximum of 100 per year. By maintaining a set number of building permits issued each year and assuming 2.89 persons per dwelling units, the City will continue to maintain a slow and steady growth rate of less than 1% as shown in Table 3.2.

This slow but steady increase in population can be traced back to the City's growth ordinance. This ordinance was originally adopted in 1978. Over the years it has been refined and updated in order to keep pace with the City's needs. The average annual population growth rate between 2010 and 2020 was 0.79%

**Table 3.2 Population Projections**

<b>Year</b>	<b>Estimated Population</b>	<b>New Residents</b>	<b>Compounded Growth</b>
2025	8,158	418	1.02%
2030	8,452	294	0.70%
2035	8,599	147	0.34%
2040	8,718	119	0.27%
2045	8,831	113	0.26%
2050	8,927	96	0.22%

Source: University of the Pacific, Center for Business & Policy Research, San Joaquin County Demographic and Employment Forecasts dated September 10, 2020; JB Anderson Land Use Planning.

Even though the City's growth ordinance does not limit commercial and industrial growth, the commercial and industrial businesses rely upon serving the new residents and will be affected by the limited growth of the residential areas.

### **3.2 GENERAL PLAN GROWTH POLICIES**

The MSR must evaluate whether projections for future growth and population patterns are integrated into Escalon's planning functions. The Escalon General Plan does provide the framework for future growth within Escalon and its SOI. The General Plan includes goals, objectives, and policies for the provision of services to accommodate anticipated growth. These goals, objectives and policies include the following:

- The City shall maintain a reliable water supply system that meets the fire protection needs of the community. (Chapter 2.2, Objective A, Policy 2, page 2-5)
- The City will coordinate with the Consolidated Escalon Fire Protection District in the provision of fire protection services to ensure the maximum level of protection for all residences, commercial establishments, and industries within the planning area. (Chapter 2.2, Objective A, Policy 5, page 2-5)
- It is the policy of the City to require that water supply systems be related to the size and configuration of land developments. Standards as set forth in the current subdivision ordinance shall be maintained and improved, as necessary. (Chapter 2.4, Objective A, Policy 2, page 2-6)
- The City shall ensure that there is at least a 10-year supply (80 acres) of zoned and vacant commercial and industrial land inside the city limits at any one time. The City will ensure that infrastructure is installed or programmed in the

Capital Improvement Program for a five-year supply of land so that such property is "ready-to-go". (Chapter 4.0, Objective D, Policy 4.3.1, page 4-3)

- Consider annexations which are consistent with the extension of public services and facilities and other City policies and plans. The City shall maintain at least a 10-year supply of zoned land in the City for all residential land use types and a minimum five-year supply of "ready to go" zoned land served by infrastructure. Designate an adequate amount of residential land in the General Plan for a 30-year supply of single-family and multi-family land uses. (Chapter 7.2, Objective A, Policy 2, page 7-3)
- Plan and coordinate residential development in close proximity to planned urban facilities and services such as schools, parks, sanitary sewer, water, storm drainage, circulation network, transportation facilities and commercial centers. (Chapter 7.2, Policy 5, page 7-4)
- Future growth in the City shall conform to the Growth Management Ordinance of the City of Escalon. Residential building permits shall be limited as provided by the City's Growth Management Ordinance in effect. (Chapter 7.2, Policy 20, page 7-7)
- Update the water, wastewater, and storm drainage master plans, and any other specific or master plans related to infrastructure development on a periodic basis. (Chapter 7.5, Objective A, Policy 1, page 7-10)
- Annually monitor the need for law enforcement, fire and other emergency services personnel as the City grows. (Chapter 7.5, Objective A, Policy 2, page 7-10)
- It is the policy of the City that new growth shall pay its own way. Fees shall be established to pay for both needed facilities and incremental demands on existing facilities. (Chapter 9.1, Objective A, page 9-2)
- A master plan for the development and funding of necessary services and utilities (including but not limited to storm drainage, water, and sanitary facilities) shall be developed and adopted. Funding can be through the formation of an assessment district, entering into deferral agreements or direct developer funding of improvements. Distribution of cost for improvements shall be done in a fair and equitable manner. (Chapter 9.1, Objective B, page 9-2)
- Developers shall prepare an infrastructure and public services assessment as part of each annexation and/or development application to determine infrastructure needs, feasibility, timing, and financing. (Chapter 9.1, Policy 2, page 9-2)
- Require the extension and construction of infrastructure to proposed developments according to adopted elements and master plans. The City shall use reimbursement agreements or other financing techniques to reimburse developments for any oversizing cost, which may be required. (Chapter 9.1, Policy 4, page 9-2)

- New development shall demonstrate that adequate sewage capacity and sewage treatment capacity exist prior to development or that conditions of project approval will ensure adequate capacity and will be created as part of the project prior to the issuance of building permits. Conditions may include installation of necessary facilities or other methods acceptable to the City. (Chapter 9.1, Policy 13, page 9-3)
- Establish a Planning Area Boundary around the City consistent with San Joaquin LAFCo's Guidelines. This area should represent a potential 50-year growth boundary with an additional appropriate buffer and/or greenbelt extending an additional one-quarter to one-half mile. This area should include any "areas or communities of interest" that may affect the City. (Chapter 10.2, Objective A, Policy 1, page 10-2)
- Establish Urban Development Boundaries for the logical, sequential development of the community over the next 30 years. These boundaries shall be established based on the following factors:
  - Adequate residential, commercial, and industrial capacity for the planning period;
  - Inclusion of a 30% vacancy factor for residential land; that is, at least 30% additional land shall be provided than needed for each 10-year ring;
  - Inclusion of at least a 50% vacancy factor for non-residential land;
  - Adequacy of infrastructure including existing and planned capacity of sewage system, treatment plant, water system, schools, roadways, and other urban services and facilities;
  - LAFCo's guidelines for Planning Areas and Sphere's of Influence, including the following factors:
    - Logical areas for the extension of water transmission mains;
    - Ability to provide ample sewerage facilities;
    - Ability to provide adequate police and fire protection;
    - Ability to provide waste disposal;
    - Ability to provide parks and recreation;
    - Storm drainage service areas;
    - Existing school, postal and juridical districts and other special districts, which give municipal type services;
    - Compatible street circulation;
    - Geographic, economic and social relationships; and,
    - Needed community green belts;
  - Community growth priorities. (Chapter 10.2, Objective A, Policy 2, page 10-2 through 10-3)

### **3.3 DETERMINATIONS**

The General Plan, initially approved in 2005, estimated the population in Escalon would reach approximately 8,825 by 2015 and 11,950 by the year 2025. Actual population growth as of 2021 has been slower than anticipated based on a number of factors including the recession of 2008 and the slow rebound of the local real estate economy. The State Department of Finance estimates the population in Escalon as of January 1, 2020 to be 7,740.

The 2019 General Plan Update along with the stated Growth Management Ordinance provides the framework for future growth within the City and its Sphere of Influence. To that end, the General Plan includes a policy that states the City shall conform to the Growth Management Ordinance. By following the adopted growth management ordinance, the City will maintain an average annual absorption rate over the life of the General Plan of no more than 2.5%.

Escalon will continue to review future growth and population patterns on a regular basis and monitor growth within its SOI.

#### **4 LOCATION AND CHARACTERISTICS OF ANY DISADVANTAGED UNINCORPORATED COMMUNITIES WITHIN OR CONTIGUOUS TO THE SPHERE OF INFLUENCE**

SB 244 requires the identification and description of all "disadvantaged unincorporated communities" (DUC's) located within or contiguous to the existing Sphere of Influence of cities and special districts that provide fire protection, sewer, and/or water services. The identified disadvantaged unincorporated communities are required to be addressed by LAFCo when:

- Considering a City Annexation proposal involving 10 acres or more with an existing disadvantaged unincorporated community contiguous to the proposed area; and
- Approving Sphere of Influence and municipal service review determinations associated with the updated or established Sphere of Influence for local agencies subject to SB 244 requirements.

SB 244 also added Section 65302.10 to the Government Code to define the terms used in the legislation as they relate to cities and counties. The key terms are defined as follows:

- "Community" means an inhabited area within a city or county that is comprised of no less than 10 dwellings adjacent to or in close proximity to one another.
- "Disadvantaged unincorporated community" means a fringe, island, or legacy community in which the median household income is 80 percent or less than the statewide median household income.
- "Unincorporated fringe community" means any inhabited and unincorporated territory that is within a city's sphere of influence.
- "Unincorporated island community" means any inhabited and unincorporated territory that is surrounded or substantially surrounded by one or more cities or by one or more cities and a county boundary or the Pacific Ocean.
- "Unincorporated legacy community" means a geographically isolated community that is inhabited and has existed for at least 50 years.

According to the City of Escalon Environmental Justice White Paper, prepared by DeNovo Planning Group in 2019 in preparation of the general Plan Update, Census Tract No. 49.01 and Tract No. 49.02 are considered a Disadvantaged Communities, as defined by SB 1000 which is "an area identified by the California Environmental Protection Agency (CalEPA) pursuant to Section 39711 of the Health and Safety Code or an area that is a low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation.

Census Tract No. 49.01 is primarily within City Limits though includes some of the City's Sphere of Influence and Census Tract No. 49.02 is primarily located within the City's Sphere of Influence and other unincorporated areas in the County. Exhibit 4-1 below illustrates the boundary of Census Tract No. 49.01 and 49.02 and the proposed Sphere of Influence.



# Escalon, CA Census Tracts

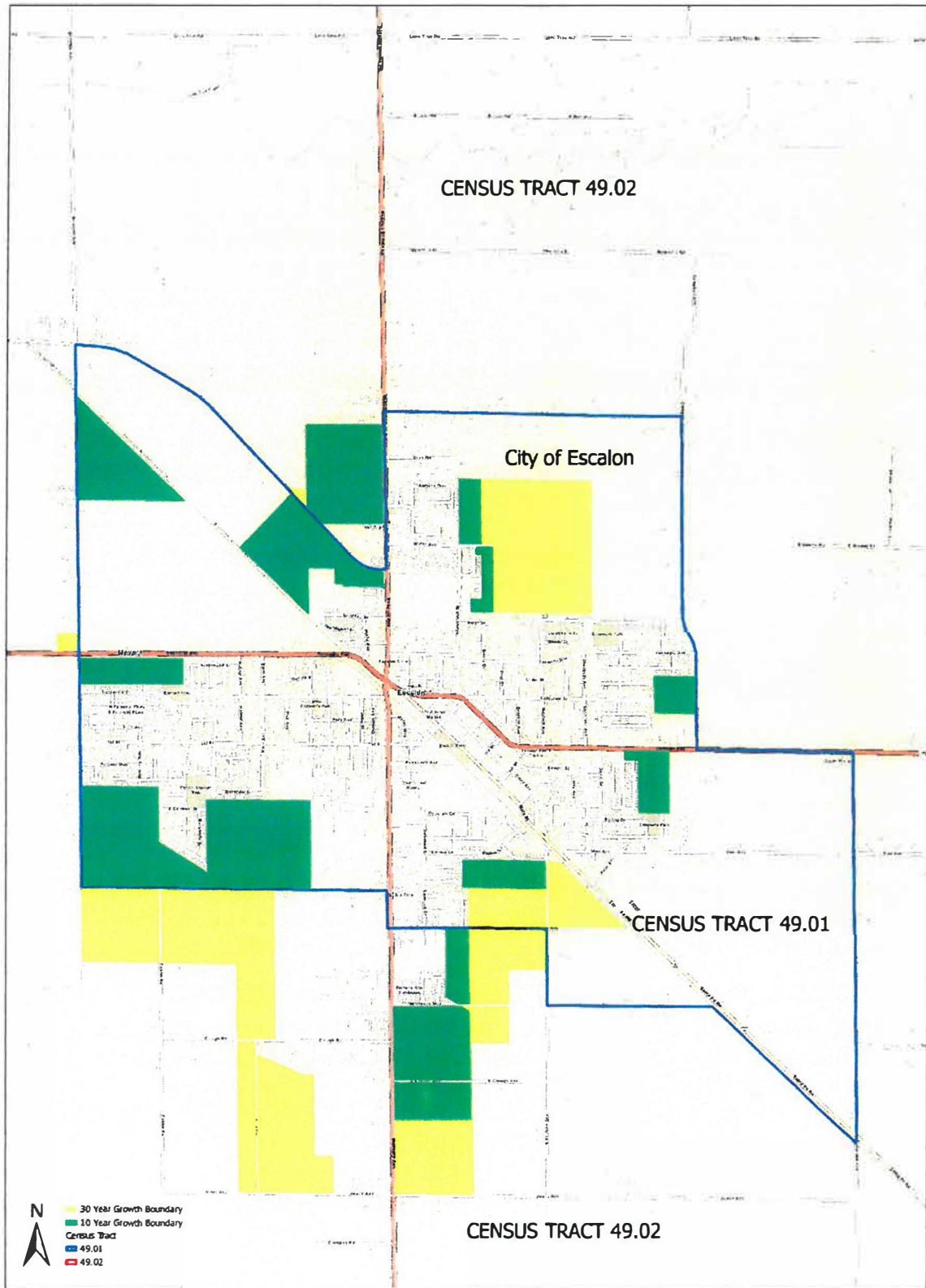


Exhibit 4.1 - Boundary of Census Tract No. 49.01 and 49.02

Although the Escalon Environmental Justice White Paper identified the two (2) Census Tracts as Disadvantaged Communities, it does not specifically include household income pursuant to SB 244 to analyze whether the areas within the Sphere of Influence are considered DUCs.

SB 244 outlines the general characteristics of DUCs but does not provide guidance on how to identify them. The Governor's Office of Planning and Research (OPR) published a technical advisory memorandum in February 2013 and recommends data sources for identifying the income status of communities and mapping sources for identifying "communities" as defined by SB 244. It also referenced methodologies prepared by PolicyLink in collaboration with California Rural Legal Assistance in 2013. Based on these two (2) sources of information, the City relied on the American Community Survey and the 2000 Census for income data. The City reviewed the 2010 and 2020 Census but the 2010 and 2020 Census did not include income data.

The American Community Survey for 2020 and 2019 and the 2000 Census were used to identify the Household Median Income for Census Tracts No. 49.01 and 49.02. The Median Household Income was then compared to the Statewide Median Household Income as a percentage. As shown in the Table below, the Median Household Income for Census Tract No. 49.01 and No. 49.02 was 80.84% and 82.61%, respectively.

**Table 4-1 Household Median Income – American Community Survey (2019 and 2020)**

	<u>Median Household Income</u>	<u>Percentage to Statewide Median Household Income</u>
Census Tract 49.01	\$63,595	80.84%
Census Tract 49.02	\$64,994	82.61%
Statewide	\$78,672	-
<u>Source:</u>		
<u>U.S. Census Bureau, 2016-2020 American Community Survey 5-Year Estimates, Table S1901</u>		
<u>U.S. Census Bureau, 2015-2019 American Community Survey 5-Year Estimates, Table A1901</u>		

As stated above, PolicyLink, in collaboration with the California Rural Legal Assistance developed a report and methodology for identifying Disadvantaged Unincorporated Communities, as defined by SB 244. The project used Geographic Information Systems (GIS) to identify unincorporated communities in the eight-county San Joaquin Valley region. The project focused on identifying places that are closely settled with a large number of homes, rather than spread out rural communities. The report also relied on U.S. Census data from 2000 by Census Tract to identify places of interest. While dated, the 2000 census provided a more accurate depiction of income levels at the block group level than the American Community Survey.

As shown in Table 4-2 below, the median household income of the state of California was \$47,493, so any census block group with a median household income of less than \$37,994 and meets the definition of "Community" would be considered a DUC.

Table 4-2 below shows the Median Household Income compared to Census Tract No. 49.01 and No. 49.02.

**Table 4-2 Household Median Income by Census Tract – U.S. Census (2000)**

	<u>Median Household Income</u>	<u>Percentage to Statewide Median Household Income</u>
Census Tract 49.01	\$50,436	106.20%
Census Tract 49.02	\$45,901	96.65%
Statewide	\$47,493	-
Source: U.S. Census Bureau, 2000 Census, Summary File 4, Table PCT089, Median Household Income in 1999 (Dollars)		

Census Tract 49.01 has a total of three (3) Census Block Groups: Group 1, Group 2, and Group 3. Census Tract 49.02 has a total of three (3) Census Block Groups: Group 1, Group 2, and Group 3. The City's proposed Sphere of Influence is located within a part of each Census Block Group. The Table below shows the Median Household Income compared to each Census Block Group.

**Table 4-3 Household Median Income by Census Block Group – U.S. Census (2000)**

	<u>Median Household Income</u>	<u>Percentage to Statewide Median Household Income</u>
<b>Census Tract 49.01</b>		
Block Group 1	\$48,125	101.33%
Block Group 2	\$53,107	111.82%
Block Group 3	\$41,111	86.56%
<b>Census Tract 49.02</b>		
Block Group 1	\$52,727	111.02%
Block Group 2	\$50,272	105.85%
Block Group 3	\$42,095	88.63%
Statewide	\$47,493	-
Source: U.S. Census, 2000 Census, Summary File 3, Table P053, Median Household Income in 1999 (Dollars).		

As shown above, the Median Household Income exceeds eighty percent (80%) of the Statewide Median Household Income at the Census Block Group level. In addition to the information above, PolicyLink did not identify any DUCs with the City of Escalon or within the proposed Sphere of Influence.

**4.3 DETERMINATIONS**

As shown in the analysis above, the City does not have any Disadvantaged Unincorporated Communities within or contiguous to the Sphere of Influence.

## **5 PRESENT AND PLANNED CAPACITY OF PUBLIC FACILITIES AND ADEQUACY OF PUBLIC SERVICES, INCLUDING INFRASTRUCTURE NEEDS OR DEFICIENCIES**

The purpose of this section is to evaluate the infrastructure needs and deficiencies for services provided by the City, especially as they relate to current and future users.

This section of the MSR will evaluate the following public services and infrastructure systems:

- Law Enforcement
- Fire Protection
- Water Supply and Treatment
- Wastewater Collection and Treatment
- Storm Water Drainage

In order to approve a change to the SOI and annexation of land into the City, LAFCo must determine that the necessary infrastructure and public services exist to support the new uses at comparable service levels. The information presented within this section supports the City's requested SOI boundary.

### **5.1 LAW ENFORCEMENT**

The Escalon Police department was first formed as the Escalon Police District in 1939. When the City was incorporated in 1957, the "police district" was dissolved and the Escalon Police Department was formed.

The Escalon Police Department provides around the clock police services for the City of Escalon which encompasses an approximate area of 2.5 square miles. The Escalon Police Department is located at 2040 McHenry Avenue in Escalon. The department offers 24-hour police service and is open to the public Monday through Friday from 0800 (8:00 am) to 1700 (5:00 pm) unless otherwise posted. Dispatching is handled by the office during business hours. After hours, weekends and holidays, dispatching is handled by the Ripon Police Department under contract.

The Escalon Police Department has a staff of 12 full-time sworn officers, 7 part-time sworn reserve officers and two (2) support staff. The breakdown of the full-time officers is as follows: one (1) Chief, two (2) sergeants, and nine (9) full-time sworn officers. Escalon's Police Department's support personnel includes, a Police Manager, a Code Enforcement Officer and four (4) part-time Animal Services Officer's. Escalon Police Officers are also considered First Responders. They are trained in CPR and First Aid.

All officers must attend a Police Officers Standards and Training (POST) approved police officer course and must be hired within three (3) years of completing that course. Once they are hired, the new officers are placed with a Field Training Officer for 12-16 weeks. The officers receive a minimum of 24 hours of additional training every two (2) years per POST standards. The officers are trained to handle all types of calls. The City of Escalon

does offer specialized training in Accident Investigation, Gangs, Drugs, High-Tech Crime, and Identity Theft.

The Department has a Senior Volunteer program with three (3) participants. Citizen Volunteers give service by helping with vacation checks, parade assistance and wellness checks. There is an explorer program for teenagers, and it currently has eight (8) participants.

The average response time is three (3) minutes or less for priority calls (life threatening situations) and seven (7) minutes or less for non-priority calls.

As it relates to Police Dispatch Services, the City has maintained a partnership with the City of Ripon since 2001 for services (Original agreement was executed on September 4, 2001). On June 7, 2011, the City entered into an Agreement with the City of Ripon to provide police dispatch services on a 24 hour / 7 days a week basis. An amendment to the Agreement was approved by City Council in 2014 to address annual increase adjustments and add language to identify that in the event of an outage, Ripon will provide staffing as necessary to assist Escalon. On August 1, 2022, the City Council adopted a new contract with the City of Ripon to provide police dispatch services. The term of the contract is ten (10) years, expiring on June 30, 2032.

The Escalon Police Department defines offenses for statistical purposes using the FBI's Part 1 Crime Categories. Crimes are classified as Violent Crimes or Property Crimes. In 2019, 137 Part 1 violent offenses were reported, which include homicide, rape, burglary, larceny and simple assaults. Part 1 property crimes for 2019 numbered 140. In 2020, 46 Part 1 violent offenses and 136 Part 1 property crimes were reported.

Law enforcement in the unincorporated area is the responsibility of the San Joaquin County Sheriff Department. The Sheriff Department maintains a beat that includes the Escalon area. This beat is designated as District 7 and includes Manteca, Lathrop, Ripon, and Farmington. Usually, one or two officers are on duty for this beat. The Sheriff Department has law enforcement power within incorporated cities and outside corporate limits. Coroner's service is provided throughout the county by the Sheriff Department.

The California Highway Patrol (CHP) handles all traffic-related incidents on California State Route 120 and in the unincorporated county area. This includes issuing traffic citations and investigating vehicle accidents and auto theft.

The Police Department receives funding from three (3) sources: the City's General Fund, grants, and development impact fees.

The City updated their Development Impact Fee Nexus study on December 16, 2016. No existing deficiencies were noted in the study. The study provides the nexus to show that the impact fee meets the AB 1600 nexus requirements. The fees collected can only be used to fund police-related capital costs attributable to the impact of new development. The study set the standard of 1.4 sworn officers per 1,000 residents based on the ratio of sworn officers versus the City's population at the time of the study.

## **Law Enforcement Analysis**

As the City grows, increased population and new commercial and industrial development will increase the need for police service. Police service requirements are also influenced by the demands for traffic control and traffic accident services. Based on the ratio of 1.4 sworn officers per 1,000 residents, Escalon would need a total of 13 sworn officers in 2030 and 17 sworn officers in 2050.

The City will be able to pay for the additional law enforcement operational needs through the expanded tax base generated by new development. Capital costs for facilities and equipment will be funded through development fees collected from these new developments. The City's Police and Public Works Departments will continue to monitor these fees to ensure that the fees collected are adequate to serve the expanded needs of the City.

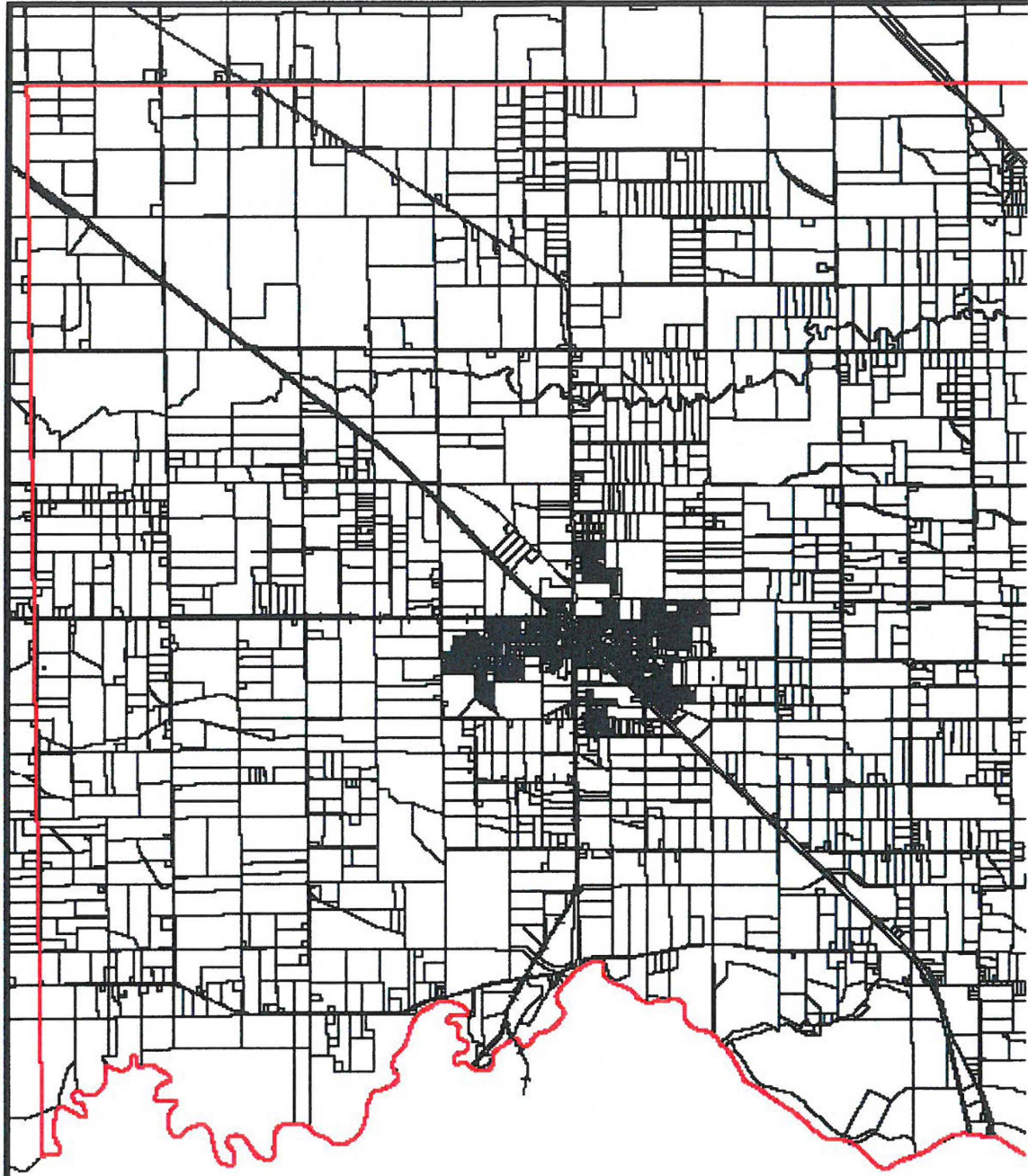
### **5.2 FIRE PROTECTION**

Fire protection and emergency medical services are provided by the Escalon Consolidated Fire Protection District (EFD). The EFD does not have a contract with the City to provide these services however the City is within their service boundary. Exhibit 4-1 illustrates the Escalon Consolidated Fire Protection District's boundaries.

The Escalon Consolidated Fire Protection District, formed in 1912, provides fire suppression and rescue operations around the clock to a district that covers 65 square miles of primarily agricultural land. The district includes the City of Escalon and is located in the southeast corner of San Joaquin County in Northern California. The service boundaries are Dodds Road to the north, the Stanislaus River to the south, Victory Road to the east and Carrolton Road to the west.

The EFD's main station and offices are located at 1749 Coley Avenue in the City of Escalon. Station 2, completed in January 2002, is located on the northern edge of the district on Highway 120 (17950 S. Van Allen Road). This site was chosen in order to maintain a maximum 5-mile limit from either of the stations to any location in the district. At the present time all operations are conducted from the district's main station at 1749 Coley Avenue in downtown Escalon.

When fully staffed the department consists of a Fire Chief, three (3) Battalion Chiefs, and three (3) Firefighter Engineers. Coverage is based on a three (3) Platoon Shift. The firefighter's schedule has been adjusted so the City is adequately covered while they seek the additional firefighters. Support personnel consist of one (1) part time Administrative Assistant. These personnel are assisted by ten (10) reserve officers and six (6) volunteers.



**LEGEND**  
□ District Boundary

**Exhibit 5-1 Escalon Fire Protection District Boundary**

The Fire District responds to all hazardous materials incidents as first responders. District firefighters are trained at the First Responder Operational level.

### **EMERGENCY MEDICAL SERVICES**

Emergency medical services are provided 24 hours a day by highly trained Firefighter-EMTs. Each firefighter is trained as an emergency medical technician and provides basic medical treatment. The Escalon Fire District responds to over 1,000 EMS calls each year. The District works closely with the Escalon Community Ambulance and other ambulance providers in the area to serve the public with an effective level of service.

### **ORGANIZATIONAL INFORMATION ON THE DISTRICT**

The original Fire District was organized by action of the Board of Supervisors on May 18, 1920, following a petition filed by Grant Higgins, et al for the appointment of a Board of Fire Commissioners for the town or village of Escalon. More than fifty (50) people signed the petition.

On September 10, 1957, the Fire District was reorganized by the Board of Supervisors following discovery that the Escalon Fire District may have not been legally formed due to the omission of certain procedures by the Board of Supervisors in the 1920 action. The legal name of the EFD became the Escalon Fire Protection Department; however, the shorter name persisted.

The EFD was reorganized under the 1961 Fire District Act on July 27, 1964.

On August 20, 1982, the Escalon Fire Protection District consolidated with the Escalon Rural County Fire Protection District under provisions of the District Reorganization Act (Government Code Section 56261.1) following action by the Board of Supervisors on July 20, 1982. The legal title of the consolidated district was established as Escalon Consolidated Fire Protection District.

The Escalon CFPD is governed by a Board of Directors comprised of five (5) members elected by the residents of the EFD to a four (4) year term. The Board of Directors meetings are held on the second Thursday of the month at 7:00 PM. These meetings are open to the public and are held at Escalon Fire Station 1-1.

The EFD has a difficult time in retaining qualified firefighters. Many of the firefighters are lured away from the District by surrounding jurisdictions that can pay higher wages and more fringe benefits. The District struggles to balance pay increases with the need for additional personnel.

Between January of 2019 and December 2019 there were 1,342 calls for assistance. The average reflux time (time from dispatch to on scene) for calls within the City limits is 5 minutes 32 seconds. Reflux time to rural areas is an average of 9 minutes 50 seconds. The District's 90 percentile "turnout time" and "travel time" in 2009 was 2:25 minutes turnout time and 7:25 minutes response time. These times were below the average 90 percentile time for all combination rural fire districts at 2:18 minutes turnout time and 7:13 minutes travel time. (Source: San Joaquin LAFCo Final Municipal Service Review for Rural Fire



Districts, October 21, 2011). These response times continue to be accurate as of September, 2021 per email correspondence with the Escalon Fire District Chief Rick Mello (email correspondence on September 13, 2021).

The Insurance Services Office (ISO) currently classifies the area in the City as a Class 4 and the rural area as a Class 8b.

There are 281 fire hydrants in the district with an average of 55-62psi or 2,100-2,200 gallons per minute. The City currently has an adequate water supply and pressure to meet the emergency needs of the Fire District.

### **EQUIPMENT**

The District currently has the five (5) Engines of varying types, one (1) rescue vehicles and two (2) water tenders for fire protection and emergency response equipment.

While the Escalon FD provides primary fire protection to their district, they also have a mutual aid agreement with the surrounding fire protection service providers including Ripon Fire District, Salida Fire District, Modesto Fire Department, Stanislaus Consolidated Fire District and Farmington Fire District. As a result, if Escalon FD is unavailable to answer a call in Escalon, a neighboring fire department will respond to the call if they are available.

The Escalon FD receives funding from a variety of sources. The breakdown of funding for the 2021-2022 fiscal year (projected) is as follows:

- 98% property taxes
- 0.75% fire facility fees
- 1.25% services fees/misc.

Escalon FD receives a Fire Facility Fee of \$0.16 cents per square foot on all buildings built within the District. The fee can be used to build and equip the fire stations (i.e. capital expenditures). These funds cannot be used for operating expenses such as staffing or additional firefighters. The Fire District also has an override tax of \$0.05 cents per square foot on buildings within the district that is added to the property tax bill. This money is used to hire additional full-time personnel.

### **Fire Protection Analysis**

Continued growth within the SOI will increase the overall demand on fire protection services in the City due to the increase in development. All the land within the SOI is also within the Fire District boundary so no expansion of service area is necessary to accommodate the expansion of the City. Growth in accordance with build out of the SOI is expected to generate the typical range of service calls, including structure fires, auto fires, electrical fires, and others. New fire facilities, vehicles, equipment, and personnel will be required to maintain adequate response times to serve future growth.

Therefore, the Fire District's costs to maintain equipment and facilities and to train and equip personnel will also increase. Additional facilities, personnel, equipment, and materials costs will be offset through the increased revenue and fees generated by the expanded property tax base, the Fire Facility Fee and the override tax. However, the Fire Facility fees may not be adequate to meet the projected needs in the future. The Fire Facility fee has not been reviewed or increased since the early 1990's. It is suggested that the Fire District commission a nexus study to determine the appropriate fee for new development with escalation rate so that the Fire District can ensure their ability to adequately accommodate the projected growth. If the nexus study or a subsequent fee adjustment is unsuccessful, the City will explore other permissible funding mechanisms to provide adequate fire service to residents of the City of Escalon.

### **FIRE FACILITY FEE**

The Escalon FD is a standalone district with no ties to the City other than providing fire protection services to the residents and businesses. The District is responsible for 100% of the costs to run the District. The City of Escalon collects the \$0.16 per square foot Fire Facility Fee for the District when a building permit is pulled. This remains unchanged since the adoption of the Escalon MSR of 2011.

The fire protection needs of the City are currently being met by the Escalon FD. However, as the City grows and the capital expenditures and staffing needs increase, the City will need to work closely with the Escalon FD to ensure that the fire district is able to adequately service the additional population generated by the annexation of additional land into the City. This may mean that the City establishes a contract with the Fire District for the required level of services needed by the City or the City and District work together to implement a public safety tax. Coordination with the Escalon FD related to the Fire Protection Facilities Improvement Fee is detailed in Chapter 3.22 of the Escalon Municipal Code. The City will continue to work with the Escalon FD to ensure that fire protection services are being met for the existing City Limit and future annexations.

### **TAX REVENUE**

Escalon receives revenue from specific taxes collected that assist with providing public services to new growth and development. The City currently collects the following taxes:

- Property Tax;
- Sales and Use Tax;
- Measure K Sales Tax for Street and Road Improvements;
- Gas Tax;
- Transient Occupancy Tax; and,
- Park Development Tax.

In Fiscal Year 2019-2020, these taxes contributed \$3,940,000.00 to the City's total revenue.

### **5.3 DETERMINATION**

Escalon receives funds for the provision of public services and facilities through development fees, property taxes and connection and usage fees.

As land is annexed into the City from the SOI, these fees will apply. The City reviews these fee structures every two years and indexes the fee on an annual basis to ensure that adequate funds are collected to cover the provision of City services to existing as well as new residents.

The Escalon FD is responsible for the fire protection services in the City of Escalon. As the City grows and the capital expenditures and staffing needs increase, the City will need to work closely with the Escalon FD to ensure that the fire district is able to adequately service the additional population generated by the annexation of additional land into the City. This may mean that the City establishes a contract with the Fire District for the required level of services needed by the City or the City and District work together to implement a fire mitigation fee or a public safety tax.

Since the fire facility fee has not been reviewed or increased since the early 1990's it is suggested that the Fire District commission a nexus study to determine the appropriate fee with a built in escalation rate for new development so that the fire district can adequately accommodate the projected growth. The Chief is currently putting together a request to his board to increase the fee which once adjusted will adequately fund the necessary expansion of the fire department due to new growth.

#### **5.4 WATER SUPPLY**

Historically, water supply within the City has been from groundwater wells. Water service was initially provided by the Escalon Water Company, which was a private company established in the early 1900's. In the late 1960's, the City took over, from a developer, the operation of a well and distribution system serving a small residential subdivision. In the early 1980's, the City purchased the Escalon Water Company and took over the operation of the entire water system. Water supply for domestic service and fire flow is currently supplied from three (3) active wells which provide day-to-day domestic water and fire flow supply. One additional well is used for standby and only operates in emergency conditions. All water quality testing is kept up to date. There is one 500,000-gallon storage tank located at the Well 1 site.

Well 1 has been equipped with two (2) granular activated carbon (GAC) contactors that remove Dibromochloropropane (DBCP). Each vessel is rated for 700 gpm of capacity. The treated water from the contactors enters the 0.5-million-gallon storage tank and is then pumped into the system through the booster pump station. Eventually, this water will be pumped directly into the system, bypassing the tank. No other treatment is necessary throughout the system, although the City adds chlorine as a disinfectant as a preventative measure, which is considered to be good practice.

The existing distribution system consists of approximately 33 miles of piping. Pipeline diameters range from 3 to 16 inches. The original system was built with small diameter steel pipes, which was inadequate to convey flows at adequate pressures. Due to the dilapidated condition of the system, the City applied for and was awarded a State loan and federal grant in 1983. To date, almost all of the old pipelines have been replaced, and as a result, the distribution system is in excellent condition.

The system pressure is maintained automatically with a supervisory control and data acquisition system (SCADA). Operators enter the desired system pressure and configure the wells in a lead/lag configuration. If the well set in the primary position cannot maintain the system pressure, the second well in the series will start. The existing control system works well.

The City's future supply will continue to utilize groundwater and be augmented by surface water from the South San Joaquin Irrigation District (SSJID) South County Water Supply Project. Two independent water supplies in a conjunctive use program will provide redundancy and reliability to the City's long-term water supply.

The City does not anticipate that all of the land will be developed within a particular General Plan planning boundary within the time frame indicated; however, for projecting water demands and future distribution and transmission facilities, full build out was assumed to prevent under sizing the facilities resulting in the need to return and upsize or add major infrastructure in the future. Table 5-1 illustrates the water demand through build out of the proposed Sphere of Influence.

**Table 5-1 Projected Water Demands**

<b>PLANNING BOUNDARY</b>	<b>Annual Average MGD</b>	<b>Maximum Day MGD</b>	<b>Peak Hour/Mgal/d</b>
Existing Development w/in City Limits	1.4	3.2	4.6
2025 Planning Area	4.4	10.6	15.2
2035 Planning Area	5.7	13.7	19.6

Source: City of Escalon Water Master Plan, Table 2-3, ECO:LOGIC Engineering, 2007

**GROUNDWATER WELLS**

Based on the Water System Evaluation Addendum prepared by Blackwater Consulting April 2016, the City has established 4 priority water system improvements:

- Improvement 1 - Destroy Existing Well No. 1, Construct New Well, and Remove GAC Filters
- Improvement 2(a) - Increase Well Capacity of Existing Well No. 3A
- Improvement 3 - Increase the Motor Horsepower of Well Pump No. 9
- Improvement 4 – Replace Existing Well Site No. 1 Booster Pumps and Motors with New Booster Pumps and Motors with Variable Frequency Drives

The construction of the future wells should be based on the level of development and built as the system demands increase along with development.

Table 5-2 illustrates the average daily water demands of the existing wells through 2020.

**Table 5-2 Average Daily Water Usage**

YEAR	Average Daily Water Usage (MGD)	Max Daily Water Demand (MGD)
2008	1.68	2.56
2009	1.59	2.63
2010	1.43	2.60
2011	1.47	2.45
2012	1.60	2.77
2013	1.69	2.63
2014	1.47	2.49
2015	1.19	1.65
2016	1.17	1.87
2017	1.29	2.19
2018	1.30	2.11
2019	1.32	2.20
2020	1.42	2.27

Source: City of Escalon Water System Evaluation, Blackwater Consulting Engineers, February 2016; Giuliani & Kull, Inc. 2021.

Table 5-3 illustrates the capacity of the existing wells in the City of Escalon. Additional water will be provided by additional wells and the South San Joaquin Irrigation District Surface Water Project as described below.

**Table 5-3 Summary of Well Capacity**

Well #	Status	Capacity	
		GPM	MGD
1	Inactive	0	0.0
3A	Active	1,100	1.6
9	Active	800	1.15
10	Active	1,300	1.9
<b>Total Active Pumping Capacity</b>		<b>3,200</b>	<b>4.65</b>

Source: City of Escalon Water System Evaluation, Blackwater Consulting Engineers, February 2016

**WATER QUALITY**

The City routinely monitors the water that is treated and served to customers to ensure that water delivered to customers meet water quality standards. There are two (2) general types of drinking water standards:

- **Primary Maximum Contaminant Levels (MCLs)** are health protective standards and are established using a very conservative risk-based approach for each constituent that takes into potential health effects, detectability and treatability,

and costs of treatment. Public water systems may not serve water that exceeds Primary MCLs for any constituent.

- **Secondary MCLs** are based on the qualities of the water such as taste, odor, and certain mineral content, and are considered limits for constituents that may affect consumer acceptance of the water.

The results of this testing are reported to the State Water Resources Control Board (SWRCB), Division of Drinking Water (DDW) following each test and are summarized in Consumer Confidence Reports, which are provided to customers by mail and made available on the City's website at:

[https://www.cityofescalon.org/government/departments/public\\_works/water\\_department](https://www.cityofescalon.org/government/departments/public_works/water_department).

As shown in the latest Consumer Confidence Report (January 2022), the City complies with all State and federal drinking water standards, and do not exceed MCL standards. The Report shows detection of contaminants with a primary drinking water standard, such as Arsenic, Fluoride, Chlorine and Nitrate but the levels detected do not exceed MCL standards and are attributable to a number of factors, such as erosion from natural deposits, discharge from fertilizer and aluminum discharges, drinking water disinfectant, and leaching from septic tank and sewage erosion.

### **GROUNDWATER SUPPLY**

The City overlies the Eastern San Joaquin Groundwater Subbasin (Subbasin). The Subbasin is one of twenty-one (21) basins and subbasins identified by the California Department of Water Resources (DWR) as being in a state of critical overdraft. The Eastern San Joaquin Groundwater Authority (ESJGWA) was formed in 2017 in response to the Sustainable Groundwater Management Act (SGMA) which was enacted in 2014. The ESJGWA prepared the Groundwater Sustainability Plan (GSP) to achieve groundwater sustainability in the Subbasin by 2040 and was adopted by the ESJGWA in November 2019 and was recently revised in June 2022. The GSP outlines the need to reduce overdraft conditions and has identified twenty-three (23) projects for potential development that either replace groundwater use (offset) or supplement groundwater supplies (recharge) to meet current and future water demands. The GSP can be viewed on the Eastern San Joaquin Groundwater Authority website: <http://www.esjgroundwater.org/>.

The Subbasin is located to the west of the Sacramento-San Joaquin River Delta (Delta) and is bounded by the Sierra Nevada foothills to the east, San Joaquin River to the west, Dry Creek to the north, and Stanislaus River to the south. In the eastern portion of the Subbasin, groundwater flows from east to west and generally mirrors the eastward sloping topography of the geologic formations. The western portion of the Subbasin, groundwater flows eastward toward areas with relatively lower groundwater elevation. Surface water flows from east to west, with the major river systems traversing the Subbasin being the Calaveras, Mokelumne, and Stanislaus rivers.

According to the GSP, groundwater levels in some portions of the Subbasin have been declining for many years, while groundwater levels in other areas of the Subbasin have remained stable or increased in recent years. The change in groundwater levels varies

across the Subbasin, with the greatest declines occurring in the central portion of the Subbasin. The western and southern portions of the Subbasin have experienced less change in groundwater levels, in part due to the minimal groundwater pumping in the Delta to the west and the import of surface water for agricultural and urban purposes.

### **SOUTH SAN JOAQUIN IRRIGATION DISTRICT SURFACE WATER SUPPLY**

The City is a participant in the South San Joaquin Irrigation District (SSJID) South County Water Supply Program. SSJID entered into a Water Supply Development Agreement in 1995 with the Cities of Ripon, Manteca, Lathrop and Tracy for the delivery of treated surface water to supplement the municipal and industrial water supplies of these communities. The purpose of the project is to provide a reliable supply of water to these cities to reduce the potential negative impacts of over drafting the groundwater aquifers providing the water supply to the various communities.

The City was initially slated to take delivery of up to 2,015 acre-feet of treated water after completion of Phase I and has been allotted up to 2,799 acre-feet of treated water through Phase II. The City opted to defer delivery of project water until Phase II to delay costs implications on the City, therefore the City has relied on the groundwater supply in the interim. The City of Escalon elected to sell its Phase I allocation of water to the City of Tracy via the Escalon Amendment to Tracy-SSJID Water Supply Development Agreement in 2006. Funds collected by the City of Escalon through these sales between 2003 and 2014 have been spent to retire debt service on the initial construction loan. Funds collected since 2015 to current have been reserved for the City's future connection to SSJID surface water system and amount \$837,392.

In 2020, the City of Escalon entered into a new Agreement with SSJID which superseded and replaced the 1995 Initial Agreement in its entirety, without disturbing the subsequent side agreements between SSJID and individual Project Participants (e.g., Cities of Manteca, Tracy and Lathrop). This new Agreement, known as Water Supply Agreement, the City intends to preserve its ability to receive treated water from SSJID in the future through existing facilities and subsequent construction of the Phase II Project facilities.

On September 16, 2021, the Escalon City Council directed staff and their consultant PACE to present Configuration C to SSJID for connection to the Water Treatment Plant (WTP).

The primary facilities associated with the Configuration C SSJID project include the transmission pipeline of about 18,000 linear feet to convey treated water from the WTP transmission main to the City and the turnout facilities. This would include a flow control assembly, 0.10 MG storage wet well and booster pump to be constructed in the northeast corner of Hogan Park. The turnout and booster station would function to provide water supply on a schedule, and either the distribution system or Roosevelt Tank will receive the supply. The estimated costs for the SSJID connection is \$4,877,600. The City of Escalon continues to collect dollars from existing water users to fund these future improvements. It is envisioned initially that the SSJID water will be used during the summer months. As the population of Escalon grows, the SSJID water will be used as a reliable source of domestic water for its current and future customers. The City, in coordination with SSJID, have completed the initial surveys and preliminary alignment of the improvements. The City and SSJID are in the process of completing the environmental, project timing and design.

The current schedule is for design to be completed in 2023, secure funding in 2024 and begin construction in 2025.

### **TRANSMISSION AND DISTRIBUTION SYSTEM**

The proposed distribution system improvements correlate to the water supply improvements and would be constructed simultaneously with the water supply improvements and/or as development occurs in a particular area of the City. The planning boundaries and demands associated with full build out of the General Plan planning horizons were used for planning distribution system improvements which are higher than the market projections. A hydraulic model was used to size pipelines. Distribution system improvements were sized based on the modeling results and established criteria, input from City staff and review of the system. The primary objective of the distribution system improvements is to ensure that adequate flow and pressure are available throughout the system.

### **Current Conditions/Infill through 2030 Planning Horizon**

Based on the reliable capacity of the existing system, the City has chosen to contract for the completion of Well 1A. The new well #1A is being designed to a capacity of 1,500 GPM's and should be of sufficient capacity to handle projected growth in the short-term. The balance of the water improvements mentioned 2-4 will be funded based on budgetary constraints adopted by the City Council. Additional wells and booster pumps will be added to support new development based on the results of independent Water Supply Assessments performed to comply with SB 610 findings and in compliance with the Escalon Master Water Plan.

### **2030 through 2050 Planning Horizon**

It is likely that in the long term, the City of Escalon will choose to fund necessary improvements to support connection to the SSJID surface water treatment system. The SSJID water will supplement the City's groundwater supply and provide a redundant source of supply. The timing of the SSJID supply could vary depending on a number of factors including: the actual demands in the City, schedule of the SSJID Phase II expansion, and financial considerations associated with the necessary improvements.

The SSJID water supply is important from the City's long-term water supply and reliability perspective as part of a conjunctive use program, but there is not an acute need for the SSJID water to meet projected demands based on the market projections at least through 2030, and probably sometime beyond that based on current expectations of well yields in the area and the addition of the storage tank(s)/booster pump station.

As mentioned previously, the City of Escalon is drawing groundwater from an abundant part of the Eastern San Joaquin County Groundwater Subbasin. Therefore, due to the apparent ability of the groundwater supply to meet future demands, the City may have opportunities to temporarily lease or sell a portion of its SSJID allotment to other project Cities that do not have well capacity or other sources of supply. These opportunities provide an interim solution to the other Cities, while potentially offsetting some of Escalon's costs to participate in the project in the future.

The ability to receive surface water could be integral in the City's long-term plans such as an aquifer recharge program. A recharge program would involve recharging the



aquifer using treated surface water from SSJID during the winter months when demands at the water treatment plant are low, and there is excess capacity.

### **Water Supply Analysis**

Build out of the General Plan Updated in 2019 will generate substantial increases in demand for domestic water. The General Plan and the Water Master Plan (January 2007) assume that future domestic water supplies will continue to be met from groundwater wells as well as surface water from the SSJID project. Anticipated urban development will require not only a substantial expansion of the City's water distribution but also expansion of the supply through the development of new wells, storage and pumping facilities.

The City's Water Master Plan assigned costs to the anticipated water facilities improvements and established a connection charge adequate to pay for necessary improvements. Depending on the nature of the improvements and the amount and timing of development, sufficient funds from connection charges may not fully fund the capacity expansions in the short-term. In such cases it is typical for developers to provide capacity in excess of their need with reimbursement from the City as additional connections occur.

Specific onsite improvements within specific developments that are needed to provide service to the development including distribution system piping, services, blow offs, fire flows in excess of normal requirements, and other appurtenances will be financed by the developer, constructed to City standards and deeded to the City. Since these "on-site" improvements are paid for by the developer, they are not included or credited as an offset to the connection charges.

General Plan build out and associated expansion of the City water well system will increase demands on the underlying groundwater system. However, this increased demand will be satisfied through the use of groundwater as well as the SSJID surface water acquired through the City's participation in the South San Joaquin Irrigation District (SSJID) South County Water Supply Program. Two independent water supplies in a conjunctive use program will provide redundancy and reliability to the City's long-term water supply. Therefore, the City has an adequate supply of water to meet the increased demand through General Plan build out.

## **5.5 WASTEWATER COLLECTION AND TREATMENT**

Upon incorporation in 1957, the City of Escalon acquired all of the facilities of the Escalon Sanitary District. The facilities which make up the City's sewer system have been 1) acquired during incorporation, 2) constructed or 3) received as dedications from developers.

The City of Escalon owns and operates two wastewater treatment and disposal systems: The municipal system handles wastewater from residential, commercial, and small industrial sources in the City; the industrial system handles wastewater from the food processing industries in the City.

The City's sewer system including a 14-inch sewer trunk main in McHenry Ave was constructed prior to 1950. Existing sewer diameters are not large enough. The majority of the City's sewer system is eight inches in diameter or less. There are approximately 137,230 lineal feet (26.0 miles) of gravity and pressure sewer lines within the City's domestic sewer system. Sewer sizes range from 6-inch to 14-inch diameter and are composed of vitrified clay, PVC, and asbestos cement pipe.

The sewer service area within the City limits encompasses approximately 1,130 acres of land with the majority (42%) of the land use in the low to high density residential category. The remaining areas are divided among industrial, commercial, park and open space, and public facilities, with industrial representing the second highest land use at approximately 34% of the total.

Reclamation of clean industrial wastewater, e.g., cooling water, is being practiced by the Escalon industries. Reclamation of the remaining high-strength industrial wastewater and municipal wastewater is not likely because of readily available alternative sources of water and the dominance of human food crop agriculture in the area, which cannot be irrigated with reclaimed wastewater unless an extremely high (and costly) level of treatment is provided. Accordingly, reclamation beyond that currently being practiced by the industries with their clean cooling water does not appear to be a viable alternative at this time.

Based on the City's historical success of land disposal on the site, and the available groundwater data indicating no significant groundwater contamination from current practices, land disposal via percolation and evaporation is feasible for the future.

Future treatment requirements for continued use of the existing and any expanded land disposal facilities are expected to be comparable to the existing treatment requirements covering both the industrial and municipal wastewater facilities (Regional Water Order No. 87-087).

Per the Waste Discharge Requirements Order No. 5-00-142, the maximum monthly average dry weather flow for the domestic WWTP is 0.90 MGD and the maximum daily flow shall not exceed 1.0 MGD. For the industrial WWTP, the monthly average dry weather flow shall not exceed 2.0 MGD with a maximum daily flow of 3.0 MGD. The City's current average flow for domestic use is 0.5 MGD (53% of capacity) measured during the months of July – November, pursuant to the Wastewater Master Plan, Version 3 prepared by PACE Engineers, November 4, 2019. Each year, the City sends individual industries a permit to discharge effluent into the City's WWTP. For example, the Industrial Waste Discharge Permit for the Kraft Heinz Company limits the on-season and off-season flow (2.1 MGD (monthly average) and 1 MGD (monthly average), respectively).

Influent flows are anticipated to increase to approximately 2.8 million gallons per day as development occurs within the adopted General Plan growth boundary. Based on the unit flow factor per equivalent single family dwelling unit (EDUs), the projected 2.8 million gallons per day future flow represents approximately 8,400 future EDU's to be connected to the sewer system. Currently, there are approximately 3,300 EDU's connected to the system with an average existing unit flow factor of approximately 210 gallons per day per existing EDU.

Table 5-4 illustrates the existing and projected wastewater flows for the City of Escalon. 2019 through 2045 flow rates were identified in the November 2019 City of Escalon Wastewater Master Plan Version 3.0, dated November 4, 2019. For the purpose of this document, the flow rates for through 2045 were extrapolated, based on the projected growth/EDU's and the unit flow factor established in this document.

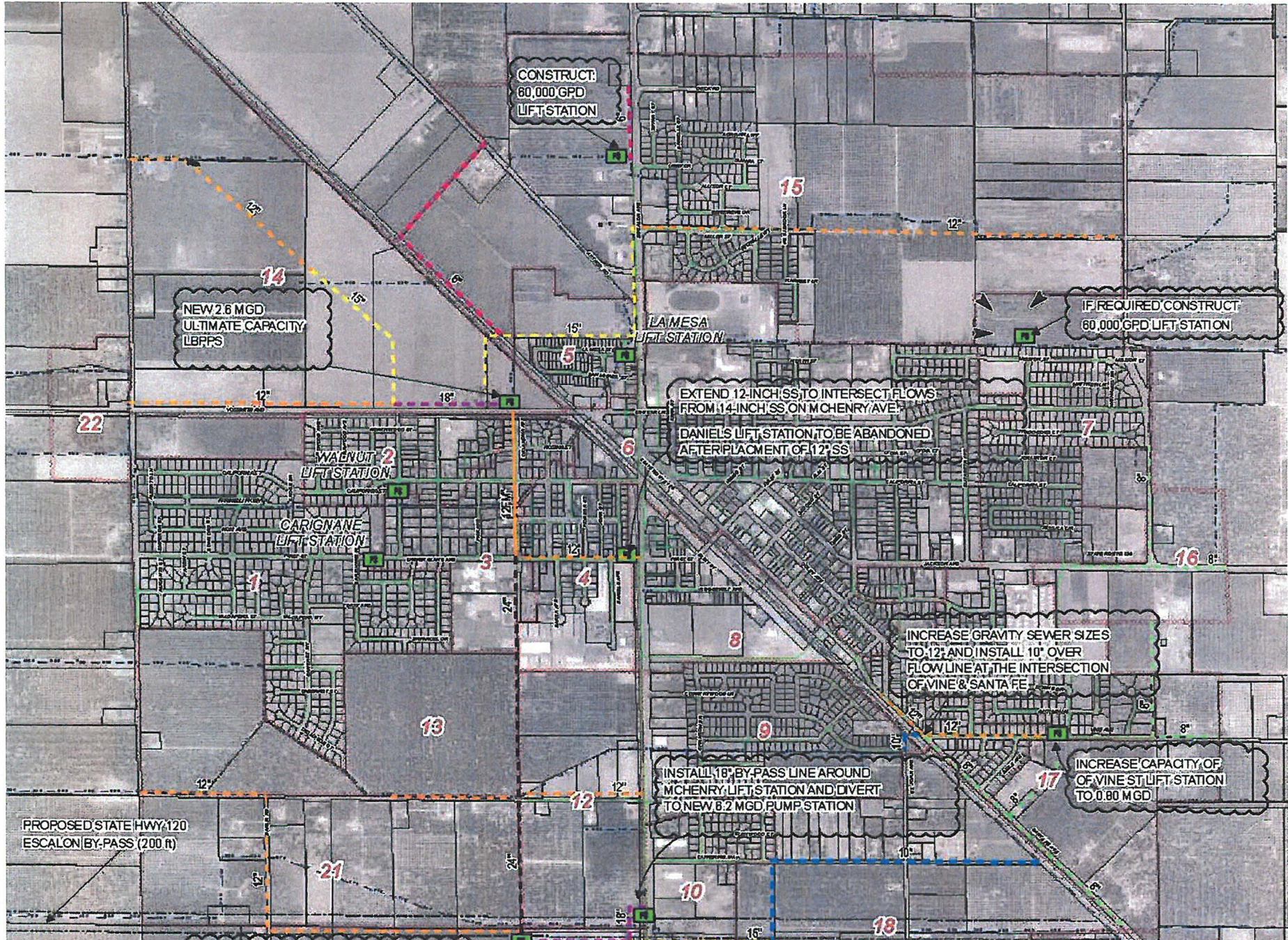
**Table 5-4 Projected Wastewater Flow (mgd)**

	<b>2019</b>	<b>2025</b>	<b>2035</b>	<b>2045</b>
Average	0.5	0.6	0.8	0.9

Source: City of Escalon Wastewater Master Plan, November 2019  
 prepared by PACE Advanced Water Engineering

Existing sewer facilities were reviewed in the Escalon Sewer Master Plan of 2006 and areas of planned expansion identified within the current sewer service area and each growth boundary is shown in Exhibit 5-2. Current and future sewer service areas were identified by sewer collection areas with defined connection points to the existing or future trunk sewer facilities. Sewer system expansion will focus on major system improvements necessary to increase sewer capacity or extend sewer service to currently unsewered areas. Sewer improvements that provide benefit only to individual development projects were not included in the master plan evaluation.

### Exhibit 5-2 Proposed Wastewater Collection System Expansion



On September 24, 2014, the City received a Notice of Violation from the Central Valley Regional Water Quality Control Board (CVRWQCB) which detailed violations with Water Discharge Requirements Order 5-00-142. The Notice of Violation identified the following violations of waste discharge requirements with regards to effluent violations, odor violations, capacity violations, and discharge violations. Since 2014, the City has completed a number of improvements that have addressed the Notice of Violation and will be upgrading the plant through the City's Modernization Project.

Sewer improvements are grouped into four phases, these groupings are based on the relative timing and need for the improvements and are summarized as follows:

- Phase 1 - Near-Term improvements to the existing sewer system to provide capacity for immediate development.
- Phase 2 - Improvements needed to extend service to the Heritage Park and Liberty Business Park areas. These improvements shall be installed as Projects within Heritage and Liberty Business Park come forward.
- Phase 3 - Future improvements to the existing system to allow conveyance of future flows through existing facilities (improvements in addition to the "Near-Term improvements"). These improvements shall be installed as development occurs and Development Applications are processed through the City.
- Phase 4 - Sewer system expansion improvements, which consist of new sewer lines to extend service to currently unsewered areas within the City's growth boundaries. These improvements have been identified to be installed beyond the 2025 as build out of the City's growth boundary occurs.

Extension of sewer services to currently unsewered areas will likely follow the pattern of actual development within each growth area, which is currently unknown. Therefore, the proposed expansion plan outlined in the Wastewater Master Plan will be used as a guide to developing sewer system expansion plans to future areas as they are developed. Table 5-5 illustrates the proposed improvements and the triggers for each. Since the City does not know which areas will develop first, it is difficult to break down the improvements by years. Future improvements to the City's sewer collection system will be based on existing and updated Master Plans.

**Table 5-5 Proposed Sewer Improvements**

<b>Improvement</b>	<b>When Needed</b>
<b>Near-Term Improvements</b>	
Gravity sewer 18-inch minimum diameter 1,400-foot length along future HWY 120 bypass east of McHenry Lift Station (4,305 gpm).	Prior to connecting additional developments to existing collection system
Construct Phase I of new 6.2 MGD Ultimate Capacity City Main Lift Station to replace existing McHenry Lift Station (Phase I at 3.1 MGD) (2,152 gpm).	This project has been completed.
Construct 9,000-foot 24-inch minimum diameter gravity sewer from new City Main Lift Station to the Escalon WWTP	Prior to connecting additional developments to existing collection system
<b>Improvements for Heritage Park Development</b>	
Install 1,400-foot 12-inch minimum gravity sewer west-east along Ullrey Av. and 1,400 24-inch minimum diameter gravity sewer north-south along Oklahoma St. extension towards new 6.2 MGD Main Lift Station	During construction of Heritage Park Phase 1
<b>Improvements for Liberty Business Park Developments</b>	
<b>When Needed</b>	
1,900-foot 12-inch and 1,200 15-inch minimum diameter gravity sewers within the North Industrial Park	During construction of 178 ac development
1,200-foot 18-inch gravity sewer along SR 120 south of North Industrial Park development	During construction of 178 ac development
Install 1,700-foot 12-inch minimum diameter force main from LBPPS to new manhole located on Oklahoma St. and south of SSJID pipe	During construction of 178 ac development
Install 2,500-foot 24-inch minimum diameter gravity sewers south along Oklahoma St. and its extension thru future Heritage Park development to drain at intersection of Oklahoma St. extension and Ullrey Ave.	During construction of 178 ac development
<b>Improvements for future Developments</b>	
Install 1,400-foot 12-inch minimum gravity sewer along First St. from First/McHenry intersection to First/Oklahoma intersection	When flows in 14-inch McHenry Ave. gravity sewer upstream of First/McHenry intersection are above 0.65 MGD
Install 3,000-foot 15-inch minimum gravity sewer from manhole on Escalon Ave/Miller St. intersection west through Hogan Park then south-west through Arthur Rd. and south along western property line of Escalon Covenant Church across the railroad tracks and south towards the LBPPS	When flows in 8-inch gravity sewer on Escalon Ave. south of the La Mesa Lift Station are above 0.38 MGD

<b>Improvements for future Developments</b>	
Install 1,400-foot 12-inch minimum gravity sewer along First St. from First/McHenry intersection to First/Oklahoma intersection	When flows in 14-inch McHenry Ave. gravity sewer upstream of First/McHenry intersection are above 0.65 MGD
Install 3,000-foot 15-inch minimum gravity sewer from manhole on Escalon Ave/Miller St. intersection west through Hogan Park then south-west through Arthur Rd. and south along western property line of Escalon Covenant Church across the railroad tracks and south towards the LBPPS	When flows in 8-inch gravity sewer on Escalon Ave. south of the La Mesa Lift Station are above 0.38 MGD
Replace existing 8-inch gravity sewer on Santa Fe Ave. between Santa Fe/Vine and Santa Fe/Franklin intersections with 12-inch minimum diameter gravity sewer	When flows upstream of manhole on Santa Fe/Franklin intersection are above 0.38 MGD
Replace and increase pumping capacity of Vine St. Lift Station to 0.72 MGD	When inflows to lift station exceed current 0.5 MGD pumping capacity
Replace existing 10-inch gravity sewer on Vine St. between Vine Lift Station and Santa Fe/Vine intersections with 12- inch minimum diameter gravity sewer	When flows upstream of manhole on Santa Fe/Vine intersection are above 0.65 MGD
Install 10-inch overflow line connecting manhole on Santa Fe/Vine intersection with manhole on St John/Countrywood intersection	When flows upstream of manhole on Santa Fe/Vine intersection are above 0.65 MGD
Install 1,400-foot 12-inch minimum gravity sewer along Ullrey from McHenry Ave to new 24-inch interceptor	This option is provided in order to divert flows from 14-inch McHenry Ave. gravity sewer
Replace existing 8-inch gravity sewer on Miller with 1,900- foot 12-inch minimum diameter gravity sewer	When flows upstream of manhole at Miller/Westbrook intersection are above 0.38 MGD
Install 2,100-foot 8-inch minimum gravity sewer from E. Clough/McHenry Ave. intersection north along McHenry Ave. and west along Clough Rd.	As a result of development on Drainage Basin 19
<b>Sewer System Expansion Improvements</b>	<b>When Needed</b>
Construct Phase II of new 6.2 MGD Ultimate Capacity Main Lift Station (Phase II at 4.1 MGD)	When additional flows to the Lift Station will increase the peak flow above 3.1 MGD
Installation of 1,300-foot 10-inch minimum diameter gravity sewer, 4,100-foot 12-inch minimum diameter gravity sewer from Brennan Ave. east along Ullrey, south along Dahlin Rd., and east along Clough Rd.	After completion of Heritage Park development Phase 3 or any other development south east of Heritage Park development
Installation of 2,700-foot 12-inch minimum diameter gravity sewer from Brennan Ave. east along SR 120 to upstream invert to 18-inch gravity sewer placed as part of the NIP development	As a result of any development south-west of NIP development
Phased easterly extension of up to 3,200-foot 12-inch gravity sewer along Miller Ave.	As a result of any development located north-east of existing City limits
Construct Phase II of LBPPS 2.6 MGD Ultimate Capacity Pump Station (Phase II at 1.7 MGD).	When additional flows to the Pump Station will increase the peak flow above 1.3 MGD

Installation of 1,400-foot 15-inch minimum diameter gravity the future HWY 120 by-pass and east of McHenry Lift Station.	As a result of development east of Drainage Basin 10
Installation of 3,300-foot 10-inch minimum diameter gravity sewer along Catherine way and south towards future HWY120 by-pass	As a result of development within the northern area of Drainage Basin 18
Installation of 3,300-foot 10-inch minimum diameter gravity sewer along Narcissus Rd. and North towards future HWY120 by-pass	As a result of development within the southern area of Drainage Basin 18
Installation of 2,800-foot 8-inch minimum diameter gravity sewer along Main St. and north-west towards Vine Lift Station	As a result of development on the south-east corner of Drainage Basin 17
Installation of 1,700-foot 8-inch minimum diameter gravity sewer next to the railroad along the north-east side of the future north industrial park	As a result of development on the western area of Drainage Basin 15
Increase Pumping capacity of new City Main Lift Station to 6.2 MGD (Phase III)	When additional flows to the Lift Station will increase the peak flow above 4.1 MGD
Installation of 3,600-foot 12-inch minimum diameter gravity sewer from the Clough/Ellis intersection south along Ellis, east along Jones Ave. towards 33-inch SS	As a result of development on drainage basin 20
Increase Pumping capacity of LBPPS to 2.6 MGD (Phase III)	When additional flows to the Pump Station will increase the peak flow above 1.7 MGD
Construction of new 60,000 gpd lift station and force main to discharge at manhole at intersection of Escalon Ave./Libby Rd intersection	As a result of development of the northern portion of Drainage Basin 5
Source: City of Escalon Sewer Master Plan, October 2006 as modified by the PACE report of 2019.	

### **Wastewater Analysis**

On-site sewer system improvements required by new development would be the responsibility of developers and sub-dividers who must design, install and pay for improvements the City Engineer determines to be necessary based on the Sewer Master Plan. All improvements listed in the Sewer Master Plan have been included in the Development Impact Fees and will be built when the trigger listed in Table 4-5 is met. Major facilities would be financed based on timing of fees collected or expected to be collected under a Development Impact Fee. The City of Escalon continues to monitor the system and through the help of City Engineer, Bill Kull, has focused their attention on upgrades to the McHenry Sewer lift station and the replacement of the McHenry Ave gravity sewer line from 14 inches to 24 Inches. These improvements and more are disclosed in the PACE report of 2019.

Demands for sewage disposal are significant but can be met with implementation of the Sewer Master Plan as modified by the PACE report of 2019. The Master Plan is monitored and updated to ensure that the infrastructure and fees are keeping pace with the City's growth and inflation. The Development Impact Fee has an annual escalation rate of 2.8% (per City Council Resolution No. 26-07) built into it to insure it is keeping pace with inflation. The escalation rate (adjusted January 1<sup>st</sup> of each year)



is based on the ten (10) year average of the Engineering News Record's (ENR) Construction Cost Index.

## **5.6 STORM WATER DRAINAGE**

The City of Escalon's storm drainage system depends on South San Joaquin Irrigation District (SSJID) existing system of irrigation laterals to transport storm drain runoff from the City. These laterals run south and west to the Stanislaus River and the Lone Tree Creek respectively.

Storm water runoff is collected from the urbanized portions of Escalon with a network of detention basins and underground pipelines. There are ten storm system zones throughout the City. Each zone has pipelines of varying size and detention basins to accommodate storm water runoff.

There is an existing drainage shed within the City that utilizes interim retention basin Storm Drain System 11. The basins within the existing systems are designed to reduce the peak flow rates released to the SSJID laterals. Runoff is temporarily stored in the basins then is pumped into the SSJID laterals at the reduced flow rate.

Storm Drain System 4 is the only system that does not discharge to a SSJID lateral. Runoff collected by Storm Drain System 4 is pumped directly to the industrial ponds at the City's waste water treatment plant.

SSJID owns the drains and laterals that convey the City's storm drainage to the local surface waterways. The Master Plan was designed to meet SSJID requirements for limiting storm water inflows to drains and laterals. The Master Plan also maintains the integrity of SSJID facilities and includes provisions to meet the National Pollutant Discharge Elimination System (NPDES) water quality restrictions.

Flooding is not a major problem, due to its distance from the 100-year floodplain. According to the FEMA Flood Maps, the City of Escalon is in Zone X, 500-year flood zone. The greatest external risk to flooding is the Stanislaus River, however, due to the distance from the river and the topography (sloping toward the River) the City is out of the 100- or even 200-year flood zone.

Localized storm damage occasionally occurs due to inadequacies in the drainage system, particularly in the downtown area. The Storm Water Master Plan analysis showed a number of potential areas that could sustain storm damage. By adjusting detention basin and pump operating criteria, the potential flooding has been alleviated and eliminated the violation of City standards. The Storm Drain Master Plan will be used to optimize the design and operating conditions of future development storm drain facilities to minimize possible violations of SSJID restrictions.

The City's 2005 General Plan Update establishes the planning area that will encompass thirteen new drainage sheds. Utilizing the design criteria described in the Storm Drain Master Plan and the land use designation described in the City's 2005 General Plan Update, the proposed storm drain infrastructure requirements were developed for each future storm drain shed. Along with the requirements, a cost

estimate was also developed for each basin. Based on this cost estimate, a storm drain connection fee was established for each basin.

The City's Post-Construction Standard Plan was established for the City to guide project proponents and plan checkers through the various site design requirements of the Phase II Municipal Separate Storm Water System (MS4) Permit. Each new project, depending on size and the amount of impervious surface, is required adhere to Post-Construction Standards and Best Management Practices (BMPs). Further, the purpose of the document is to provided project proponents with information on how to meet the State Water Board's requirements for mitigating the negative impact of increases in storm water runoff caused by new development and redevelopment. The goal is to incorporate Low Impact Development (LID) standards and hydromodification management techniques. LID mitigates excessive runoff by the use of control measures that utilize evapo-transpiration, infiltration, capture/reuse, and biotreatment to mimic the runoff of a natural environment.

### **Storm Drainage Analysis**

The City's Master Plan was adopted in January 2008 and was prepared in consultation with SSJID and is consistent with SSJID's system operating criteria. The Master Plan was predicated on the City's continued use of SSJID facilities for terminal drainage.

Escalon's current and future approach to handling storm water runoff is through the construction of additional detention basins and eventually diverting the water to local water courses through the SSJID conveyance system. The storm drainage system in Escalon will be extended based on the City's growth and following the Storm Water Master Plan. The Storm Drain system is split up into a number of discharge areas as illustrated in Exhibit 6-1, Storm Drain Areas. Discharge areas include discharging into the SSJID system, the City's WWTP, and on-site basins for areas that are undeveloped or are existing ranchette parcels. The majority of the City discharges into the SSJID system.

The Storm Drain Master Plan took into consideration the City's General Plan growth boundaries when analyzing the storm water needs. The Master Plan also established the cost to develop each of the storm drain basins needed to accommodate ultimate build out of the General Plan. Based on these calculations, the City adopted a new storm drain connection fee and has thus planned for the eventual build out of the City General Plan boundary.

## **5.7 DETERMINATION**

As the City of Escalon continues to grow, there will be a need to expand services. With the recently updated General Plan and Master Plans, the City has already begun planning for potential expansion of services.

### **Law Enforcement**

The City of Escalon provides adequate law enforcement services to meet the needs of the existing population.

The City of Escalon has planned for the anticipated growth in population and associated need for law enforcement capital improvements to the year 2050 by

incorporating these needs into a Development Impact Fee Nexus Study. The City will be able to pay for the additional law enforcement operational needs through the expanded tax base generated by new development. Capital costs for facilities and equipment will be funded through development fees collected from these new developments. The City's Police Department will continue to monitor these fees to ensure that the fees collected are adequate to serve the expanded needs of the City.

### **Fire Protection**

The fire protection needs of the City are currently being provided by the Escalon Consolidated Fire Protection District (EFD).

Escalon, the 2030 growth boundary and the City's Sphere of Influence are all within the service boundary of the Fire District so the Fire District will continue to serve the land within the City boundaries as well as the land in the SOI. As the City grows and the capital expenditures and staffing needs increase, the City will need to work closely with the Escalon FD to ensure that the Fire District is able to adequately service the additional population generated by the annexation of additional land into the City. This may mean that the City establishes a contract with the Fire District for the required level of services needed by the City or the City and District work together to implement a public safety tax.

Since the fire facility fee has not been reviewed or increased since the early 1990's, it is suggested that the Fire District commission a nexus study to determine the appropriate fee with a built-in escalation rate for new development so that the Fire District can adequately accommodate the projected growth. The Chief is currently putting together a request to his board to increase the fee which once adjusted will adequately fund the necessary expansion of the Fire District due to new growth.

### **Water Supply**

The City has an adequate water supply and provides adequate water service to the residents of the City.

General Plan build out and associated expansion of the City water well system will increase demands on the underlying East San Joaquin Groundwater Subbasin groundwater system. However, this increased demand will be satisfied through the use of groundwater, recharging efforts as well as the SSJID surface water acquired through the City's participation in the South San Joaquin Irrigation District (SSJID) South County Water Supply Program. Two independent water supplies in a conjunctive use program will provide redundancy and reliability to the City's long-term water supply. The Water Master Plan also sets a connection fee which offsets the costs of new development through build out of the General Plan. The City has developed a schedule of improvements and triggers through the year 2050 which will ensure that the water systems grows in conjunction with the City's future expansion. Therefore, the City has an adequate supply of water and water system to meet the increased demand through General Plan build out.

### **Wastewater Collection**

The City provides adequate wastewater services to meet the needs of the existing

population.

On-site sewer system improvements required by new development would be the responsibility of developers and subdividers who must design, install and pay for improvements the City Engineer determines to be necessary based on the Sewer Master Plan. Major facilities would be financed on the basis of fees collected or expected to be collected as part of the sewer connection fee established by the Sewer Master Plan and adopted by the City Council.

Demands for sewage disposal are significant but can be met with implementation of the Sewer Master Plan which took into consideration the ultimate build out of the General Plan and the connection fee established by the Master Plan. The Master Plan outlines the improvements needed and the phasing of the improvements depending on where the growth occurs through the General Plan build out. The Master Plan will be monitored and updated to ensure that the infrastructure and fees continue to keep pace with the City's growth and inflation.

### **Storm Water Drainage**

The existing storm water drainage system is adequate for serving the needs of Escalon's population.

Development will place increasing demand on the City's storm drainage facilities and create a need to expand the capacity of the City's storm drainage facilities. Individual developments will provide necessary improvements to their projects based on the City's Storm Water Drainage Master Plan. A storm drainage fee imposed on the new residential and nonresidential land uses will be used to fund the expansion and improvement of the City's storm drainage facilities and thereby meet the increased demand caused by these development types.

The Storm Drain Master Plan took into consideration the City's ultimate growth boundaries when analyzing the storm water needs. The Master Plan also established the cost to develop each of the storm drain basins needed to accommodate ultimate build out of the General Plan. Based on these calculations, the City adopted a new storm drain connection fee and has thus planned for the eventual build out of the City to 2050.

## 6 FINANCIAL ABILITY OF AGENCIES TO PROVIDE SERVICES

This section evaluates the funding mechanisms available for the provision of expanded services in Escalon to meet the future needs for fire, police, water, wastewater and storm water infrastructure.

### 6.1 DEVELOPMENT IMPACT FEE

In 2016, the City had David Taussig & Associates, Inc. update their Development Impact Fee Justification Study. This study, updated through the year 2036, the costs of new development. The study assumed a population of 8,403 by the year 2036.

Development impact fees are charged to fund improvements to the City's public buildings, storm drainage, sewer and water supply and distribution systems and roadway networks. Other fees needed to offset impacts identified during the development application/environmental review process are also being charged to a proposed project. Development Impact Fees are collected on a 1,000 square foot basis for non-residential uses and a per dwelling unit basis for residential uses.

Table 6-1 depicts the current Development Impact Fees that are currently charged to new development.

**Table 6-1 Development Impact Fee Summary for New Development in Escalon**

Facility Type	Single Family (per unit)	Multi-Family (per unit)	Commercial (per 1,000 Sq. Ft)	Office (per 1,000 Sq. Ft.)	Industrial (per 1,000 Sq. Ft)	Institutional (per 1,000 Sq. Ft.)
Parks & Recreation	\$14,876	\$11,900	na	na	na	na
Transportation	\$1,258	\$729	\$4,690	\$4,690	\$1,220	\$2,346
Police	\$2,304	\$1,843	\$1,600	\$1,200	\$400	\$200
City Hall	\$1,021	\$817	\$710	\$532	\$177	\$88
Public Works	\$1,090	\$871	\$757	\$568	\$189	\$95
Administration	\$620	\$488	\$236	\$212	\$61	\$82
Library	\$140	\$111	\$96	\$72	\$24	\$13
<b>TOTAL</b>	<b>\$21,309</b>	<b>\$16,759</b>	<b>\$8,089</b>	<b>\$7,274</b>	<b>\$2,071</b>	<b>\$2,824</b>

Source: City of Escalon Fee Schedule for FY21-22, Development Impact Fee Justification Study, David Taussig & Associates, Inc., December 16, 2016

### 6.2 CONNECTION FEES

After the General Plan was updated in 2005, the City began updating its water, sewer, and storm drain master plans. Through these master plan updates the City has documented existing deficiencies as well as the cost of expanding City services to the properties within the SOI boundaries identified in the updated General Plan. The following tables illustrate the current connection fees, effective July 1, 2021,

established by the Master Plans for water (Table 6-2), sewer (Table 6-3) and storm drain (Table 6-4).

**Table 6-2 Water Connection Fee**

SERVICE TYPE	CONNECTION FEE
<b>RESIDENTIAL</b>	
Single Family	\$10,463 per unit
Duplex	\$14,328 per duplex
Multi-unit & Apartments	Site Specific
<b>NON-RESIDENTIAL (meter size)</b>	
5/8 and ¾ inch	\$10,463
1 inch	\$17,790
1 ½ inch	\$33,173
2 inch	\$55,452
3 inch	\$122,554
4 inch	\$219,720
6 inch	\$488,619

**Table 6-3 Sewer Connection Fee**

TYPE	CONNECTION FEE
Single Family (per unit)	<b>\$6,683</b>
Multi-Family (per unit)	<b>\$5,569</b>

Note 1: Fees effective January 1, 2020.

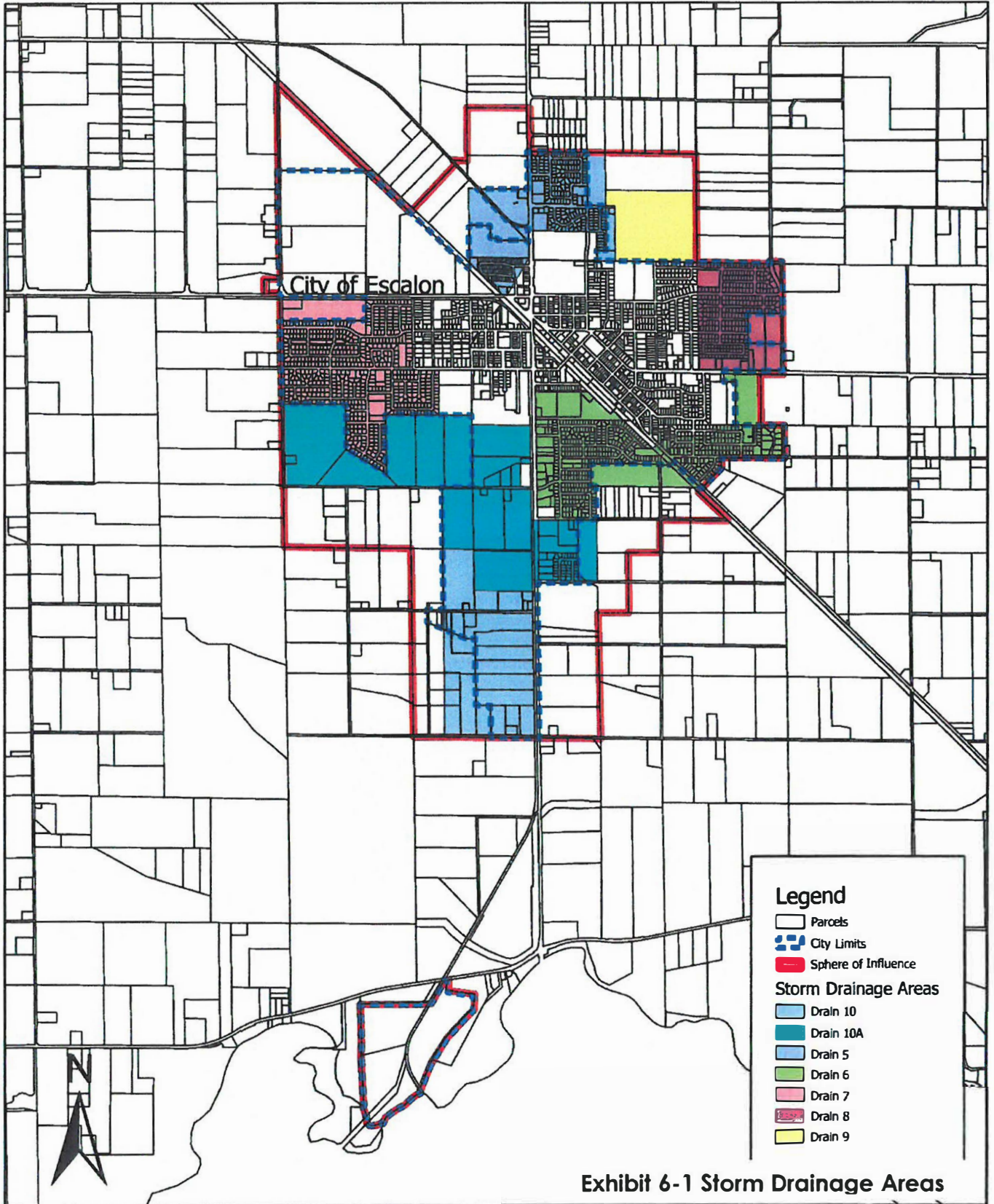
Note 2: Fees indicated in Tables 5-2 through 5-4 are from the City of Escalon Infrastructure Master Plans, January 2007 and are estimates based on assumed improvements financed; however, the improvements to be financed still have not been determined and fees may adjust.

Sewer Connection Fees are based on equivalent dwelling units (EDU). EDUs are units of measure that standardize all land use types (housing, retail, office, etc.) to the level of demand created by one single-family housing unit. The fee for each land use type is based on the gallons per day usage, where the EDU is 250 gpd. Therefore, a use demanding 500 gpd would equal 2.0 EDU's.

**Table 6-4 Storm Drain Connection Fee**

<b>AREA/TYPE Acre)</b>	<b>Fee (per</b>
<b>Drainage Area 5</b>	
Single-Family Residential	\$9,780
Multi-Family Residential	\$13,980
Commercial	\$24,990
Industrial	\$19,560
<b>Drainage Area 6</b>	
Single-Family Residential	\$9,300
Drainage Area 6(Future), SFR	\$18,270
Multi-Family Residential	\$13,300
Commercial	\$22,590
Industrial	\$18,800
<b>Drainage Area 7</b>	
Single-Family Residential	\$7,300
Drainage Area 7B (Future),SFR	\$42,130
Multi-Family Residential	\$14,600
Drainage Area 7A (Future), MFR	\$72,630
Commercial	\$17,740
Drainage Area 7B (Future), COMM	\$108,340
Industrial	\$14,600
<b>Drainage Area 8</b>	
Single-Family Residential	\$11,230
Drainage Area 8 (Future), SFR	\$5,640
Multi-Family Residential	\$16,070
Commercial	\$27,290
Drainage Area 8 (Future), COMM	\$14,520
Industrial	\$22,480
<b>Drainage Area 11 (Future)</b>	
Single-Family Residential	\$35,910
Multi-Family Residential	\$66,680
Commercial	N/A

Industrial	N/A
<b>Drainage Area 11A</b>	
Commercial	\$65,110
Industrial	\$61,500
<b>Drainage Area 11B</b>	
Single-Family Residential	\$32,120
Multi-Family Residential	\$45,880
<b>Drainage Area 11E</b>	
Single-Family Residential	\$30,030
<b>Drainage Area 11F</b>	
Commercial	\$94,980
<b>Drainage Area 11G</b>	
Single-family Residential	\$28,310
Commercial	\$72,770
<b>Drainage Area 11H</b>	
Single-Family Residential	\$38,790
<b>Drainage Area 11I</b>	
Single-Family Residential	\$31,240
Drainage Area 11I-1, SFR	\$78,610
Multi-Family Residential	\$58,020
<b>Drainage Area 11J</b>	
Single Family Residential	\$24,430
Commercial	\$62,820
Industrial	\$59,320
<b>Drainage Area 11K</b>	
Industrial	\$56,730
<b>Drainage Area 11L</b>	
Single-Family Residential	\$23,970
Multi-Family Residential	\$44,520
Industrial	\$58,210
<b>Drainage Area 11M</b>	
Single-Family Residential	\$29,300
Industrial	\$71,150





The Master Plans take into consideration the full build out of the General Plan and all the connection fees have an annual fee adjustment. The fees are adjusted automatically every year on January 1<sup>st</sup> based on the ten (10) year average of the Engineering News Record's Construction Cost Index.

### **6.3 FIRE FACILITY FEE**

The Escalon Consolidated Fire Protection District (EFD) is a stand-alone district with no ties to the City other than providing fire protection services to the residents and businesses. The EFD is responsible for 100% of the costs to run the District. The City of Escalon collects the \$0.16 per square foot Fire Facility Fee for the District when a building permit is pulled.

The fire protection needs of the City are currently being met by the EFD. However, as the City grows and the capital expenditures and staffing needs increase the City will need to work closely with the EFD to ensure that the Fire District is able to adequately service the additional population generated by the annexation of additional land into the City. This may mean that the City establishes a contract with the Fire District for the required level of services needed by the City or the City and District work together to implement a public safety tax.

### **6.4 FINANCIAL ANALYSIS**

The following discussion and analysis provides an overview of the City's financial activities for the fiscal year ended June 30, 2021.

#### ***Financial Highlights***

- The City's assets and deferred outflows of resources exceed its liabilities and deferred inflows of resources at its close of the 2020-21 fiscal year by \$60.8 million (*Net Position*). Of this amount, \$7.4 million (*Unrestricted Net Position*) is designated to be used to meet ongoing obligations to citizens and creditors; \$7.1 million is restricted for capital projects, debt service, and legally segregated taxes and fees; and \$46.3 million is invested in capital assets.
- As of June 30, 2021, the governmental funds reported a combined Net Position of \$35.5 million, of which \$8.4 million is available to meet the City's current and future needs (*Restricted, Committed, Assigned, and Unassigned Balances*).
- As of June 30, 2021, the General Fund's fund balance was \$4.4 million which \$0.25 million is designated as Non-Spendable for items such as deposits, prepaid assets, loans, and inter-fund advances. Assigned/Committed fund balance was \$3.3 million, set for operating services, debt service, equipment replacement, and Cal PERS reserve, and the unassigned balance is \$0.88 million.
- Governmental capital assets increased by \$1.8 million compared to prior year assets which includes improvements to the HVAC systems at the Police Building and the Library, lighting in the ballfields, street and sidewalk

improvements, and various equipment additions and disposals. The increase is reflected in the net investment in capital assets.

- The City's total long-term liabilities increased by \$5.0 million compared to the prior year primarily due to the new energy lease with Sterling National Bank and offset by water bond and other loan payments.

### **Government-wide Financial Statements**

The Government-wide Financial Statements provide a longer-term view of the City's activities as a whole and are presented in a manner similar to a private-sector business. These statements are comprised of:

*Statement of Net Positions* – Presents information on all City assets and deferred outflows of resources and liabilities and deferred inflows of resources, with the difference between as *Net Position*. Over time, increases or decreases in Net Position may serve as a useful indicator of whether the City's financial position is improving or deteriorating.

*Statement of Activities* – Presents information reflecting any change in the government's net position during the most recent fiscal year. All net position changes are reported as soon as the underlying event giving rise to the change occurs (regardless of the timing of related cash flows). Thus, revenues and expenses are reported in this statement for some items that will only result in cash flows in future fiscal periods (e.g., earned but unused vacation and compensated time leave).

Both of the Government-wide Financial Statements distinguish functions of the City that are principally supported by taxes and intergovernmental revenues (government activities) from other functions that are intended to recover all or significant portion of their costs through user fees and charges (business-type activities).

- Government activities – All of the City's basic services are considered governmental activities, including general government, community development, library, public safety, public works, parks and recreation, and streets. These services are supported by general City revenues such as taxes and specific program revenues such as developer fees.
- Business-type activities – All of the City's enterprise activities are reported here, including sewer, water, storm, and transit. Unlike governmental services, these services are supported by users' charges based on the amount of the service they use.

### **Fund Financial Statements**

The Fund Financial Statements report the City's operations in more detail than the Government-wide Statements and focus primarily on the short-term activities of the City's General Fund and other Major Funds. The governmental Fund Financial Statements measure only current revenues and expenditures and fund balances; they exclude capital assets, long-term debt, and other long-term amounts. Enterprise Fund Financial Statements are prepared on the full accrual basis, including all their

assets and liabilities, current and long-term. Each Major Fund is presented individually, with all Non-major Funds summarized and presented only in a single column. Subordinate schedules give the detail of these Non-major funds. Major Funds show the major activities of the City for the year and may change from year to year as a result of changes in the pattern of the City's activities.

A "fund" is a grouping of related accounts used to maintain control over resources that have been segregated for specific activities and objectives. All of the City's funds can be divided into three categories: governmental funds, proprietary funds, fiduciary funds.

- *Governmental Funds* – These funds are used to account for essentially the same functions reported as governmental activities in the Government-wide Financial Statements. Governmental Fund Financial Statements focus on near-term inflows and outflows of spendable resources and are therefore prepared on the modified accrual basis. Capital assets and other long-lived assets, along with long-term liabilities, are not presented in the Governmental Fund Financial Statements.
- *Proprietary Funds* – The City maintains two different types of proprietary funds; Enterprise Funds and Internal Service Funds. Enterprise Funds are used to report the same functions presented as "business-type activities" in the Government-wide Financial Statements. Financial statements for proprietary funds are prepared on the full accrual basis and include all their assets and liabilities, current and long-term. Internal Service Funds are used to account for services or activities performed by one (1) Department for the benefit of other City Departments on a cost reimbursement basis. Proprietary Funds are inclusive of both Enterprise and Internal Service Funds.
- *Fiduciary Funds* – These funds are used to account for resources held to benefit parties outside the government. Fiduciary Funds are not reflected in the Government-wide Financial Statements because those funds' resources are not available to support the City's programs. The City of Escalon has no current Fiduciary Funds.

### **Government-wide Financial Analysis**

**Net position** – As noted earlier, net position may serve over time as a useful indicator of the City's financial status. In the case of the City, combined net position (government and business-type activities) totaled \$60.8 million at the close of the Fiscal Year Ended June 30, 2021. This is an increase of \$800,000 from June 30, 2020.

The following table reflects the Summary of Net Position for the Fiscal Year Ended June 30, 2021, with comparative data for the Fiscal Year Ended June 30, 2020.

**City of Escalon**  
**Net Position as of June 30, 2021**  
(in millions of dollars)

Net Position	Governmental Activities		Business-type Activities		Total		Total % Chg.
	2020	2021	2020	2021	2020	2021	2021
Cash and Investments	10.6	11.1	10.9	11.3	21.5	22.4	4.1%
Other Assets	1.0	0.9	0.7	0.8	1.7	1.7	-1.7%
Capital Assets	32.7	34.5	18.1	20.9	50.7	55.4	9.2%
<b>TOTAL ASSETS</b>	<b>44.3</b>	<b>46.5</b>	<b>29.7</b>	<b>33.0</b>	<b>74.0</b>	<b>79.5</b>	<b>7.5%</b>
Deferred Outflows Related to Pensions	0.7	0.7	0.2	0.2	0.9	0.9	0.0%
Long-term Liabilities outstanding	7.5	10.5	5.1	7.3	12.6	17.8	41.3%
Other Liabilities	0.7	0.6	0.8	0.4	1.5	1.0	-31.0%
<b>TOTAL LIABILITIES</b>	<b>8.2</b>	<b>11.1</b>	<b>5.9</b>	<b>7.7</b>	<b>14.0</b>	<b>18.8</b>	<b>10.3%</b>
Deferral Of Pension Expense	0.6	0.6	0.2	0.2	0.7	0.7	0.0%
<b>Net Position:</b>							
Invested in capital assets, net of Related debt	29.8	28.8	14.3	17.5	44.1	46.3	5.0%
Restricted	6.5	7.2	0.0	0.0	6.5	7.2	10.4%
Unrestricted	0.0	-0.5	9.4	7.8	9.4	7.3	-22.2%
<b>TOTAL NET POSITION</b>	<b>36.2</b>	<b>35.5</b>	<b>23.8</b>	<b>25.3</b>	<b>60.0</b>	<b>60.8</b>	<b>-0.87%</b>

The City's Government-wide Net Position as of June 30, 2021, comprised the following:

- Cash and investments comprised of \$22.4 million in the City treasury.
- Government-wide receivables were comprised of \$1.5 million of current receivables and \$180,000 of long-term receivables. Long-term receivables are related to property loan and inter-fund loans.
- Net capital assets of \$55.4 million include the City's infrastructure in addition to all other City assets.
- Restricted Net Position, totaling \$7.2 million, Restricted Net Assets are those resources that are subject to external restrictions on how they may be used. These restrictions are established by bond covenants or restrictions on the use of funds by state or federal regulations.
- Unrestricted Net Position totals \$9.9 million and is designated to be used to finance day to day operations without constraints established by debt covenants or other legal requirements or restrictions. While these assets are technically unrestricted, most of these assets are committed or assigned for a specific use.

The Change in Net Position, as expressed, as the change in revenues and expenditures through June 30, 2021, is further reflected in the Statement of Activities.

**City of Escalon**  
**Statement of Activities**  
**Fiscal year ended June 30, 2021**  
(In Millions)

	Governmental Activities		Business-Type Activities		Total	
	2020	2021	2020	2021	2020	2021
<b>Revenues</b>						
<i>Program Revenues</i>						
Charges for services	\$ 1.05	\$ 0.93	\$ 4.96	\$ 5.01	6.01	5.94
Operating grants and contributions	0.20	0.29	0.05	0.07	0.25	0.36
Capital Grants and Contributions	0.73	0.68	-	-	0.73	0.68
<b>Total program revenues</b>	<b>1.97</b>	<b>1.90</b>	<b>5.01</b>	<b>5.08</b>	<b>6.98</b>	<b>6.98</b>
<i>Operating Revenues</i>						
<b>Taxes:</b>						
Property taxes	1.86	1.95	-	-	1.86	1.95
Sales taxes	1.07	1.23	-	-	1.07	1.23
Other taxes	0.64	0.63	-	-	0.64	0.63
Interest Income	0.38	0.06	0.34	0.04	0.72	0.10
Other Revenue	-	-	-	-	-	-
<b>Total Operating Revenues</b>	<b>3.94</b>	<b>3.87</b>	<b>0.34</b>	<b>0.04</b>	<b>4.29</b>	<b>3.91</b>
<b>Total Revenue</b>	<b>5.92</b>	<b>5.77</b>	<b>5.35</b>	<b>5.12</b>	<b>11.27</b>	<b>10.89</b>
<b>Expenses</b>						
General government	0.33	0.19	-	-	0.33	0.19
Public Safety	3.03	3.51	-	-	3.03	3.51
Public Works	1.18	1.17	-	-	1.18	1.17
Community Development	0.74	0.71	-	-	0.74	0.71
Culture and Leisure	0.72	0.88	-	-	0.72	0.88
Interest & Fiscal Charges	0.13	0.09	-	-	0.13	0.09
Water	-	-	1.24	1.14	1.24	1.14
Sewer	-	-	2.87	1.99	2.87	1.99
Storm	-	-	0.27	0.23	0.27	0.23
Transit	-	-	0.17	0.20	0.17	0.20
<b>Total Expenses</b>	<b>6.12</b>	<b>6.55</b>	<b>4.55</b>	<b>3.56</b>	<b>10.67</b>	<b>10.11</b>
Changes in net position before transfers	(0.20)	(0.78)	0.80	1.56	0.60	0.78
Transfers	-	-	-	-	-	-
Change in net position	(0.20)	(0.78)	0.80	1.56	0.60	0.78
Net Position-Beginning	36.43	36.23	22.98	23.78	59.41	60.01
Prior Period Adjustment	-	-	-	-	-	-
<b>Net Position, End of Year</b>	<b>\$ 36.23</b>	<b>\$ 35.45</b>	<b>\$ 23.78</b>	<b>\$ 25.34</b>	<b>\$ 60.01</b>	<b>\$ 60.79</b>

Revenues

Revenues for the City totaled \$10.89 million for the year ending June 30, 2021. Total governmental program revenues had an decrease of \$70,000 or 4% from the previous year. The decrease is primarily due to the impact of COVID-19 requirements on facility rentals and recreation programs. Total business-type activities revenues experienced a minor increase in revenues of \$70,000 or 2%. Both segments experienced revenue decreases from lower interest rates.

Expenses

Expenses for the City totaled \$10.11 million for the year ending June 30, 2021. Governmental activities incurred \$6.55 million of expenses while business-type activities incurred \$3.56 million. Of the Governmental Activities, the increased expenditures from prior fiscal year were in Public Safety within nearly all other departments showing spending reductions.

## **Governmental Activities**

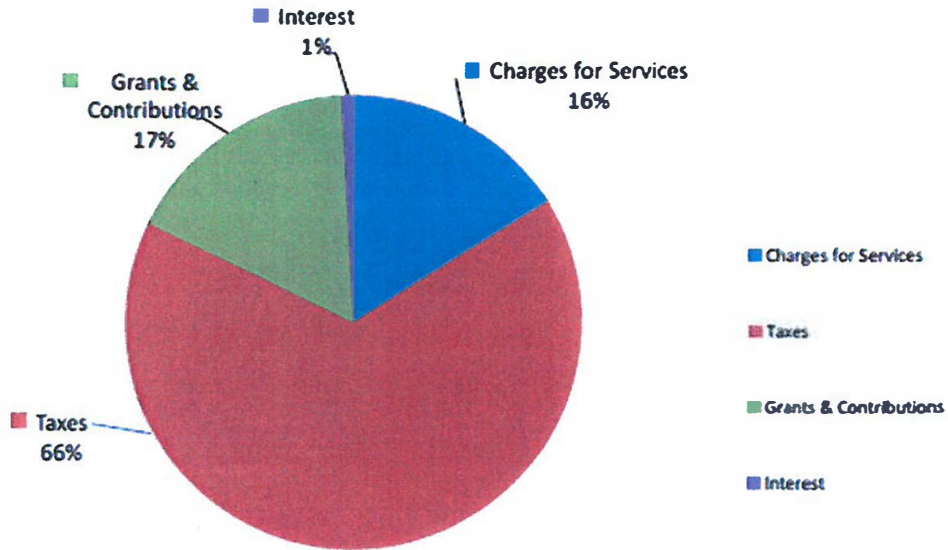
Government Activities represent the core services provided to citizens and include public safety, public works, department services, culture and leisure and general government services.

Total governmental activities revenues of \$5.77 million were less than the prior fiscal year by \$148,200 or 3% due to interest income from low interest rates offset by normal property and sales tax increases in fiscal year 2020-21.

**City of Escalon  
Program Expenditures  
Governmental Activities  
For the Year Ended June 30, 2021**

<b>Functions/Programs</b>	<b>Expenses</b>	<b>% of Total</b>
<b>General government</b>	\$ 190,003	2.90%
<b>Public safety</b>	3,506,472	53.54%
<b>Public works</b>	1,172,233	17.90%
<b>Development Services</b>	713,910	10.90%
<b>Cultural and leisure</b>	879,665	13.43%
<b>Interest and fiscal charges</b>	86,713	1.32%
<b>Total</b>	\$ 6,548,996	100.00%

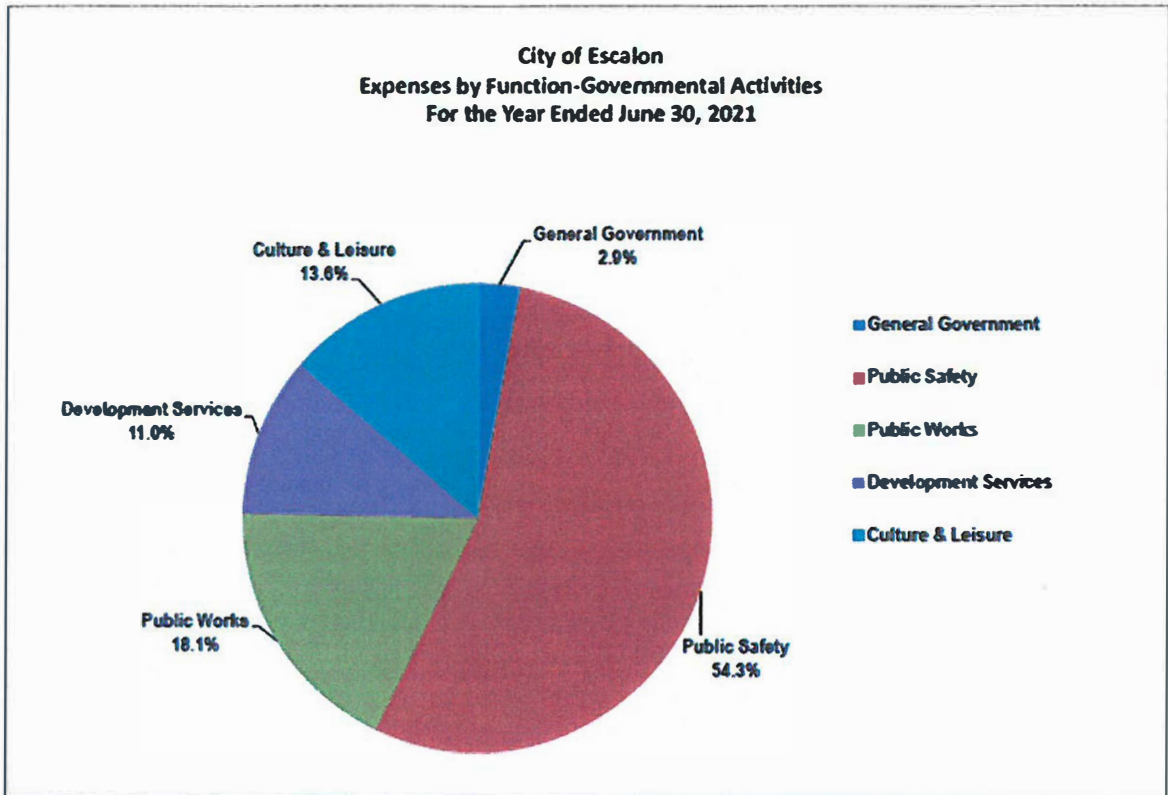
**City of Escalon  
Revenues by Source-Governmental Activities  
For the Year Ended June 30, 2021**



Total governmental activity expense for the year were \$6.55 million. Public Safety accounts for 53.54% of the core services expenditures which are greater than the prior fiscal year by \$474,000 primarily due to the one-time payment of \$500,000 to CalPERS. This payment was made from the funds designated for CalPERS to assist in offsetting future unfunded liabilities. The table that follows shows the expenditure in each of the departments and the chart reflects the percentage of each service.

**City of Escalon  
Program Expenditures  
Governmental Activities  
For the Year Ended June 30, 2021**

Functions/Programs	Expenses	% of Total
General government	\$ 190,003	2.90%
Public safety	3,506,472	53.54%
Public works	1,172,233	17.90%
Development Services	713,910	10.90%
Cultural and leisure	879,665	13.43%
Interest and fiscal charges	86,713	1.32%
<b>Total</b>	<b>\$ 6,548,996</b>	<b>100.00%</b>



**Business-type Activities**

Revenues of the City's business-type activities exceeded expenditures by \$1.52 million. A significant expenditure reduction of \$881,000 from the prior fiscal year is reflected in sewer services. For the prior fiscal year, expenses included the cost for both the 2018 and 2019 sludge removals and the Wastewater Treatment Plant study, resulting in a large increase in expenditures. The Wastewater treatment plant also experienced reduce cost in pond treatment, as well as pond and aerator maintenance. Business-type activities ended the year with a Net Position of \$25.34 million, increasing by 7% over the prior fiscal year.

**Changes in Business-Type Activities by Program  
Fiscal Year Ended June 30, 2020  
(in millions of dollars)**

<b>Net Revenue (excludes non-operating &amp; interest)</b>	<b>2020</b>	<b>2021</b>
Water Services	\$ 0.61	\$ 0.79
Sewer -Industrial Services	(0.31)	0.43
Sewer -Domestic Services	0.34	0.44
Total Sewer	0.03	0.87
Storm Drain Services	(0.07)	(0.02)
Transit Services	(0.11)	(0.12)
<b>Total Business-type Activities</b>	<b>\$ 0.46</b>	<b>\$ 1.52</b>



## **Financial Analysis of the City's Funds**

The City's Governmental Funds focus is to provide information on near-term inflows, outflows, and balances of spending resources. Such information is useful in assessing the City's financing requirements. The classification of spendable fund balances to committed, assigned, and unassigned is intended to help measure the resources available for spending at the end of the fiscal year. In particular, unassigned fund balances may serve as a useful measure of a government's net resources available for spending at the end of the fiscal year.

On June 30, 2020, the City's governmental funds reported combined fund balances of \$8.68 million, a decrease of \$2.45 million or 22% compared with the prior year. This decrease is due to capital outlay expenditures for the Energy Project of \$2.56 million that is expected to provide many years of energy cost reductions. The General Fund and all other funds had positive fund balances except for the Transit Fund which is dependent on reimbursable grant funds and the City Hall Fees fund which is repaying other Impact Fee Funds for the purchase and improvements of a building in both 2011 and 2013.

### General Fund

General Fund revenues increased by \$236,000 or 6% compared to fiscal year-end 2020. Sales tax increased by 15% and Property taxes increased by 5%. General Fund expenditures of \$4.8 million are an increase of almost \$1 million or (26%) over prior year expenditures of \$3.58 million. The increase was primarily in Public Safety, which included the \$500,000 payment to CalPERS along with increases in personnel services and vehicle repairs.

On June 20, 2021, the General Fund balance comprised \$0.25 million in non-spendable balances, \$3.32 million of assigned balances, and \$.88 million in unassigned balances. Fund balances have been classified following GASB 54. While amounts have been categorized as unassigned, they may be informally earmarked by the City council for specific purposes.

### **Proprietary Funds**

The City's Proprietary funds provide the same type of information found in the Government-wide Financial Statements but in more detail. The City's Proprietary Funds are comprised of the Water Fund, the Sewer Fund, the Storm Drain Fund, and the Transit Fund. Proprietary Fund's net position totaled \$25.3 million on June 30, 2021. Proprietary operating revenues were \$4.9 million, and operating expenses were \$3.4 million in the fiscal year 2021.

#### *Water Fund*

The net position of the Water Fund is \$13.9 million. Approximately \$4.7 million of the Fund's net position was unrestricted at the fiscal year-end with net investment in capital assets of \$9.2 million.

The year's activities were \$1.8 million in operating revenues and \$1.1 million in operating expenses. Charges for services showed an increase of 15.0%, resulting from the schedule of rates adopted in 2019. Operating expenses decreased by 8% from the fiscal year 2020, with the largest decreases in emergency repairs, consultant cost for rate study and SB998 Water Disconnection policy implementation.

#### *Sewer Fund*

The net position of the Sewer Fund is \$8.7 million for the current year. Operating revenues for the fiscal year 2021 were \$2.8 million, a decrease of \$0.03 million from the fiscal year 2020. The decline is a result of changes in industrial users discharges. Operating expenditures had a decrease from the fiscal year 2020 of 32%. For the fiscal year, 2020 expenses include the cost for both the 2018 and 2019 sludge removals and the Wastewater Treatment Plant study, resulting in a large increase in expenditures. The Wastewater treatment plant also experienced reduce cost in pond treatment, as well as pond and aerator maintenance. A total of \$3.4 million of the fund's net position is invested in capital assets, with \$5.3 million unrestricted.

#### *Storm Drain*

The net position of the Storm Drain Fund is \$2.5 million for the current year. Operating revenues for the fiscal year 2021 were \$.18 million. Operating expenditures had a slight decrease from the fiscal year 2020. A total of \$2.1 million of the fund's net position is invested in capital assets, with \$.36 million unrestricted.

#### *Transit Fund*

The net position of the Transit Fund is \$.13 million for the current year. The year's activities were \$78,510 in operating revenues for the current year and \$196,888 in operating expenses. A total of \$.12 million of the fund's net position is vested in capital assets, with \$0.01 million unrestricted.

### **Risk Management**

The City of Escalon participates with other public entities in a joint exercise of powers agreement, which establishes the Central San Joaquin Valley Risk Management Authority (CSJVRMA). The relationship between the City and CSJVRMA is such that CSJVRMA is not a component unit of the City for financial reporting purposes.

The City is covered for the first \$1,000,000 of each general liability claim and \$250,000 of each workers' compensation claim through the CSJVRMA. The City has the right to receive dividends or the obligation to pay assessments based on a formula which, among other expenses, charges the City's account for liability losses under \$10,000 and workers' compensation losses under \$10,000.

The CSJVRMA participates in an excess pool which provides general liability coverage from \$1,000,000 to \$10,000,000. The CSJVRMA participates in an excess pool that provides workers' compensation coverage from \$250,000 to \$500,000 and purchases excess insurance above the \$500,000 to the statutory limit.

The CSJVRMA is a consortium of fifty-four (54) cities in San Joaquin Valley, California. It was established under the provisions of Government Code Section 6500 et seq. The CSJVRMA is governed by a Board of Directors, which meets 3-4 times per year, consisting of one member appointed by each member city. The day-to-day business is handled by a management group employed by the CSJVRMA.

## **6.5 DETERMINATION**

Escalon receives funds for the provision of public services through development fees, property taxes and connection and usage fees. As land is annexed into the City from the SOI, these fees will apply. The City reviews these fee structures every two years and indexes the fee on an annual basis to ensure that adequate funds are collected to cover the provision of City services to existing as well as new residents.

The Escalon CFPD is responsible for the fire protection services in the City of Escalon. As the City grows and the capital expenditures and staffing needs increase, the City will need to work closely with the Escalon CFPD to ensure that the Fire District is able to adequately service the additional population generated by the annexation of additional land into the City. This may mean that the City establishes a contract with the Fire District for the required level of services needed by the City or the City and District work together to implement a fire mitigation fee or a public safety tax.

Since the fire facility fee has not been reviewed or increased since the early 1990's, it is suggested that the Fire District commission a nexus study to determine the appropriate fee with a built-in escalation rate for new development so that the Fire District can adequately accommodate the projected growth. The Chief is currently putting together a request to his board to increase the fee which once adjusted will adequately fund the necessary expansion of the fire department due to new growth.

## **7 STATUS OF, AND OPPORTUNITIES FOR, SHARED FACILITIES**

The following outlines any existing and/or potential opportunities for Escalon to share facilities and resources.

### Fire Protection

Fire protection and emergency medical services are provided by the Escalon Consolidated Fire Protection District (EFD). The EFD does not have a contract with the City to provide these services however, the City is within their service boundary.

### Law Enforcement

The City has an Agreement with the City of Ripon for Police Dispatch Services 7 days a week / 24 hours a day. The Agreement began in 2001 and a new Agreement was adopted by City Council on August 1, 2022 for Police Dispatch Services for another ten (10 years), expiring on June 30, 2032.

### Library Services

On October 20, 1998, San Joaquin County and the City of Stockton entered into an Agreement to provide free public library services within the San Joaquin County. The Agreement stipulates the operation of branch libraries in various parts of the County outside the City of Stockton and the City of Lodi, library operation including but not limited to programs and services, staff, library materials, resources and tools that directly support the mission of the library. The Escalon Branch Library is part of the Stockton-San Joaquin County library system and is open Monday through Saturday (closed Sundays). Hours of operation and services provided by the Escalon Branch Library can be found on the Stockton-San Joaquin County website: <https://www.ssjcpl.org/locations/county/escalon.html>.

### Escalon Unified School District

The partnership with the Escalon Unified School District is ongoing and includes joint use of the swimming pool and other recreational facilities as well as a program to share large maintenance equipment. Specifically, the City entered into an Agreement with the Escalon Unified School District on May 16, 200 which included agreements relates to the design and construction of Pool Facilities, administration, construction of restroom facilities, and joint-use of Pool Facilities.

Expenditure reductions are being pursued through coordination with other agencies which could provide the elimination of service duplication and/or economies of scale in purchasing. The City has an ongoing partnership with three other cities and the South San Joaquin Irrigation District to construct a South County Water Treatment Plant and share the resulting water supply.

### **7.1 DETERMINATION**

Escalon has multiple processes in place to assess whether levels of service provided are adequate to accommodate new growth, including the City's General Plan, its annual budgeting process, and master planning process for water supply and distribution, wastewater systems, storm water systems as well as law enforcement

services. It is through these processes that the City will continue to monitor and assess whether future opportunities for shared facilities will improve levels of service in a cost-effective manner.

## **8 ACCOUNTABILITY FOR COMMUNITY SERVICE NEEDS, INCLUDING GOVERNMENTAL STRUCTURE AND OPERATIONAL EFFICIENCIES**

The following section reviews the City's accountability for community services and how those services are provided. It also looks at the City's government structure and its operational efficiencies.

### **8.1 ACCOUNTABILITY FOR COMMUNITY SERVICE NEEDS**

Escalon is a general law City operating under a council-City manager form of government. This general law format allows for citizens to elect a governing body that will set policy, pass ordinances and resolutions and approve fiscal spending.

Municipal elections are held on the first Tuesday in November of even numbered years. Members of the City Council are elected at large for a four-year term on an overlapping basis. Two are elected during one election and three are elected two years later. The Mayor and Vice Mayor are elected by the Council for two-year terms. The City Council convenes regular meetings on the 1st and 3rd Mondays of each month at 7:00 pm at Escalon City Hall located at 2060 McHenry Avenue. The public also has access to City Council members through email links on the City's web site ([www.Cityofescalon.org/government/contact-us](http://www.Cityofescalon.org/government/contact-us)).

The Planning Commission consists of five members, appointed by the City Council members and are seated for four-year terms of office. The Planning Commission acts on all applications for use permits, parcel maps, variances, design review, site plan review, and makes recommendations to the City Council on applications for tentative subdivision maps, and amendments to the zoning ordinance and to the City General Plan. The Planning Commission can also initiate such amendments and provides advice to the Council on special projects. The Planning Commission convenes regular meetings on the 2<sup>nd</sup> Tuesday, following the 1<sup>st</sup> Monday of each month at 6:30 pm at the City Council Chambers at 2060 McHenry Avenue.

The Recreation Commission consists of five members, appointed by the City Council and are seated for three-year terms of office. The Recreation Commission provides advice and community perspectives regarding recreation services and programming for the residents and assist in the organization of recreation programs both by policy and participation within the programs by being an active volunteer/member. The Recreation Commission convenes regular meetings at 6:30 pm on the first Wednesday of each month at the City Council Chambers at 2060 McHenry Avenue.

The City Hall building is located at 2060 McHenry Avenue and is open to the public from 8am to 5pm, Monday through Thursday, closed daily from 12-1pm for lunch. City Hall is closed every Friday.

The City provides its residents with information on City policy and upcoming opportunities for public involvement through its website and through a City newsletter mailed to all residents bi-monthly. In addition, residents are notified as required by

law for public hearings. The Escalon Times also provides information to the community regarding City activities.

The City prepares annual reports as required by State and Federal regulations. These include annual reports on General Plan implementation progress, water quality, growth for the Department of Finance, and Community Development Block Grant (CDBG) implementation. These reports are available to the public for review and comment.

## **8.2 DETERMINATION**

The City has established a good system of accountability which adequately serves the residents of Escalon.

The City of Escalon is responsible for governance within its incorporated boundaries. Actions of the City Council, including opportunities for public involvement and public hearing, are regulated in accordance with the Brown Act (California Government Code Section 54950 et seq.) other applicable statutes and regulations, and City procedures.

The residents of Escalon are offered a wide range of opportunities to oversee the activities of elected, appointed and paid representatives responsible for the provision of public services to the community through elections, publicized meetings and hearings, as well as through the reports completed in compliance with State and Federal reporting requirements.

## **8.3 GOVERNMENT STRUCTURE OPTIONS**

Residents ultimately have oversight for the provision of public services in Escalon since the City is run by an elected City Council that answers to the public through the ballot process.

When Escalon annexes property from the SOI into the City, the City will provide a wide range of public services (police, water, sewer and storm drainage). In most cases annexation will result in the availability of services that were not previously available for the property outside the City's limit. The newly annexed properties will be provided a higher level of service but will also encounter a corresponding increase in service fees to pay for the additional services.

## **8.4 DETERMINATION**

Escalon's government structure is adequate and meets the needs of the residents.

Since Escalon is an incorporated City, the City Council will make the final decisions concerning fee structures and the provisions of services. As discussed in previous chapters, the City of Escalon and the Escalon FD should both review their fee structures every 5 years and index the fees on an annual basis so they ensure the funds they are collecting are adequate to meet the needs of a growing City. The City's General Plan also has goals, objectives, policies and actions to ensure that adequate services are provided in a cost-effective manner to accommodate new growth.

## **8.5 EVALUATION OF MANAGEMENT EFFICIENCIES**

Escalon provides a wide range of public services to its residents and businesses through the collection of developer fees, user fees and taxes, as well as grants and other State and Federal funding. As previously mentioned, the City directly provides potable water, wastewater and storm water collection and disposal, law enforcement services as well as general planning and maintenance for the community.

The City undertakes long-range planning programs to better plan and budget for needed improvements to services and facilities. The City completed an update to its General Plan in 2019, this update identified how the City plans to grow and areas for potential for growth for 50 years. The General Plan growth projections provided a baseline for other planning documents, such as the water, sewer and storm master plans, which allows the City to better estimate future demand for services and improvements needed to meet this demand.

Using these long-range plans as a basis, the City utilizes an annual budgeting process to balance expenditures for provision of needed services with anticipated income. During this process the City analyzes the need for City staffing, equipment and facilities for the following year. The Department Heads are encouraged to continually explore methods to minimize the cost for services while maintaining a high level of service. The City's practice is to be conservative in their revenue projections as well as in their expenditure projections. The City is careful to review the previous year's revenue and expenditures as well as the historical trends when developing the annual budget. The City has been able to balance if not incur a budget surplus for the past few years.

## **8.6 DETERMINATION**

The City's current growth management process is adequate and meets the needs of the City.

The City will continue to use the budget and long-range planning processes to ensure that it is able to provide direct and adequate levels of service in a cost-effective manner within its service area.



## **9      REFERENCES**

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### **WEBSITES**

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<http://www.escalonfire.com/index.html>, Escalon Fire Protection District

