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**SAN JOAQUIN  
LOCAL AGENCY FORMATION COMMISSION**

**LAFCo**

509 W. WEBER AVENUE SUITE 420 □ STOCKTON, CA 95203

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**Local Agency Formation Commission Meeting Agenda  
Thursday, June 11, 2020 9:00 A. M.**

In accordance with the Governor's Executive Order N-33-20, and for the period in which the Order remains in effect, the San Joaquin Local Agency Formation Commission will be closed to the public.

To accommodate the public during this period of time that the Board's Chambers are closed to the public, the San Joaquin Local Agency Formation Commission has arranged for members of the public to observe and address the meeting telephonically.

**TO ATTEND BY TELECONFERENCE: Toll-Free Dial-In Number: 877-778-1806  
Conference Code: 891949**

**Download Agenda Packet and Materials at: [www.sjgov.org/commission/lafco](http://www.sjgov.org/commission/lafco)**

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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 13, 2020  
(Action by All Members)  
Approve Summary Minutes of the regular meeting.

**ACTION ITEMS**

2. APPOINTMENT OF PUBLIC MEMBER  
Commission to review application and appoint a Regular Public Member.  
(Action by Regular Voting Members with the exception of Public Member)  
Applicant for Public Member is Peter Johnson.

**PUBLIC HEARING**

3. ALVAREZ REORGANIZATION TO THE CITY OF TRACY (LAFCo 03-20)  
(Action by Regular Members)

Request to annex approximately 14.6 acres to the City of Tracy with concurrent detachment from the San Joaquin County Resource Conservation District and the Tracy Rural Fire Protection District

4. CONSOLIDATION OF BRYON-BETHANY IRRIGATION DISTRICT AND THE WEST SIDE IRRIGATION DISTRICT (L AFC 30-19)  
*(Action by Regular Members)*  
Request to consolidate Bryon-Bethany Irrigation District and The West Side Irrigation District
5. PRELIMINARY BUDGET REPORT FOR FISCAL YEAR 2020-2021  
*(Action by Regular Members)*  
Commission consideration of the Preliminary Budget for Fiscal Year 2020-2021, Work Program and Schedule of Fees
6. FINAL BUDGET FOR THE FISCAL YEAR 2020-2021  
*(Action by Regular Members)*  
Commission consideration of the Final Budget for Fiscal Year 2020-2021, Work Program and Schedule of Fees

#### **PUBLIC COMMENTS**

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

#### **CORRESPONDENCE**

8. Written communication received from Marian Rawlins, dated April 29, 2020

#### **EXECUTIVE OFFICER COMMENTS**

9. Comments from the Executive Officer

#### **COMMISSIONER COMMENTS**

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

#### **CLOSED SESSION**

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

12. CLOSED SESSION

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

Name of Case: Pacific Gas and Electric v. San Joaquin LAFCo and South San Joaquin Irrigation District (San Joaquin County Superior Court Case No. 39-2015-00321743-CU-JR-STK)

- B. 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)

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

**ADJOURNMENT**

# **LAFCo**

509 W. WEBER AVENUE SUITE 420 □ STOCKTON, CA 95203

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**SUMMARY MINUTES  
February 13, 2020**

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

Chairman Peter Johnson called the meeting to order at 9:04 a.m.

**MEMBERS PRESENT:** Commissioners Andrade, Krumeich, and Chairman Johnson.

**MEMBERS ABSENT:** Commissioner Patti and Villapudua

**ALTERNATE MEMBERS PRESENT:** Commissioners Morowit and Winn

**ALTERNATE MEMBERS ABSENT:** Commissioner Bretenbucher

**OTHERS PRESENT:** James Glaser, Executive Officer; Rod Attebery, Legal Counsel; and Mitzi Stites, Commission Clerk

## **CONSENT ITEMS**

A motion was made by Commissioner Winn and seconded by Commissioner Krumeich to approve the Consent Calendar.

The motion for approval of the Summary Minutes of December 13, 2019 meeting was passed by a unanimous vote of the Commission.

The motion for approval for the out-of-agency service requests to the properties located at 440 Clayton Avenue and 3221 S. El Dorado Street, Stockton, was passed by a unanimous vote of the regular voting members of the Commission.

## PUBLIC HEARING

### 3. DISSOLUTION OF RECLAMATION DISTRICT 2116 - HOLT STATION (LAFC 33-19) (Action by Regular Members)

Mr. James Glaser, Executive Officer, presented an overview of Reclamation District 2116 – Holt Station. This District was formed in 1983 consisting of four parcels of land and approximately 35 acres. On September 3, 2019 the Board of Trustees passed a Resolution to dissolve the District. The District has had no financial transactions in the current fiscal year or in the previous year. The District's only known assets is \$36.00 and is held by the San Joaquin County Treasurer. There are no known liabilities, outstanding judgements, litigation, contracts, liens or claims. It is recommended that the Commission adopt Resolution No. 1422 approving the Dissolution of Reclamation District 2116- Holt Station.

Dante Nomellini Jr., Secretary and Counsel for Reclamation District 2116, requested that the Commission approve this dissolution.

Chairman Johnson opened the floor to Commissioner Comments.

Commissioner Winn inquired as to what will happen to the District's assets once the District has dissolved.

Dante Nomellini Jr., Secretary and Counsel for Reclamation District 2116, stated that the remaining assets would go back to San Joaquin County.

Chairman Johnson thanked Mr. Nomellini for taking the time to dissolve this District.

Chairman Johnson opened the floor to Public Comments.

No one came forward.

Chairman Johnson closed Public Comments.

A motion was made by Commissioner Winn and seconded by Commissioner Krumeich to approve Resolution No. 1422, approving the Dissolution of Reclamation District 2116 Holt Station.

Roll Call Vote:

Ayes: Commissioners Andrade, Krumeich, Winn and Chairman Johnson

Nos: None

Absent: Commissioners Patti and Villapudua

## ACTION ITEMS

### 4. APPROVAL OF IMPARTIAL ANALYSIS FOR TRACY VILLAGE REORGANIZATION TO THE CITY OF TRACY ELECTION (LAFC 24-19) (Action by Regular Members)

Commissioner Andrade recused himself from this agenda item.

Mr. James Glaser, Executive Officer, gave a PowerPoint presentation on the background of the Protest Hearing held on November 14, 2019. He stated that the area did not have 100% consent from the landowners and there were more than 12 registered voters. This creates a need for a Protest Hearing. There are 44 landowners and 61 registered voters. LAFCo received 32 written protests from registered voters and one from a landowner, with four written protests determined to be invalid. The final count of written protests was 47.5%. If more than 50% of the voters residing in the territory provide written protests, the project is terminated, if less than 50% but more than 25% of the voters provide written protest, the annexation is subject to an election.

At the December Commission Meeting, the Commission directed the Executive Officer to inform the County Administrator's Office to request that the Board of Supervisors direct the election official to conduct the election as required by GC 57000(d) Section 57144.

Mr. Glaser, Executive Officer, also is required to submit to the Commission, for its approval, or modification, a 500-word maximum impartial analysis to be used in the election process.

Ponderosa Homes has worked to address the residents' concerns regarding connection fees for water and sewer. Ponderosa Homes has prepaid in full, water and wastewater connection fees for 37 occupied properties along Valpico and Corral Hollow Roads. Ponderosa Homes has also provided \$5,000 per occupied property for costs associated with the physical connection of sewer and water services. This information has been included in the impartial analysis.

Mr. Jeff Schroeder, Ponderosa Homes, thanked the staff for help in getting this project to this point.

Chairman Johnson opened the floor to Commissioner Comments.

Chairman Johnson inquired about the 47.5% written protest.

Mr. James Glaser, Executive Officer, stated that there was one landowner that submitted a written protest but the 47.5% was from registered voters.

Commissioner Morowit stated that during his time on City Council and Planning Commission, he never had a developer pay for the connection fees. It would be nice if this will set a precedent for other developers to work with residents in the future.

Commissioner Winn agreed with Commissioner Morowit that this is unprecedented and thanked Ponderosa Homes for working with the residents. Commissioner Winn inquired if developers should be required to pay for the connection fees for residents.

Jeff Schroeder, Ponderosa Homes, stated that Tracy Village development is able to fund the connections, but each project is different. Smaller projects may not be able to do so.

Commissioner Krumeich stated a general comment that maybe residents would be more favorable to annexations if the fees were to be lowered for connections to water and wastewater lines.

Chairman Johnson opened the floor to Public Comments.

No one came forward.

Chairman Johnson closed the floor to Public Comments.

A motion was made by Commissioner Krumeich and seconded by Commissioner Winn that the Commission approve the impartial analysis for the election of Tracy Village Reorganization to the City of Tracy.

Roll Call Vote:

Ayes: Commissioners Krumeich, Winn and Chairman Johnson

Nos: None

Absent: Commissioners Andrade, Patti, and Villapudua

## 5. ELECTION OF CHAIR AND VICE CHAIR

*(Action by All Members)*

Mr. Glaser, Executive Officer, informed the Commission that at the beginning of each calendar year, the Commission selects its Chair and Vice Chair. Although it is not required, the rotation of the Chair has traditionally been City-County-City-County-Public Member. If the Commission choose to follow past practice, a City Member would serve as Chair and a County Member would serve as Vice-Chair this year.

Chairman Johnson opened the floor to nominations for Chairman. Commissioner Winn nominated Commissioner Andrade.

With no other nominations, Chairman Johnson closed the nominations for Chair. Chairman Johnson asked for a roll call vote.

Roll Call Vote:

Ayes: Commissioner Krumeich, Morowit, Winn and Chairman Johnson

Noes: None

Absent: Commissioner Andrade, Bretenbucher, Patti and Villapudua

The motion passed by a unanimous vote of the members of the Commission to elect Commissioner Andrade as Chairman.

Chairman Johnson opened the nominations for Vice-Chair. Commissioner Winn nominated Commissioner Villapudua.

With no other nominations, Chairman Johnson closed the nominations for Vice-Chair. Chairman Johnson asked for a roll call vote.

Roll Call Vote:

Ayes: Commissioner Krumeich, Morowit, Winn and Chairman Johnson

Noes: None

Absent: Commissioner Andrade, Bretenbucher, Patti and Villapudua

The motion passed by a unanimous vote of the members of the Commission to elect Commissioner Villapudua as Vice-Chair.

Commissioner Andrade returned to Chambers.

#### 6. RECRUITMENT FOR A PUBLIC MEMBER COMMISSIONER (Action by All Members)

Mr. James Glaser, Executive Officer, stated that according to the Commission policy for regular public members, a public member can serve for a term of four years and a person may serve no more than two four-year terms. The first four-year term for Public Member Peter Johnson will expire in May 2020.

The procedure to initiate recruitment of a Public Member is for the Commission to direct the Executive Officer to initiate the recruitment process in February. Availability of the Public Member seat would be announced by posting and mailing a notice to all local agencies, as well as placing a notice on the LAFCo website. If directed by the Commission, the Executive Officer will also issue a press release. The results of the recruitment effort will be placed on the Commission agenda and final appointment to fill a vacancy may not be made for 21 days after posting notice.

Chairman Johnson opened the floor to Commissioner Comments.

No comments were made.

Chairman Johnson closed Commissioner Comments.

Chairman Johnson opened the floor to Public Comments.

No one came forward.

Chairman Johnson closed the floor to Public Comments



A motion was made by Commissioner Krumeich and seconded by Commissioner Andrade to direct the Executive Officer to announce the Public Member opening.

### **SPECIAL MATTERS**

#### **7. MID-FISCAL YEAR BUDGET REPORT**

Mr. James Glaser, Executive Officer, presented an overview of the mid-fiscal year budget. Mr. Glaser stated that the expenses of the agency mid-way through the fiscal year is well within the amount budgeted and approved by the Commission.

Chairman Johnson opened the floor for Commissioners Comments.

No comments were made.

Chairman Johnson closed the floor for Commissioner Comments.

Chairman Johnson opened the floor to Public Comments.

No comments were made.

Chairman Johnson closed the floor to Public Comments.

#### **8. COMMISSION MEETING CALENDAR 2020**

The Commission received the 2020 LAFCo Meeting schedule.

### **PUBLIC COMMENTS**

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

No one came forward.

### **CORRESPONDENCE**

10. Court Order from Honorable Carter P. Holly, Judge of the Superior Court, Superior Court of California, County of San Joaquin, dated December 13, 2019.

Mr. James Glaser, Executive Officer, stated that staff received a court order from Judge Carter P. Holley of the Superior Court and wanted to inform the Commission of the decision. The judgement showed that the Court spent a great deal of time reviewing and understanding the issue.

Chairman Johnson opened the floor to Commissioner Comments.

Commissioner Winn also appreciates Judge Holly's informative and thorough decision. It was nice to see that the judge took time to make an objective decision.

Chairman Johnson closed Commissioner Comments.

Rod Attebery, Legal Counsel, stated that Tracy Rural Fire Protection District did file an appeal over this decision. If there are any questions that the Commissioners may have over this case or Pacific Gas and Electric v. San Joaquin LAFCo and South San Joaquin Irrigation District, they can meet in closed session, otherwise, there is nothing new to report.

Chairman Johnson also expressed his appreciation over the correspondence. He asked the Commissioners if there were any questions that needed to be addressed in Closed Session, seeing none there will be no need to have a Closed Session.

## **EXECUTIVE OFFICER COMMENTS**

### 11. Comments from the Executive Officer

James Glaser, Executive Officer, informed the Commission that there will be no March meeting. There are currently two applications for consolidation that are being reviewed: the consolidation of Bryon Bethany Irrigation District (B.B.I.D) and The West Side Irrigation District (T.W.S.I.D.); and Stockton East and Central Water Conservation District. There are several annexation applications that are being prepared to come before the Commission: South San Joaquin Irrigation District has two large parcels for annexation for the purpose of irrigation only; the City of Manteca has a few residential annexations; the City of Stockton has three annexations; and the City of Tracy has the Alvarez annexation. Staff is in communication with the City of Tracy regarding the Avenues annexation. The City of Stockton will also be preparing a MSR/SOI Update. The preliminary budget will go before the Commission in May with the final budget in June. The Commission will need to set a Budget Committee meeting in April. All Commissioners will need to submit their Form 700 to our office by the end of March.

Incoming Chairman Andrade presented Outgoing Chairman Johnson with an engraved gavel, as an appreciation for his dedication as LAFCo Chairman for 2019.

Chairman Johnson stepped down as Chairman at this time and Commissioner Andrade took over as Chairman.

## **COMMISSIONER COMMENTS**

### 12. Comments, Reports, or Questions from the LAFCO Commissioners

Commissioner Winn thanked Commissioner Johnson for his leadership, transparency and dedication as Chairman. Last year was challenging at times and Commissioner Johnson had a steady hand in times of great conflict.

**CLOSED SESSION**

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

14. CLOSED SESSION

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

Name of Case: Pacific Gas and Electric v. San Joaquin LAFCo and South San Joaquin Irrigation District (San Joaquin County Superior Court Case No. 39-2015-00321743-CU-JR-STK)

B. 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)

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

There was no Closed Session.

The meeting adjourned at 9:55 a.m.

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SAN JOAQUIN

LOCAL AGENCY FORMATION COMMISSION

AGENDA ITEM No. 2

**LAFCo**

509 W. WEBER AVENUE SUITE 420 STOCKTON, CA 95203

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**EXECUTIVE OFFICER'S REPORT**

June 11, 2010

TO: LAFCo Commissioners

FROM: James E. Glaser, Executive Officer

**SUBJECT: APPOINTMENT OF PUBLIC MEMBER**

As directed by the Commission at the February 13, 2020 meeting, the Executive Officer issued a press release and posted announcements on February 20, 2020 that applications were being accepted for the Public Member seat. The application deadline was set for Wednesday, April 8, 2020 and appointment to the Public Member seat was scheduled to occur at the Commission meeting on April 9, 2020. However, the April 9<sup>th</sup> meeting was cancelled due to the COVID-19 emergency and shelter-in-place orders.

The term of office for a Public Member is four years and a Public Member cannot be appointed to more than two four-year terms. LAFCo received one application during the recruitment period from the current Public Member, Peter M. Johnson. He completed his first four-year term in May 2020.

Being that there are no other candidates that submitted an application for consideration, it is recommended that the Commission re-appoint Peter M. Johnson as Public Member.

**MOTION**

Moved by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_ to  
appoint Commissioner Peter M. Johnson to a second term as Public Member.

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**SAN JOAQUIN  
LOCAL AGENCY FORMATION COMMISSION**

**LAFCo**

509 West Weber Avenue Suite 420 STOCKTON, CA 95203

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**APPLICATION FOR PUBLIC MEMBER  
SAN JOAQUIN LOCAL AGENCY FORMATION COMMISSION**

Name: Peter Johnson

Telephone: 209.483.2661

(Residence)

(Business)

Residence 2339 Hammer Lane C-138 Stockton CA 95209

Address: \_\_\_\_\_

Business

Address: University of the Pacific - 3601 Pacific Avenue Stockton CA 95211

Occupation: Director Executive Programs University of the Pacific

Please state briefly your reason for wanting to serve on this Commission:

I believe we all have an obligation to give back in life. For the past 4 years, I have served on LAFCO and learned an enormous amount and want to continue serving and giving back to my community.

Please state briefly your experience which you feel will be helpful when you serve on this Commission:

I have served on many boards over the years, including the last 4 as a LAFCO commissioner.

Other information you would like to submit (A Resumé may be attached, if you wish):

Please see included resume.

Applicants must be a County resident and shall not be an officer or employee of the County or any City or District with territory within the County at the time of appointment. Commission meetings are held the second Thursday of each month at 9:00 a.m. Applications must be submitted by the close of business day, Wednesday, April 8, 2020.



SIGNATURE

April 7, 2020

Date

# PETER M. JOHNSON

## BIOGRAPHY

Peter Johnson is Director of both the Westgate Center for Leadership and Management Development and the Institute for Family Business in the Eberhardt School of Business at the University of the Pacific. Johnson founded the Institute for Family Business in 1997.

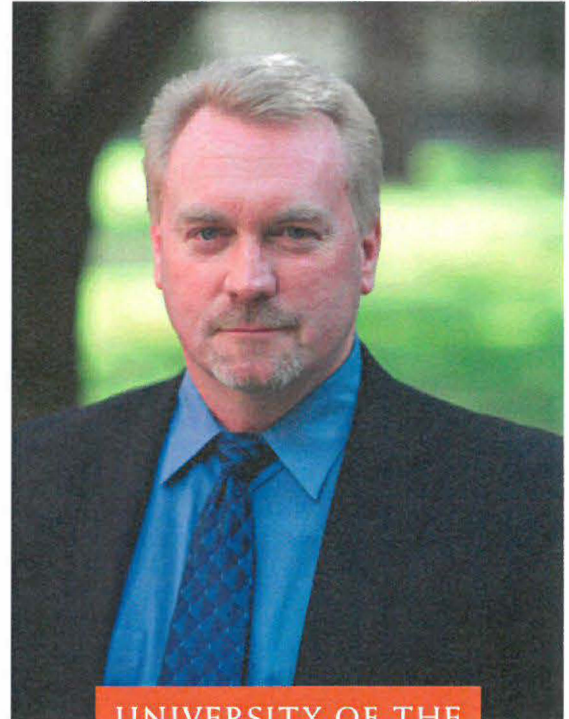
His prior positions include Executive Vice President of Marketing and Sales for a national financial services firm, Executive Director of The Business Incubator, and founder and owner of several businesses in California.

As an educator, consultant and speaker, Johnson works with for-profit, nonprofit, government agencies and family businesses to develop leadership solutions to business challenges. He works with organizations throughout North America. He is often quoted in the media including *The Wall Street Journal*, *Success Magazine*, *Wine Spectator*, and NPR. For seven years he wrote a monthly leadership article for *The Business Journal*.

Johnson received his MBA from the University of the Pacific and a BS in Management from San Diego State University. He is a graduate of Leadership Stockton and a former member of Vistage.

Johnson has served on numerous boards and commissions (many as chair or president) including Child Abuse Prevention Council, The Greater Stockton Chamber of Commerce, YMCA, BSA, Leadership Stockton Alumni Association, and The Governors Small Business Advisory Council. In 2004, Johnson was elected to the Board of Education for Lodi Unified School District. In 2009, he was appointed to the San Joaquin County Planning Commission and in 2016 he was appointed to LAFCO.

Johnson is married with three children. He has completed multiple marathons including the New York Marathon and the Marine Corp Marathon and enjoys camping and traveling with family and friends. He believes his life purpose is to help organizations achieve their mission through better leadership.



UNIVERSITY OF THE  
PACIFIC

## //CONTACT

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# **LAFCo**

509 W. WEBER AVENUE SUITE 420 □ STOCKTON, CA 95203

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## **EXECUTIVE OFFICER'S REPORT**

- PROJECT:** ALVAREZ REORGANIZATION TO THE CITY OF TRACY (L AFC 03-20)
- PROPOSAL:** To annex 14.6 acres consisting of two parcels and a portion of the I-205 right-of-way to the City of Tracy. The annexed area will detach from the Tracy Rural Fire District and the San Joaquin County Resource Conservation District.
- APPLICANT:** City of Tracy
- LOCATION:** Between Larch Clover Road and I-205, adjacent to the northern portion of the city limits
- PURPOSE:** There is no specific development project. The site is rezoned as Community Recreation Support Services
- PROCESS:** 100% owner-consent

## **RECOMMENDATION**

It is recommended that the Commission approve Resolution No. 1423 approving the Alvarez Reorganization to the City of Tracy.

## **BACKGROUND**

A resolution approving the annexation and rezoning of the project site was adopted by the City of Tracy on January 16, 2018. The project includes the annexation of 9.1 acres consisting of two parcels (APN 212-170-33 and 212-170-34) and 5.5 acres of the I-205 right-of-way (Exhibit A-Vicinity Map). There is no development plan for the site, but it has been rezoned as Community Recreation Support Services (CRS). The CRS Zone classification is intended to provide support services for users of nearby community and/or recreational entertainment facilities through the provision of a range of focused retail uses, restaurants, traveler's accommodations, and similar uses and services. Consistent with the uses allowed under the CRS Zone, the site has the potential to be developed up to approximately 396,000 square feet of commercial floor area. The proposed annexation site is located near the Tracy Legacy Fields Sports Complex located to the north on Tracy Boulevard (Exhibit B-Justification of Proposal).

The two parcels proposed for annexation has one landowner who has consented to the annexation. The annexation will include a portion of I-205 to achieve a logical city boundary.



**ENVIRONMENTAL**

The City of Tracy adopted a Mitigated Negative Declaration for the Alvarez annexation. LAFCo, as a Responsible Agency must consider the City’s environmental document and make a finding upon approval of the project (Exhibit C-Notice of Determination).

**PROPERTY TAX EXCHANGE**

Pursuant to the Revenue and Taxation Code, the City and County must have an agreement in place that determines the exchange of property tax revenues from a jurisdictional change. The County/City Master Tax Sharing Agreement was approved on March 24, 2020.

**REVIEW FACTORS**

The Cortese-Knox-Hertzberg Local Government Reorganization Act requires fifteen factors to be considered by a LAFCo when evaluating a proposal for a change in organization or reorganization to a city. Factors to be considered shall include, but are not limited to the following (Government Code Sections 56668):

***(a) Population and population density and likelihood of significant growth during the next 10 years***

The proposed project site is vacant and was used for dryland grazing in the past. There are no permanent structures or residences on the site. The surrounding area adjacent to the project site includes commercial uses to the east including hotels, eateries, and a vehicle repair station; vacant land and scattered residential properties to the north and west, I-205 to the south, and additional commercial and scattered residential uses to the south. West of the project site are rural residential homes located in the unincorporated area known as Larch Clover. This area is mostly developed and there are no plans for annexation to the City.

***(b) The need for organized community services and present cost and adequacy of governmental services***

Essential governmental services which are provided at the present time, and which will be provided after annexation are indicated in the following chart:

SERVICE	CURRENT PROVIDER	AFTER ANNEXATION
Law Enforcement	County Sheriff	City
Fire Protection	Tracy Rural	City
Water	None	City
Sewer	None	City
Drainage	None	City
Irrigation	None	City
Schools	Tracy Unified	Tracy Unified
Planning	County	City

City Ordinances and Resolutions are in place to ensure that required public facilities fees are paid and that services can be maintained at appropriate levels for a proposed project. In July 2019, the Commission approved the City’s MSR and Sphere of Influence Plan including a

10-year planning horizon which included the proposed project site. The MSR/SOI Plan determined that the City could adequately provide municipal services within its sphere.

**(c) *The effect of the proposed action and of alternative actions, adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county***

The proposed action will not have an effect on any social interests or any effect on economic interests. The parcels are owned by one property owner who has consented to the annexation. There will be no effect of the proposed action on the local governmental structure of the county.

**(d) *The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in Section 56377. Section 56377 requires that the Commission, in reviewing a proposal that would reasonably induce, facilitate, or lead to the conversion of existing open-space lands to uses other than open-space uses, to consider the following policies and priorities:***

**1) *Development of land for other than open-space uses shall be guided away from existing prime agricultural lands toward areas containing nonprime agricultural lands***

The project site does not qualify as prime agricultural land defined by Government Code Section 56064.

**2) *Development of existing vacant or non-prime agricultural lands for urban uses within the jurisdiction or SOI should be encouraged before development of existing open-space lands for non-open space uses outside of the jurisdiction or SOI***

The Alvarez annexation site was included in the City's 10-year sphere horizon as it was anticipated for development. The site is adjacent to the City boundary and is surrounded by urban development. In 2018 the City created a new zone classification, Community Recreation Support Services (CRS) Zone, for this property for the types of uses that can be developed due to its proximity to the Tracy Legacy Fields Sports Complex (Exhibit D-Statement of Open Space Conversion).

**(e) *The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016***

Agricultural lands are defined as land that is currently used for the purpose of producing an agricultural commodity for commercial purposes. The two parcels proposed for annexation are undeveloped and is no longer being used for dryland grazing.

**(f) *The definiteness and certainty of the boundaries of the territory***

The annexation area is consistent with LAFCo's policy and includes full assessor parcels. A portion of the I-205 right-of-way is included in the annexation project to provide for an orderly and logical city boundary.

**(g) *A regional transportation plan adopted pursuant to Section 65080 and consistency with city or county general and specific plans***

The 2018 Regional Transportation Plan and Sustainable Communities Strategy was adopted by the San Joaquin Council of Governments on June 28, 2018. The Plan serves as the region's long-range transportation plan and provide guidance for decisions about

transportation spending priorities. The Alvarez annexation proposal is consistent with the transportation plan as well as the City's General Plan.

**(h) *The proposal's consistency with city or county general and specific plans***

The County's General Plan designation for the project site is Residential Low (R/L) for single family residences with densities in the range of 2-6 dwelling units per gross acre. The City's General Plan designates the project site as Commercial allowing for retail and consumer service activities that meet the needs of Tracy residents and employees as well as pass-through travelers. Annexation of the project site would be consistent with the Commercial land use designation and the City's CRS Zoning designation to develop various commercial and retail uses in support of Legacy Fields and other commercial and retail service to travelers along I-205.

**(i) *The sphere of influence of any local agency, which may be applicable to the proposal being received***

The proposed annexation territory is currently being served by the Tracy Rural Fire District and will detach from the agency upon annexation in compliance with Commission Policy. The City will be responsible for providing adequate fire services. The annexation territory will also detach from the San Joaquin County Resource Conservation District.

**(j) *Comments of any affected local agency or other public agency (Exhibit E-Referral Comments)***

County Public Works: No comments.

SJCOG: At this time, the applicant is requesting an annexation with no ground disturbance. Any future structures that require ground disturbance on this or subsequent divided parcels will be subject to participate in the San Joaquin Multi-Species Habitat Conservation and Open Space Plan and should be resubmitted to this agency.

County Environmental Health Department: The Department is supportive of the project with the condition that appropriate permits are obtained for abandoning wells or septic systems and any geotechnical drilling be conducted under permit and inspection.

**(k) *The ability of the newly formed or receiving entity 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***

The City will extend municipal services to the annexation area. As required by Government Code Section 56653 the City submitted a Plan for Services (Exhibit F-Plan for Service). GC 56653 requires that the plan address the following: 1) an enumeration and description of services to be provided; 2) the level and range of those services; 3) an indication of when those services can feasibly be extended; 4) improvements or upgrading of services or other conditions that would be imposed or required by the annexation; and 5) how the services will be financed. Detailed information can be found in the City's Plan for Services.

Water: The City obtains its water supply from both surface and groundwater sources. The City determined that there is sufficient water supply and that its water treatment and delivery system infrastructure are adequate to serve both existing development and demand which

would be created by future planned development, including the proposed project. The Municipal Service Review and Sphere Plan approved by the Commission in July 2019 found that the City has the ability to provide potable water supply to the project area.

Potable water will be supplied via a connection to an existing 12" water main located in the adjacent roadways of Larch Road and Tracy Blvd. Both of these water distribution mains are available for direct tap. A detailed analysis will be required when a specific development project is proposed for the site. Payment of applicable City impact fees will be required to offset proportionate costs of City water system improvements attributable to all future development on this site and to mitigate cumulative impacts (e.g. Water Treatment Plant expansions).

Sewer: Wastewater generated by future development on the Alvarez properties will be conveyed to the City's Wastewater Treatment Plant (WWTP) by gravity lines for treatment to a disinfected tertiary level and disposal by discharge into Old River. Development on the project site was considered in the City's 2012 Wastewater Master Plan and it was determined that there would be adequate capacity with no expansion or improvements needed to the WWTP. The City's General Plan EIR, which included development on the proposed site, determined there are no significant wastewater impacts associated with buildout of the General Plan land use plan. The City will require additional analysis of the wastewater conveyance systems when a specific development is proposed to determine if any improvements would be necessary to serve the development.

Currently there are two existing sanitary sewer force main lines located along Larch Road which will be upgraded to a 30-inch and 24-inch force main lines. Because these force mains are not available for direct tap, an approximate 1,000 lineal foot gravity main extension will be provided at the intersection of Tracy Blvd and Larch Road. The developer will be required to pay City impact fees to offset all proportionate costs for wastewater conveyance improvements and to mitigate cumulative impacts.

Drainage: As part of the City's required Development Plan review, the developer will be required to prepare a site-specific storm water drainage plan that identifies on-site improvements, and which will ensure development does not adversely increase pollutant discharges from the site or affect City storm drainage systems. The northern portion of the proposed annexation site is within the 100-yr floodplain. New construction within the 100-year floodplain is required to have the lowest floor, including basement, elevated at least one foot above the base flood level or be flood-proof construction. Development on the site would be required to comply with FEMA and State regulations, the City's General Plan and the Municipal Code (Exhibit G-100-yr Flood Plain).

Police: Law enforcement services are currently provided by the County Sheriff's Office and will be provided by the City's Police Department upon annexation. The police department operates from City Hall located 2.5 miles north of the project site. It is not anticipated that the proposed development of the site would require new police facilities or impact the existing response times and police protection levels.

Fire: Upon annexation, the property will detach from the Tracy Rural Protection Fire District and the City of Tracy will become responsible for fire service. Fire services will be provided by the City of Tracy through the South San Joaquin County Fire Authority (JPA), a joint powers authority consisting of the City of Tracy and Tracy Rural Fire Protection District. The provision of fire service would not change as a result of annexation except the responsibility will shift from Tracy Rural to the City of Tracy and the City will be responsible for an increase in its share of the JPA operating costs.

Fire Department response times will not be affected by this annexation. The annexation area is currently served by Fire Station No. 96, located approximately 1.5 miles from the project site. The annexation site is within fire department response time standards for first-due units and within the Effective Response Force standard of 16 fire personnel on scene within eight minutes. Payment of applicable City fees will be required in support of fire and police services and facilities as development of the site occurs. Additional funding will come from annual payment of property taxes, sales taxes, other revenues generated citywide, and city transient occupancy taxes if the site is developed with visitor-serving accommodations.

It is Commission's policy to consider if a detachment from a fire district would adversely affect the fire district's ability to provide adequate service and if adequate mitigation has been provided. The annexation of the Alvarez properties to the City will result in a loss of annual property tax revenue and assessments to Tracy Rural in the amount of \$703.69. South San Joaquin County Fire Authority indicates that detachment of the annexation area would not have a negative impact on future funding for fire services. (Exhibit H-Letter dated 12/16/19 from SSJCFA). The area will be served by existing fire stations and equipment owned and funded by the City and the same City owned resources will continue to provide emergency response services.

Financial mitigation by the City of Tracy to Tracy Rural has not been proposed. The Commission's policy requires that the special district must demonstrate that the action will negatively impact the special district's budget or services or require the continuation of services without the provision of adequate funding. Tracy Rural has not provided information in support of this finding. In fact, Tracy Rural has provided no response to LAFCo's request for comments on this project.

***(l) Timely availability of water supplies adequate for the projected needs as specified in Government Code Section 65352.5***

Two studies by the City, the 2012 Water System Master Plan and the 2015 Urban water Management Plan determined that the City has adequate water supplies available to serve the project. The proposed annexation and development of the project site was included in the water demand calculations for the 2012 Citywide Water System Master Plan.

***(m) The extent to which the proposal will affect a city and the county in achieving their respective fair share of the regional housing needs***

The proposed annexation site has been rezoned under the CRS Zone classification which include support services for users of nearby community and/or regional recreational and entertainment facilities such as retail, restaurants, traveler's accommodations and other

similar uses. Residential uses are not permitted under this zoning classification and therefore would not contribute to the achievement of fair housing needs.

***(n) Any information or comments from the landowner or owners, voters, or residents of the affected territory***

No information or comments have been received from landowners, voters, or residents of the affected territory.

***(o) Any information relating to existing land use designations***

The City will ensure that the project meets the requirements of the City's floodplain regulations (published in the City Municipal Code). The City's regulations are periodically reviewed by both FEMA and DWR for conformity to FEMA standards. The City states that it exceeds the FEMA standards where the finished floor is required to be set a minimum of one foot above the base flood elevation.

***(p) The extent to which the proposal will promote environmental justice (fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services)***

The project does not result in the unfair treatment with respect to the location of public facilities and provision of public services.

## **DISCUSSION**

The annexation of the two parcels is a logical extension of the northern City boundary and provides for an orderly development of the area. The City created a new zoning designation for the Alvarez properties limiting development to Community Recreation Support Services which would allow commercial and retail uses to support the nearby Tracy Legacy Fields Sports Complex located north of the project area and adjacent to the I-205 corridor to accommodate travelers.

Development of the proposed site was anticipated in the City's General Plan and the City's Municipal Service Review and Sphere of Influence Plan which was approved by the Commission in July 2019.

Attachments: Resolution No. 1423  
Exhibit A-Vicinity Map  
Exhibit B-Justification of Proposal  
Exhibit C-Notice of Determination  
Exhibit D-Statement of Open Space Conversion  
Exhibit E-Referral Comments  
Exhibit F-Plan for Service  
Exhibit G-100-yr Flood Plain Map  
Exhibit H-Letter dated 12/16/19 from South San Joaquin County Fire Authority

RESOLUTION NO. 1423

**BEFORE THE SAN JOAQUIN LOCAL AGENCY FORMATION COMMISSION  
APPROVING THE ALVAREZ REORGANIZATION TO THE CITY OF TRACY  
WITH CONCURRENT DETACHMENTS FROM TRACY RURAL FIRE  
PROTECTION DISTRICT AND THE SAN JOAQUIN COUNTY RESOURCE  
CONSERVATION DISTRICT (L AFC 03-20)**

WHEREAS, the above entitled proposal was initiated by resolution by the City of Tracy and on March 3, 2020 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 telephonically public hearing on the proposed reorganization on June 11, 2020, 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 hearing telephonically; and

WHEREAS, the City of Tracy certified and adopted a Mitigated Negative Declaration (State Clearinghouse No. 2017102046) and approved Mitigation Measures and a Monitoring and Reporting Program for the Alvarez Annexation Project;

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 the factors set forth in Section 56668 of the California Government Code and testimony and evidence presented at the public hearing held on June 11, 2020;

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. 2017102046) and adopts the CEQA Mitigation Measures and Monitoring and Reporting Program as certified by the City of Tracy.

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

Section 3. Approves the annexation of the Alvarez Reorganization to the City of Tracy with concurrent detachment from the Tracy Rural Fire Protection District and the San

Joaquin County Resource Conservation District with the boundary description attached hereto as Exhibit A.

Section 4. 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.

Section 5. 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.

PASSED AND ADOPTED this 11<sup>th</sup> day of June 2020 by the following roll call vote:

AYES:

NOES:

ABSENT:

---

JESUS ANDRADE, CHAIRMAN  
San Joaquin Local Agency Formation Commission



May 14, 2020

**LEGAL DESCRIPTION  
ALVAREZ ANNEXATION TO THE CITY OF TRACY  
SAN JOAQUIN COUNTY, CALIFORNIA  
(LAFC 03-20)**

THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

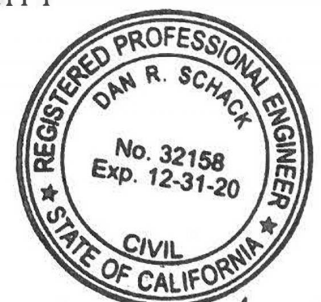
A PORTION OF LOTS 3 & 18 IN BLOCK 15 OF TRACY GARDEN FARMS, ACCORDING TO THE OFFICIAL MAP THEREOF, FILED FOR RECORD OCTOBER 2, 1913, IN BOOK OF MAPS AND PLATS, VOLUME 8, PAGE 1, SAN JOAQUIN COUNTY RECORDS, ALSO BEING A PART OF RANCHO EL PESCADERO, SAN JOAQUIN COUNTY, CALIFORNIA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF LARCH ROAD (60.00 FEET IN WIDTH), SAID POINT BEING ON THE NORTHWESTERLY CORNER OF CITY LIMIT LINE BOUNDARY, SAID POINT ALSO BEING ON THE EAST LINE OF SAID LOT 3 AND 30.00 FEET NORTH OF THE NORTHEAST CORNER OF SAID LOT 18, ALSO BEING THE SOUTHEAST CORNER OF SAID LOT 3, SAID POINT ALSO BEARS NORTH 00 DEGREES 23 MINUTES 09 SECONDS EAST, 60.00 FEET FROM THE NORTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN GRANT DEED, RECORDED NOVEMBER 18, 2016, AS DOCUMENT NUMBER 2016-142571, SAN JOAQUIN COUNTY RECORDS; THENCE ALONG THE FOLLOWING SEVEN (7) COURSES:

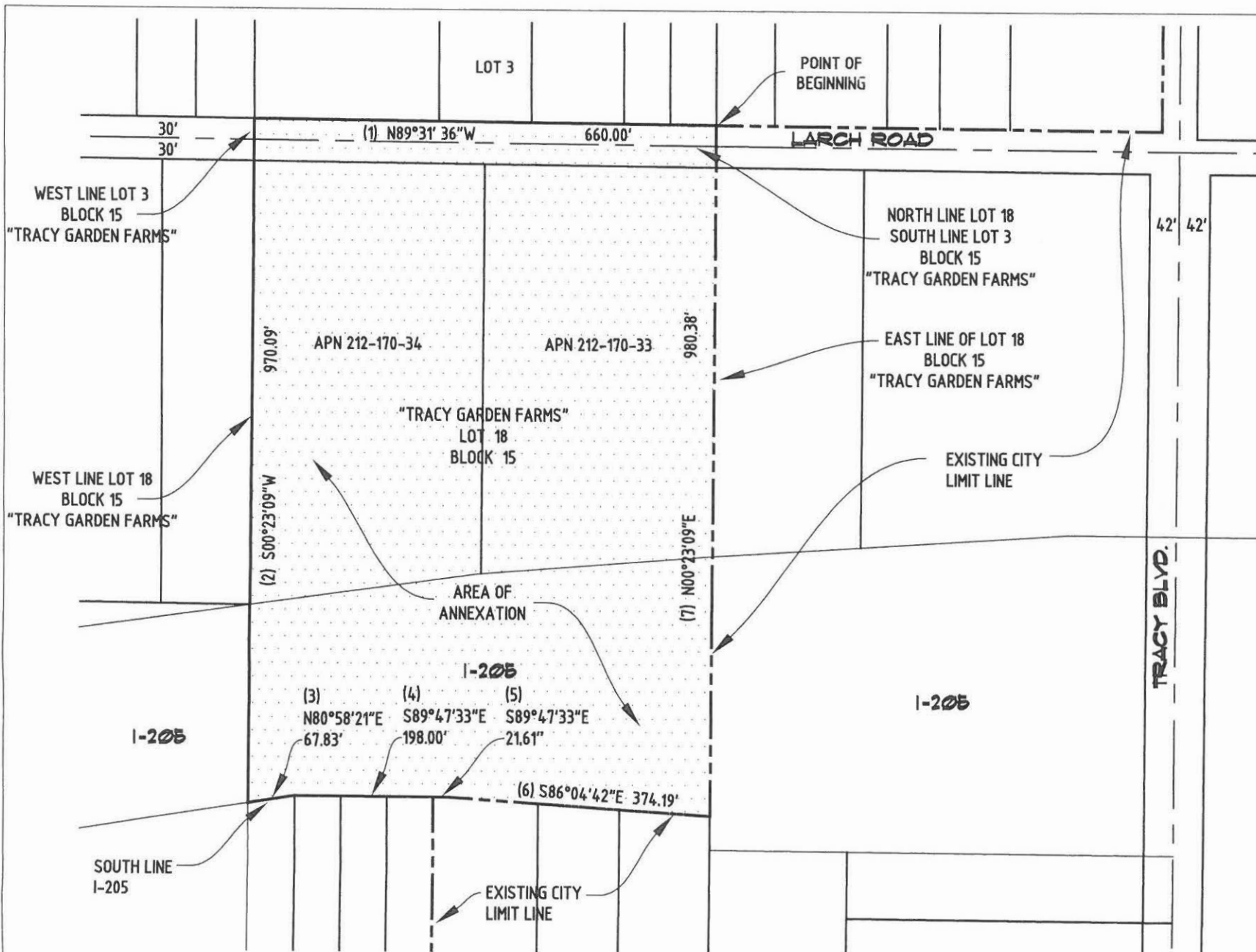
- (1) NORTH 89 DEGREES 31 MINUTES 36 SECONDS WEST, ALONG THE NORTH LINE OF SAID LARCH ROAD, 660.00 FEET, MORE OR LESS TO A POINT ON THE WEST LINE OF SAID LOT 3.
- (2) SOUTH 00 DEGREES 23 MINUTES 09 SECONDS WEST, ALONG THE WESTERLY LINE OF SAID LOTS 3 & 18, A DISTANCE OF 970.09 FEET, MORE OR LESS TO A POINT ON THE SOUTH LINE OF INTERSTATE ROUTE NO. 205;

- (3) NORTH 80 DEGREES 58 MINUTES 21 SECONDS EAST, ALONG THE SOUTH LINE OF SAID INTERSTATE ROUTE NO. 205, A DISTANCE OF 67.83 FEET, MORE OR LESS TO A POINT;
- (4) CONTINUING ALONG SAID SOUTH LINE OF INTERSTATE ROUTE NO. 205, SOUTH 89 DEGREES 47 MINUTES 33 SECONDS EAST, 198.00 FEET, MORE OR LESS TO A POINT, SAID POINT BEING ON THE EXISTING CITY LIMIT LINE BOUNDARY, SAID POINT ALSO BEING THE NORTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN GRANT DEED, RECORDED DECEMBER 20, 2007, AS DOCUMENT NUMBER 2007-212674, SAN JOAQUIN COUNTY RECORDS;
- (5) CONTINUING ALONG SAID SOUTH LINE OF INTERSTATE ROUTE NO. 205 AND SAID CITY LIMIT LINE, SOUTH 89 DEGREES 47 MINUTES 33 SECONDS EAST, 21.61 FEET, MORE OR LESS TO A POINT;
- (6) SOUTH 86 DEGREES 04 MINUTES 42 SECONDS EAST, ALONG SAID SOUTH LINE OF INTERSTATE ROUTE NO. 205 AND SAID CITY LIMIT LINE, 374.19 FEET, MORE OR LESS TO A POINT ON THE EAST LINE OF SAID LOT 18, SAID POINT ALSO BEING ON SAID EXISTING CITY LIMIT LINE BOUNDARY;
- (7) NORTH 00 DEGREES 23 MINUTES 09 SECONDS EAST, ALONG THE EAST LINE OF SAID LOTS 18 AND 3, AND SAID EXISTING CITY LIMIT LINE BOUNDARY, 980.38 FEET TO THE POINT OF BEGINNING.

CONTAINING 14.6 ACRES, MORE OR LESS, AS DESCRIBED ABOVE.



*Dan R. Schack*  
05/14/20



# ANNEXATION MAP

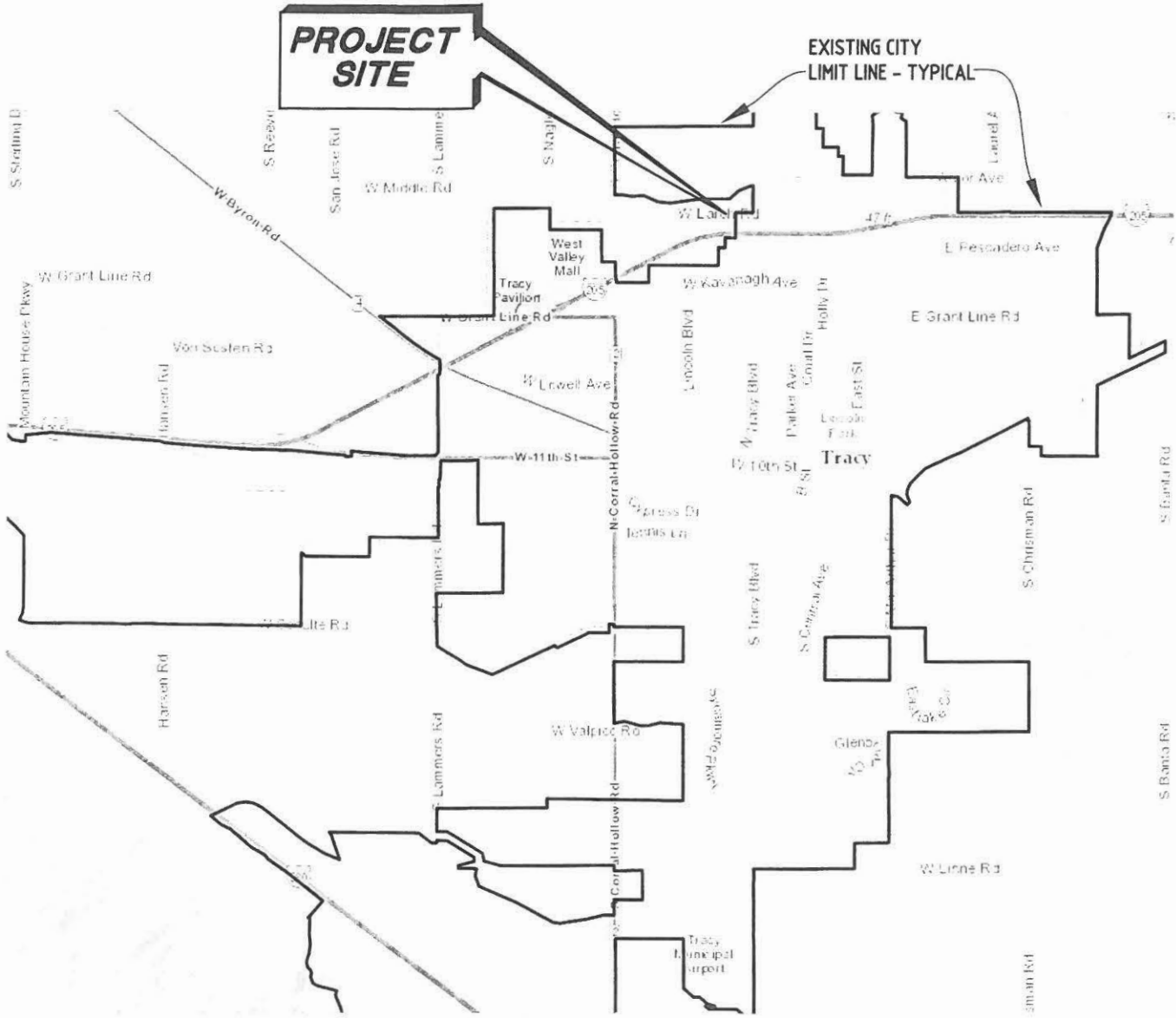
SCALE - 1" = 200'

**LEGEND:**  
 (1) COURSE NUMBER. SEE LEGAL DESCRIPTION

ALYAREZ  
 ANNEXATION  
 TO THE CITY OF TRACY  
 (LAPC 03-20)  
 APN 212-170-33 & 34  
 TRACY, CALIFORNIA


**Schack & Company, Inc.**  
 Civil Engineering • Building Design • Surveying  
 (209) 855-2178 • P.O. Box 209 • Tracy, California 95378 • FAX (209) 855-1480

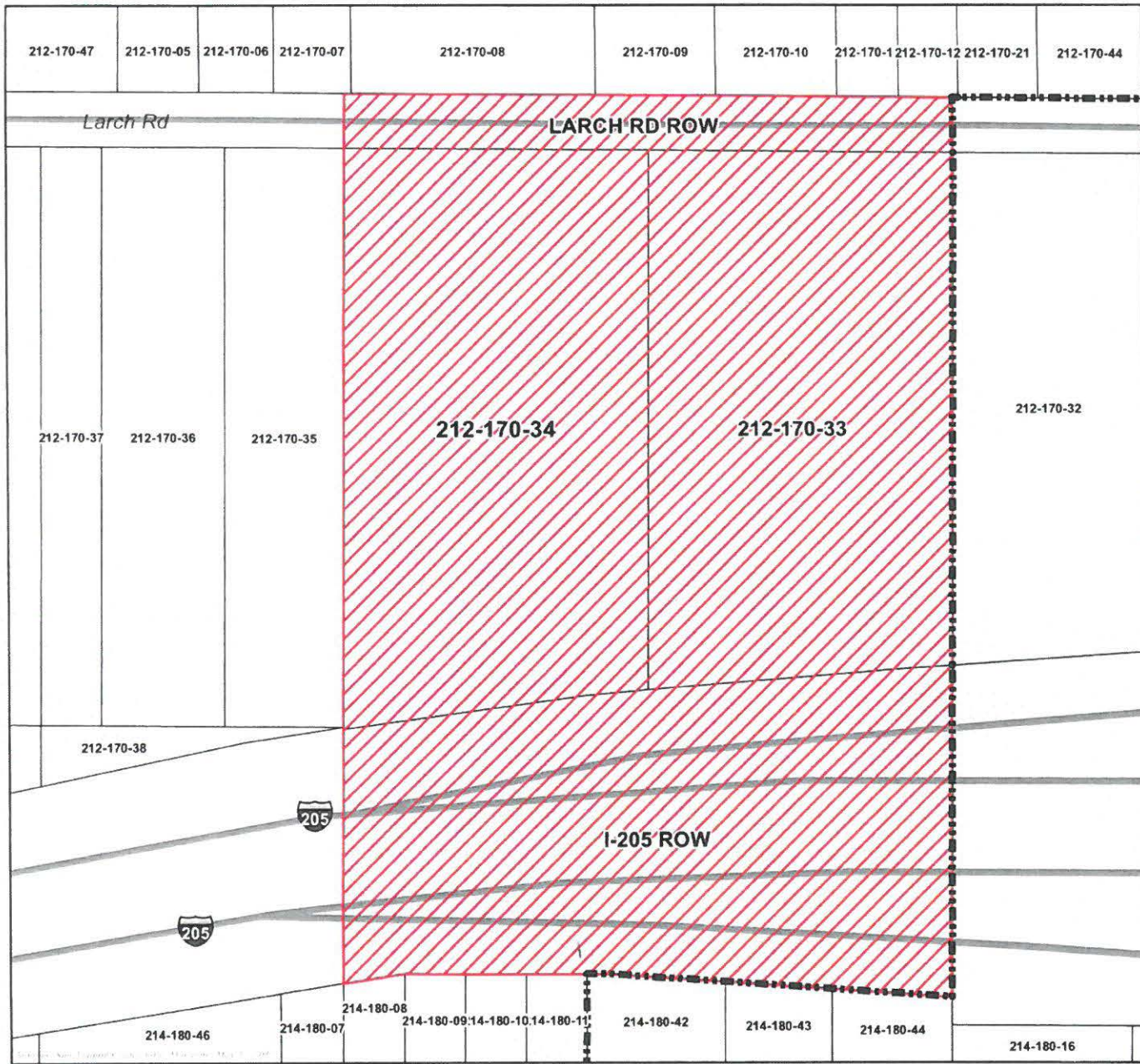
Date:	03/31/20
Job:	15.052
By:	DW
Sheet	2
of 1	





**VICINITY MAP**  
NO SCALE

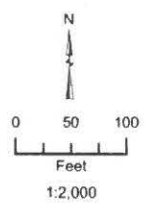


 <p><b>Schack &amp; Company, Inc.</b> Civil Engineering • Building Design • Surveying (209) 835-2170 • P.O. Box 330 • Tracy, California 95378 • FAX (209) 835-1488</p>	<p><b>ALYAREZ ANNEXATION TO THE CITY OF TRACY</b> (LAFC 03-20) AFN 212-170-33 &amp; 34 TRACY CALIFORNIA</p>	<p>Date: 03/31/20</p>
		<p>Job: 15.052</p>
		<p>By: DW</p>
		<p>Sheet of 2 <b>2</b></p>



**ALVAREZ ANNEXATION MND**  
 Figure 3: Assessor's Parcel Map

-  Proposed Annexation Area
-  City of Tracy



De Sisto Planning Group  
 City of Tracy, California

**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:** TRACY - ALVAREZ 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 type="checkbox"/> Annexation           |
| <input type="checkbox"/> Detachment  | <input type="checkbox"/> Addition of Services          | <input type="checkbox"/> District Dissolution |
| <input checked="" 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 Resource Conservation District, Tracy Rural Fire Department

### 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	<u>Mailing Address</u>	Telephone
City of Tracy Department of Development Services Attn: Victoria Lombardo	333 Civic Center Drive Tracy, CA 95376	(209) 831-6426
County of San Joaquin Community Development Dept.	1810 E. Hazelton Avenue Stockton, CA 95205	(209) 468-3124
Schack & Company, Inc.	1025 Central Avenue Tracy, CA 95376	(209) 835-2178
Byron Alvarez	421 W. 11th Street Tracy, CA 95376	(209) 607-0418
Petrolakis Law & Advocacy, APC Attn: George A. Petrolakis	1130 12 <sup>th</sup> Street, Suite B Modesto, CA 95354	(209) 522-0500

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

APN	Owner	Acreage
212-170-33	Byron Alvarez	4.33 Acres
212-170-34	Byron Alvarez	4.77
I-205/Larch Road Right-of-Way	Public	5.5

8. Physical Location of Proposal: 10700 & 10792 Larch Road: South of Larch Road; West of Tracy Boulevard; North and including the 1-205 and Larch Road Rights-Of-Way.
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: **See attached Justification of Proposal.**
10. List those public services or facilities which will be provided to the affected territory as a result of the proposed action:
  - **Water; Wastewater; Storm Drainage; Roadways; Police Services**  
**Municipal Plan for Services Attached**
11. Indicate which of these services or facilities will require main line extensions or facility upgrades in order to serve the affected territory:
  - **Potable Water; Wastewater; Roadways**
12. Provide any other justification that will assist the Commission in reviewing the merits of this request. **See attached Justification of Proposal**

**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 Tracy California, on September 17 - 2019

APPLICANT

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

Title: \_\_\_\_\_

*[Handwritten Signature]*  
City Manager

REAL PARTY IN INTEREST

(If different from Applicant)

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

Title: \_\_\_\_\_

*[Handwritten Signature]*  
owner

**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(1));
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.

(Signature)

Print or Type Name: \_\_\_\_\_

*[Handwritten Signature]*  
Jenny Haruyama

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

9/17/19

Daytime Telephone: \_\_\_\_\_

209-831-6115



RESOLUTION 2018-012

APPROVING AN ANNEXATION AND PREZONING (A/P 16-002) AND ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE ALVAREZ ANNEXATION

WHEREAS, Applications have been filed or initiated for annexation and prezoning of lands adjacent to the Tracy City limits, collectively, the "Project," and

WHEREAS, The subject property consists of 9.1 acres in unincorporated San Joaquin County, and is located on the south side of Lammers Road, west of Tracy Boulevard and north of Interstate 205, and is a subset of Assessor Parcel Numbers (APN) 212-170-33 and 212-170-34, and

WHEREAS, The Project also includes adoption of a new Community Recreation Support Services (CRS) Zone which would provide for a focused range of permitted and discretionary commercial services in support of the nearby Legacy Fields uses and for highway commercial support uses, and

WHEREAS, The Project includes a request to annex the Project site to the City of Tracy and prezoning of the property utilizing the CRS Zone, and

WHEREAS, The subject property is well suited for commercial development because of its close proximity to recreational uses at Legacy Fields and convenient access to I-205 travelers, and

WHEREAS, The Project is consistent with General Plan Commercial land use designation and applicable Goals and Policies, and

WHEREAS, The Project has been evaluated in accordance with California Environmental Quality Act (CEQA) Guidelines, and a Mitigated Negative Declaration is proposed which would reduce any potentially significant environmental impacts to levels of insignificance, and is proposed for approval, and

WHEREAS, The Planning Commission conducted a public hearing on December 6, 2017 to receive public input and review the Project, and by a 5-0 vote, recommended approval of the project to the City Council, and

WHEREAS, the City Council conducted a public hearing on January 16, 2018 to receive input and review the Project;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Tracy hereby takes action as follows:

1. Adopts the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan, attached as Exhibit 1 and makes the following findings:

The City Council considered the Initial Study, Mitigated Negative Declaration and all comments received during the public review process. The City Council finds based on the whole of the record before it that there is no substantial evidence that the Project will have a significant effect on the environment and that the

Mitigated Negative Declaration reflects the City Council's independent judgment and analysis.

2. Approves of Annexation and Rezoning of the Alvarez Project site (A/P 16-002), utilizing CRS Rezoning.
3. Directs staff to prepare an application for approval of the annexation and rezoning request for San Joaquin LAFCo.

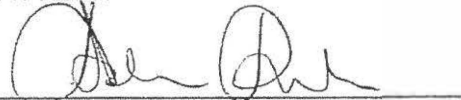
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The foregoing Resolution 2018-012, was adopted by the Tracy City Council on the 16<sup>th</sup> day of January, 2018, by the following vote:

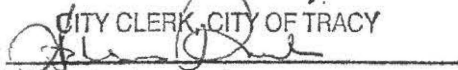
AYES: COUNCILMEMBERS: DEMENT, RANSOM, YOUNG, VARGAS, RICKMAN  
NOES: COUNCILMEMBERS: NONE  
ABSENT: COUNCILMEMBERS: NONE  
ABSTAIN: COUNCILMEMBERS: NONE

  
MAYOR

ATTEST:

  
CITY CLERK

THE FOREGOING DOCUMENT IS CERTIFIED  
TO BE A CORRECT COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.

CITY CLERK, CITY OF TRACY  
BY:   
DATE: 8/1/2018

## Section 1–Justification of Proposal

**Project Title:** Alvarez Annexation to the City of Tracy

**APNs:** 212-170-33and-34

**Project Location:** The Project site consists of 14.6 acres on two undeveloped parcels (totaling 9.1 acres), located in unincorporated San Joaquin County, along Interstate 205 (I-205) adjacent to the northern boundary of the City of Tracy. In addition, the proposed annexation area includes the adjacent portions of I-205 and Larch Road rights-of-way (totaling 5.5 acres).

---

### Project Proposal

The property owner has applied to annex the subject property into the City of Tracy (City). The property is a 9.1-acre site (plus adjacent portions of the I-205 and Larch Road public rights-of-way), consisting of two lots located within San Joaquin County with a current county zoning of R-L (Low Density Residential).

The Project site is located within unincorporated San Joaquin County, within Tracy's Sphere of Influence (SOI), adjacent to the current City limits. As stated, the proposed Project would annex the 9.1-acre Project site into the City and the 5.5 acres of adjacent I-205/Larch Road rights-of-way. In addition, as part of the annexation process, the proposed Project site is pre-zoned. The pre-zoning for the Project site is a new zone classification, the Community Recreation Support Services (CRS) Zone. The Project site is undeveloped and generally flat and was used for dryland grazing in the past. There are no structures or residences on the subject site.

Future utilities serving the Project site would be provided by the City of Tracy, via the extension of existing nearby water, storm drain, and sewer lines, as further discussed below. Police services would also be provided by the City of Tracy and Fire services would be provided by the South San Joaquin County Fire Authority.

Given that the Project site would be used for commercial uses, based upon the floor-area-ratio (FAR) of 1.0 for commercial uses as provided in the Tracy General Plan (pg. 2-24), the proposed Project has the potential to develop up to approximately 396,000 square feet of commercial uses, consistent with the uses allowed under the CRS Zone. The applicant has indicated to staff ongoing interests of developers in constructing a hotel on a portion of the Project site, though no application for such use has been filed with the City.

The Tracy City Council approved the proposed annexation and pre-zoning at their meeting of January 16, 2018, (Section 5).

### Tracy General Plan Policies for the Annexation Area

The San Joaquin County General Plan designation for the Project site is Residential Low (R/L). The R/L designation is applied to single family neighborhoods with densities in the range of 2-6 dwelling units per gross acre.

*Alvarez Annexation to City of Tracy*

The City of Tracy General Plan designation of the site is Commercial. The Commercial designation allows for a relatively wide range of uses but focuses primarily on retail and consumer service activities that meet the needs of Tracy residents and employees as well as pass-through travelers.

Annexation of the Project site would be consistent with the Commercial land use designation of the City's General Plan, and with applicable land use objectives and policies as noted below, particularly as it would be expected to result in development of various commercial and retail uses in support of Legacy Field operations and through provision of commercial and retail services to travelers along 1-205. The attached summary (Section 16) indicates the type and location of other vacant, commercially zoned lands in the City. However, as noted herein, the City created a new CRS Zone specifically in support of the Alvarez Annexation proposal to better support the Legacy Fields recreational use near 1-205.

The Project site would retain its Commercial land use designation in the General Plan unchanged upon annexation. The Commercial designation has a maximum permitted floor-area-ratio of up to 1.0; based on the 9.1-acre Project site, the proposed project has the potential to develop up to approximately 396,000 square feet of commercial floor area, consistent with the uses allowed under the proposed CRS zone.

**Key applicable General Plan objectives and policies focus on the following:**

Expand the City's retail base.

Regional-scale retail development, such as shopping malls, big-box retail and auto sales, shall be primarily located in the 1-205 Regional Commercial Area.

Provision of a diversified and sustainable local economy.

Ensure an adequate, balanced supply of all land uses for future economic development.

Maintaining a Sphere of Influence that is consistent with the long-term land use vision in this General Plan.

Commitments to provide water and wastewater services to areas outside the City limit is accomplished by a pre-annexation agreement and approved by LAFCO if required.

The City provides fire and emergency response facilities and personnel necessary to meet residential and employment growth in the City.

Additionally, the 364-acre Larch Clover area, including the Project site, is categorized as being within an Area of Special Consideration in the General Plan. These areas have been identified where more detailed design and development guidance is to be applied. The General Plan states:

*(...When development does occur (in the Larch Clover area), the following additional General Plan policies apply:*

*4a. No commercial or more intense development or subdivision of property shall occur in this area without necessary infrastructure studies and review of development proposals by the Planning Commission and City Council. 4b. Landscaping should be provided along 1-205 to provide a visual amenity to the City."*

Annexation of the Project site would be consistent with the Commercial land use designation of the General Plan, and with applicable land use objectives and policies as noted above, particularly as it would be expected to result in development of various commercial and retail uses in support of Legacy Fields operations and through provision of commercial and retail services to travelers along I-205, and as all necessary urban services and infrastructure will be provided.

**Pre-zoning and Use of the Community Recreation Support Services (CRS) Zone**

The project site is pre-zoned to Community Recreation Support Services (CRS), which is a new zoning designation within the Municipal Code. The CRS Zone would then become effective upon completion of the annexation proceedings. (See attached CRS Zoning Ordinance No 1249 in Section 11.)

The CRS Zone classification is consistent with the underlying Commercial land use designation of the General Plan and intended to provide support services for users of nearby community and/or regional recreational and entertainment facilities through provision for a range of focused retail uses, restaurants, traveler's accommodations, and similar uses and services. In particular, the CRS Zone would more specifically support recreational activities associated with Legacy Fields uses.

The City is committed to developing and promoting its new, large-scale sports park, Legacy Fields. The sports park is located along Tracy Boulevard, just north of its intersection with Larch Road. At full build-out, the park will consist of 166 acres of active sport fields and areas for passive recreational uses. The City has projected the sports activities at Legacy Fields will generate year-round business in the area. Summer sports tournaments alone could draw over 2,000 athletes to Tracy on weekends. Many of the athletes will be from out-of-town and will be accompanied by their families. These families will require hotels, restaurants, gas stations, and other retail stores to accommodate their needs. Annexation of the site will provide land in the immediate vicinity of Legacy Fields and at the main entry point from I-205 north to the facilities for development of retail and commercial services in response to increased demand for these services to support the current and future activities of Legacy Fields.

As shown on the attached map of vacant lands in the City limit in Section 16, there are very few remaining vacant properties that have an appropriate General Plan land use designation and zoning which could support Legacy Fields. There are two vacant parcels at the southeast corner of Tracy Boulevard/Larch Road, but these lands are limited in size to less than three acres total and therefore unable to support the City's desired range of supportive commercial uses to Legacy Fields.

**Development Plans**

The City typically processes annexations associated with specific development projects or specific plans. However, the proposed annexation of these specific parcels on Larch Road can be supported based on anticipated commercial and related uses of the property in support of the Legacy Fields activities and based on proximity to I-205 and its support of highway travelers.

Future development would be subject to the provisions of the new CRS Zone, all city design guidelines and standards, and would require filing of a Development Plan and may require a conditional use permit depending upon the future uses proposed. The applicant has provided two conceptual site plans, contained in Section 15, showing a mix of commercial land uses, including hotels.

**California Environmental Quality Act Review**

Consistent with California Environmental Quality Act (CEQA) provisions, the City prepared an Initial Study to evaluate the potential environmental impacts associated with the proposed annexation and establishment of the new CRS Zone. Based on the findings of this evaluation, prepared by the City's environmental consultant, De Novo Planning Group, it was determined that the project would not result in any significant impact which could not be reduced to levels of insignificance, and a Mitigated Negative Declaration (MND) was prepared.

Less than significant impacts with mitigation measures were identified for Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, and Tribal Cultural Resources.

A 30-day public review period for the Mitigated Negative Declaration (MND)/ Initial Study commenced on October 17th and ran through November 17, 2017 for interested individuals and public agencies to submit written comments on the document. The City Council adopted the MND at their meeting of January 16, 2018. A copy of the MND and Notice of Determination is contained in Section 7.

Section 6 – Property Owner Permission

TO: San Joaquin Local Agency Formation Commission  
509 West Weber Avenue  
Stockton, CA 95203

SUBJECT: Annexation of the following property into the City of Tracy:

Assessor's Parcel Number 212-170-33  
10722 W. Larch Road  
Tracy, CA 95304  
4.33 acres

Assessor's Parcel Number 212-170-34  
10792 W. Larch Road  
Tracy, CA 95304  
4.77 acres

The undersigned, being owner of the property or authorized agent of owner of the property indicated above, hereby grant permission for the annexation of the property into the City of Tracy.

  
\_\_\_\_\_  
Byron B. Alvarez

9/12/18  
\_\_\_\_\_  
Date

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

[ ] County Clerk
County of: 44 North San Joaquin Street
Address: Second Floor, Suite 260
Stockton, CA 95202

From:
Public Agency: City of Tracy
Address: 333 Civic Center Plaza
Tracy, CA 95376
Contact: Alan Bell, Senior Planner
Phone: (209) 831-6426

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): 2017102046

Project Title: Alvarez Annexation Project

Project Applicant: Schack & Company, Inc.

Project Location (include county): 9.1 acres, located in unincorporated San Joaquin County, adjacent to Tracy

Project Description:

The proposed project would annex the 9.1-acre project site into the city of Tracy. In addition, as part of the annexation process, the proposed project would provide the project site pre-zoning. The zoning for the project site would be a new zone classification, the Community Recreation Support Services Zone. There is no specific development proposed as part of the proposed project. The proposed project consists of three actions: 1) annexation of the site into the Tracy City limits, 2) pre-zoning the site to Community Recreation Support Services, and 3) amending the Tracy Zoning Code to include the Community Recreation Support Services Zone.

This is to advise that the City of Tracy has approved the above ( [ ] Lead Agency or [ ] Responsible Agency )

described project on January 16, 2018 and has made the following determinations regarding the above (date) described 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.

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:
333 Civic Center Plaza, Tracy, CA 95376

Signature (Public Agency): Alan Bell Title: Senior Planner

Date: February 1, 2018 Date Received for filing at OPR:



### **Section 12 - Statement of Open Space Conversion**

Pursuant to Government Code Section 56377, in reviewing and approving or disapproving proposals which could reasonably be expected to induce, facilitate, or lead to the conversion of existing open-space lands to uses other than open-space uses, the LAFCo is required to consider the following:

*Development or use of land for other than open-space uses shall be guided away from existing prime agricultural lands in open-space use toward areas containing nonprime agricultural lands, unless that action would not promote the planned, orderly, efficient development of an area.*

*Development of existing vacant or nonprime agricultural lands for urban uses within the existing jurisdiction of a local agency or within the sphere of influence of a local agency should be encouraged before any proposal is approved which would allow for or lead to the development of existing open-space lands for non-open-space uses which are outside of the existing jurisdiction of the local agency or outside of the existing sphere of influence of the local agency.*

The project Mitigated Negative Declaration (MND), discussed and considered conversion of agricultural land to non-agricultural uses, including the potential direct, indirect and cumulative impacts. The MND found that the Project site contains no Prime Farmland, Unique Farmland, Farmland of Statewide Importance, and Farmland of Local Importance. The California Department of Conservation maintains the Farmland Monitoring and Mapping Program (FMMP) to keep an inventory of various classifications of the farmland throughout the State. Pursuant to the FMMP, the Project site is classified as 'Vacant or Disturbed Land' and 'Urban and Built-Up Land'. Therefore, the proposed annexation would not involve development of prime agricultural lands as defined by California Government Code section 56064, which contains the definition of "Prime Agricultural Land" (Prime) and is further explained below:

Regarding sub-section (a), the project site is not located in any Irrigation District, irrigation is not feasible.

Sub-section (b) addresses soils that qualify for a rating of 80 through 100 Storie Index Rating System. According to the Soil Survey of San Joaquin County published by the U.S. Department of Agriculture, the project site has a Storie Index Rating of 44 and a Land Capability Classification of 3. This well below the minimum threshold of an 80 rating outlined in section (b) of Government Code section 56064. As outlined in the discussion above, the project site is not Prime land as shown in the FMMP, it is classified as "Vacant or Disturbed Land," or "Urban and Built-Up Land.". Therefore, the City is guiding development away from Prime land.

Sub-section (c) speaks to land that supports livestock used for food production and fiber. This is not applicable to the project site, because there is no livestock use on the site.

Sub-section (d) addresses land planted with fruit or nut-bearing trees, vines, bushes, or crops, which is not applicable to this site that does not contain such plantings.

The criteria in sub-section (e) also does not apply to this site, as the land that has not returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years.

The project site is within the City's Sphere of Influence and therefore within the parameters discussed in the previous paragraphs.

The project site is substantially surrounded by urban uses, is within the City of Tracy's General Plan Boundary Area and has had an expectation of being developed for many years. The project site is

uniquely situated to provide support amenities for travelers on I-205 and Legacy Fields.



## S J C O G, Inc.

555 East Weber Avenue • Stockton, CA 95202 • (209) 235-0600 • FAX (209) 235-0438

*San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP)*

### SJMSCP RESPONSE TO LOCAL JURISDICTION (RTLJ) ADVISORY AGENCY NOTICE TO SJCOG, Inc.

**To:** James E. Glaser, Executive Officer, LAFCo  
**From:** Laurel Boyd, SJCOG, Inc.  
**Date:** February 24, 2020  
**Local Jurisdiction Project Title:** Alvarez Reorganization to the City of Tracy (LAFC 03-20)  
**Assessor Parcel Number(s):** 212-170-33, -34  
**Local Jurisdiction Project Number:** (LAFC 03-20)  
**Total Acres to be converted from Open Space Use:** Unknown  
**Habitat Types to be Disturbed:** Urban Habitat Land  
**Species Impact Findings:** Findings to be determined by SJMSCP biologist.

Dear Mr. Glaser:

SJCOG, Inc. has reviewed the application referral for the Alvarez Reorganization to the City of Tracy (LAFC 03-20). This project consists of an application to annex 14.6 acres to the City of Tracy. The site consists of two parcels and the adjacent portions of the I-205 and Larch Road public rights-of-way. The proposed project has the potential to develop up to approximately 396,000 square feet of commercial uses.

The City of Tracy is a signatory to San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). Participation in the SJMSCP satisfies requirements of both the state and federal endangered species acts, and ensures that the impacts are mitigated below a level of significance in compliance with the California Environmental Quality Act (CEQA). The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measure are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP. Although participation in the SJMSCP is voluntary, Local Jurisdiction/Lead Agencies should be aware that if project applicants choose against participating in the SJMSCP, they will be required to provide alternative mitigation in an amount and kind equal to that provided in the SJMSCP.

***At this time, the applicant is requesting an annexation with no ground disturbance. Any future structures that require ground disturbance on this or subsequent divided parcels will be subject to participate in the SJMSCP and should be resubmitted to this agency. Current or future owners of this- or subdivided properties should be made aware of the conditions that are placed by the SJMSCP on future development on the created parcels.***

***This Project is subject to the SJMSCP.*** This can be up to a 30-day process and it is recommended that the project applicant contact SJMSCP staff as early as possible. It is also recommended that the project applicant obtain an information package. <http://www.sjco.org>

Please contact SJMSCP staff regarding completing the following steps to satisfy SJMSCP requirements:

- Schedule a SJMSCP Biologist to perform a pre-construction survey ***prior to any ground disturbance***
- SJMSCP Incidental Take Minimization Measures and mitigation requirement:
  1. Incidental Take Minimization Measures (ITMMs) will be issued to the project and must be signed by the project applicant prior to any ground disturbance but no later than six (6) months from receipt of the ITMMs. If ITMMs are not signed within six months, the applicant must reapply for SJMSCP Coverage. Upon receipt of signed ITMMs from project applicant, SJCOG, Inc. staff will sign the ITMMs. This is the effective date of the ITMMs.
  2. Under no circumstance shall ground disturbance occur without compliance and satisfaction of the ITMMs
  3. Upon issuance of fully executed ITMMs and prior to any ground disturbance, the project applicant must:
    - a. Post a bond for payment of the applicable SJMSCP fee covering the entirety of the project acreage being covered (the bond should be valid for no longer than a 6 month period); or

- b. Pay the appropriate SJMSCP fee for the entirety of the project acreage being covered; or
  - c. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
  - d. Purchase approved mitigation bank credits.
4. Within 6 months from the effective date of the ITMMs or issuance of a building permit, whichever occurs first, the project applicant must:
- a. Pay the appropriate SJMSCP for the entirety of the project acreage being covered; or
  - b. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
  - c. Purchase approved mitigation bank credits.

Failure to satisfy the obligations of the mitigation fee shall subject the bond to be called.

- **Receive your Certificate of Payment and release the required permit**

*It should be noted that if this project has any potential impacts to waters of the United States [pursuant to Section 404 Clean Water Act], it would require the project to seek voluntary coverage through the unmapped process under the SJMSCP which could take up to 90 days. It may be prudent to obtain a preliminary wetlands map from a qualified consultant. If waters of the United States are confirmed on the project site, the Corps and the Regional Water Quality Control Board (RWQCB) would have regulatory authority over those mapped areas [pursuant to Section 404 and 401 of the Clean Water Act respectively] and permits would be required from each of these resource agencies prior to grading the project site.*

If you have any questions, please call (209) 235-0600.



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



**Department of Public Works**

**Kris Balaji, Director of Public Works**

**Fritz Buchman, Deputy Director/Development**

**Jim Stone, Deputy Director/Operations**

**Najee Zarif, Interim Deputy Director/Engineering**

**Kristi Rhea, Manager of Strategic Initiatives**

March 25, 2020

MEMORANDUM

**TO:** James E. Glaser, Executive Officer  
LAFCo  
**CONTACT PERSON:** Liz Contreras, LAFCo Analyst

**FROM:** Alex Chetley, Engineering Services Manager *AC*  
Development Services Division

**SUBJECT:** ALVAREZ REORGANIZATION TO THE CITY OF TRACY (LAFC 03-20)  
To annex 14.6 acres to the City of Tracy.

**LOCATION:** Between Larch Clover Road and I-205, adjacent to the City Limits, Tracy  
(APN 212-170-33 & 34)

**COMMENTS:**

- **No comments**

**AC:SC**

*X: LAFCo LAFCo Referrals Alvarez Reorganization to the City of Tracy (LAFC 03-20) Comments to LAFCo.doc*





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

## Environmental Health Department

**Kasey Foley, REHS, Interim Director**

PROGRAM COORDINATORS

**Robert McClellon, REHS**

**Jeff Carruesco, REHS, RDI**

**Willy Ng, REHS**

**Muniappa Naidu, REHS**

**Michael Kith, REHS**

**Melissa Nissim, REHS**

03/18/2020

To: San Joaquin Local Agency Formation Commission  
Attention: James E. Glaser, Executive Officer

From: Aaron Gooderham; (209) 468-3442 ✓  
Environmental Health Specialist

RE: **Alvarez Reorganization to the City of Tracy, Referral  
10792 & 10722 West Larch Road, Tracy**

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The San Joaquin County Environmental Health Department (EHD) is supportive of this project in regards to the provision of full public services and recommends the following conditions as a part of developing this project:

- 1) Any existing wells or septic systems to be abandoned shall be destroyed under permit and inspection by the EHD (San Joaquin County Development Title, Section 9-1110.3 & 9-1110.4).
- 2) Any geotechnical drilling shall be conducted under permit and inspection by The Environmental Health Department (San Joaquin County Development Title, Section 9-1115.3 and 9-1115.6).

## Section 10 - Plan for Services

Utilities serving the Project site would be provided by the City of Tracy, via the extension of existing nearby water, storm drain, and sewer lines. Police services would be provided by the City of Tracy and fire protection and prevention services would be provided by the City of Tracy through the South San Joaquin County Fire Authority (SSJCFA). Given that the Project site would be used for commercial uses, based upon the floor- area-ratio (FAR) of 1.0 for commercial uses as provided in the Tracy General Plan (pg. 2-24), the proposed project has the potential to develop up to approximately 396,000 square feet of commercial floor area, consistent with the uses allowed under the Community Recreation Support (CRS) Zone.

The City's technical plans addressing wastewater, water supply, and storm water utilized the General Plan build-out area for the ultimate needs for those services included the project site in their calculations. Because the project site was included in those studies, the City of Tracy will be able to provide all necessary urban services to the project site upon annexation, as summarized by the analysis below:

### Wastewater:

The Final Tracy Municipal Services Review (MSR) approved by San Joaquin LAFCo in July, 2019, details the City's ability to provide wastewater services to customers and to the project site.

Wastewater generated by future development on the Project site will be conveyed to the City's wastewater treatment plant (WWTP) by gravity lines for treatment to a disinfected tertiary level and disposal by discharge into the Old River.

The City's 2012 Wastewater Master Plan (WWMP) includes calculations for the project site. Based on the conclusions of the WWMP, the City has determined that there is adequate capacity within the WWTP to serve all future development on the project site, with no expansion or improvements needed to the WWTP. Currently, the WWTP has a capacity of 10.8 million gallons per day (expanded in 2008), and currently is operating with an average daily flow of 9.0 million gallons per day. In addition, there are 2 existing sanitary sewer force main lines that are located along Larch Road; one 12-inch force main and one 14-inch force main. Per the WWMP, the 12-inch line and 14-inch force main lines will be upgraded to a 30-inch line and 24-inch force main lines respectively. These force mains are not available for direct tap. An approximate 1,000 lineal foot gravity main extension, sufficiently sized for the project site, will be provided that will connect to the 18-inch or 33-inch gravity main at the intersection of Tracy Blvd and Larch Rd. There is sufficient capacity remaining for this proposed annexation area.

Additionally, the Tracy General Plan EIR determined that there are no significant wastewater impacts associated with buildout of the General Plan land use plan, and the proposed annexation is included in that General Plan analysis, and does not allow for any new land uses not previously contemplated and analyzed in the General Plan.

When any specific development is proposed on these parcels in the future, the City will require a detailed analysis of City wastewater conveyance systems in the area to determine if any localized conveyance system improvements are necessary to serve development on this site. The project can connect a sewer extension to the existing wastewater line located in the adjacent roadway Tracy Blvd.

**Storm Drainage:**

The Final Tracy Municipal Services Review (MSR) approved by San Joaquin LAFCo in July, 2019, details the City's Stormwater System and approach to potential flooding issues.

The project does not propose any specific development at this time, however, future development of the property would potentially result in increased storm water drainage as a result of construction of impervious surfaces.

The City of Tracy 2012 Citywide Storm Drainage Master Plan (SDMP) covers the City's General Plan boundary area and identifies not only requirements but also existing and future system components that address storm water.

Permanent onsite storm drainage system will be installed to serve development of the project site. Storm water drainage will be conveyed from the project site to conveyance systems located nearby the project area. Amongst other alternatives, this site could be served with a 1.4 acre-foot on-site detention basin that would discharge to a 10-inch storm drainage force main that would empty into the 72-inch storm drain line located to the east in Tracy Blvd and Larch Road.

As part of the City's required Development Plan review, the developer will be required to prepare a site-specific storm water drainage plan that identifies on-site improvements and which will ensure development does not adversely increase pollutant discharges from the site or affect City storm drainage systems. This would include preparation of a storm water pollution and prevention plan (SWPPP) that will include use of best management practices.

As stated in the SDMP, there is a regulatory floodplain that extends across the northern part of the city. Part of the proposed project is within that regulatory floodplain. Per the City's Municipal Code, (Title 9 Building Regulations, Chapter 9.52 floodplain Regulations), all new construction and substantial construction pertaining to buildings shall have the lowest floor, including basement, elevated to or above the base flood elevation. The Floodplain Regulations of the City's Municipal Code contain many other provisions and requirements associated with development in a floodplain area mapped by FEMA.

The City's General Plan Safety Element also contains standards which comply with state legislation to ensure compliance with the required Urban Level of Flood protection for new development.

As stated in the approved MSR:

The City will continue to allow construction within the designated floodplains only when such development meets all of the FEMA regulations and all of the recommendations of the California Department of Water Resources and the Central Valley Flood Protection Board (CVFPB). New construction and substantial improvements to structures within the 100-year floodplain are required to "have the lowest floor (including the basement) elevated at least one foot above the base flood level" or be of flood-proof construction.

All future applications for development of the project area will be required to comply with FEMA and State regulations, the City's General Plan, and all applicable sections of the Municipal Code, as well as



stations and equipment already owned and funded by the City of Tracy. In fact, the same City owned resources provide emergency response to the proposed annexation area today. The detachment of the annexation area will not have a negative impact on future funding for fire services. The fire department provided a Comprehensive Revenue Analysis to LAFCo in 2017. This analysis did not contemplate the Alvarez annexation and therefore does not impact the revenue projections included within the previously provided analysis. Payment of applicable City fees (Public Safety Master Plan Fee) will be required in support of fire and police services and facilities as development of the site occurs. Additional funding of fire and police services will come from annual payment of property taxes along with sales taxes, other revenues generated citywide, and city transient occupancy taxes if the site is developed with visitor-serving accommodations.

### **Roadways and Transportation:**

The project site fronts Larch Road. Larch Road is designated as a Minor Arterial/Major collector in the City's General Plan Circulation Element. In addition, per Figure 3.2 (Horizon Year Roadway Network) of the City's Transportation Master Plan, Larch Road will be a 4 lane arterial from Corral Hollow Road to the easterly limits. Future commercial uses of the Project site would be adequately provided with vehicular access from Larch Road, and would be required to construct frontage, road widening and driveway improvements consistent with City standards.

To the east, intersecting with Larch Road, is N. Tracy Blvd which is classified as a Major Arterial/Expressway/Boulevard in the City's General Plan Circulation Element. In addition, per Figure 3.2 (Horizon Year Roadway Network) of the City's Transportation Master Plan, N. Tracy Blvd will be a 2 lane arterial north of I-205 and a 4 lane arterial south of I-205. N. Tracy Blvd provides access to Legacy Fields to the north, I-205 and downtown Tracy to the south.

In addition to constructing the required frontage improvements, any future development on the project site will be required to pay all applicable City impact fees to offset proportionate costs of City roadway and transportation system improvements attributable to this project and for cumulative impacts.

### **Other Urban Services:**

Future development of the site will be provided with cable television, waste disposal and related services. There would be no residential development proposed as part of the annexation or permitted in the CRS Zone, and no adverse impact or demand upon local schools.

### **Solid Waste:**

Solid waste from the site will be accommodated at the Tracy Materials Recovery Facility (MRF transfer facility), and would then be hauled to the County Foothill landfill east of Tracy. On a designated day, the City's solid waste franchisee (currently Tracy Delta Solid Waste Management, Inc.) will collect solid waste and take it to their disposal facilities.

being in compliance with CEQA based upon the individual project characteristics and potential environmental impacts.

Payment of applicable City impact fees will be required to offset proportionate costs of City storm drainage system improvements and mitigate cumulative impacts.

A diagram of storm drainage improvements from the City's 2012 Stormwater Master Plan is attached.

**Fire and Police Services:**

The Final Tracy Municipal Services Review (MSR) approved by San Joaquin LAFCo in July, 2019, details the City's ability to provide both police and fire services.

Police protection is provided by the Tracy Police Department, serviced from their headquarters at 1000 Civic Center Drive, approximately 2.5 miles south of the site.

The response times for police services as outlined in the approved MSR are based on three priority levels of service: 1, 2, and 3. Priority 1 calls are defined as life threatening situations and have an average response time of approximately 7 to 8 minutes. Priority 2 calls are not life threatening but require immediate attention and have an average response time of 15 minutes. Priority 3 calls are all other calls received and have an average response time of 27 minutes.

The site is currently provided fire services through the South San Joaquin County Fire Authority (SSJCFA), a Joint Powers Authority of the City of Tracy and the Tracy Rural Fire Protection District (District). The provision of fire services would not change as a result of annexation. The City recently finalized an agreement on February 6, 2018, creating the JPA for the South San Joaquin Fire Authority, which merged the services of the Tracy Rural Fire Protection District and the City of Tracy as of July 1, 2018.

The site would detach from the Tracy Rural Fire District as per the San Joaquin LAFCo policy adopted in April, 2019.

The goal for response times outlined in the approved MSR state that City fire services arrive on scene within six minutes and thirty seconds 90% of the time from receipt of the call for service. The annexation area is currently served by Fire Station number 96, located approximately 1.5 miles from the project site. The annexation area is within fire department response time standards for first-due units as indicated in the South County Fire Authority Standards of Cover Study, 2017. Further, the project site is within the Effective Response Force (ERF) standard of 16 fire personnel on scene within 8 minutes (also in the Standards of Cover Study). The resources that would respond in an ERF are all from City owned and funded fire stations. The annexation area is well served by existing fire stations and will not require new fire stations or equipment upon detachment. In short, Fire Department response times will not be affected by this annexation.

The design of any future site access (as part of a specific development application) will reviewed by the SSCFA to ensure adequate physical access is available to emergency response vehicles and personnel.

In terms of financial impacts, as mentioned previously the annexation area will be served by existing fire

**Utilities:**

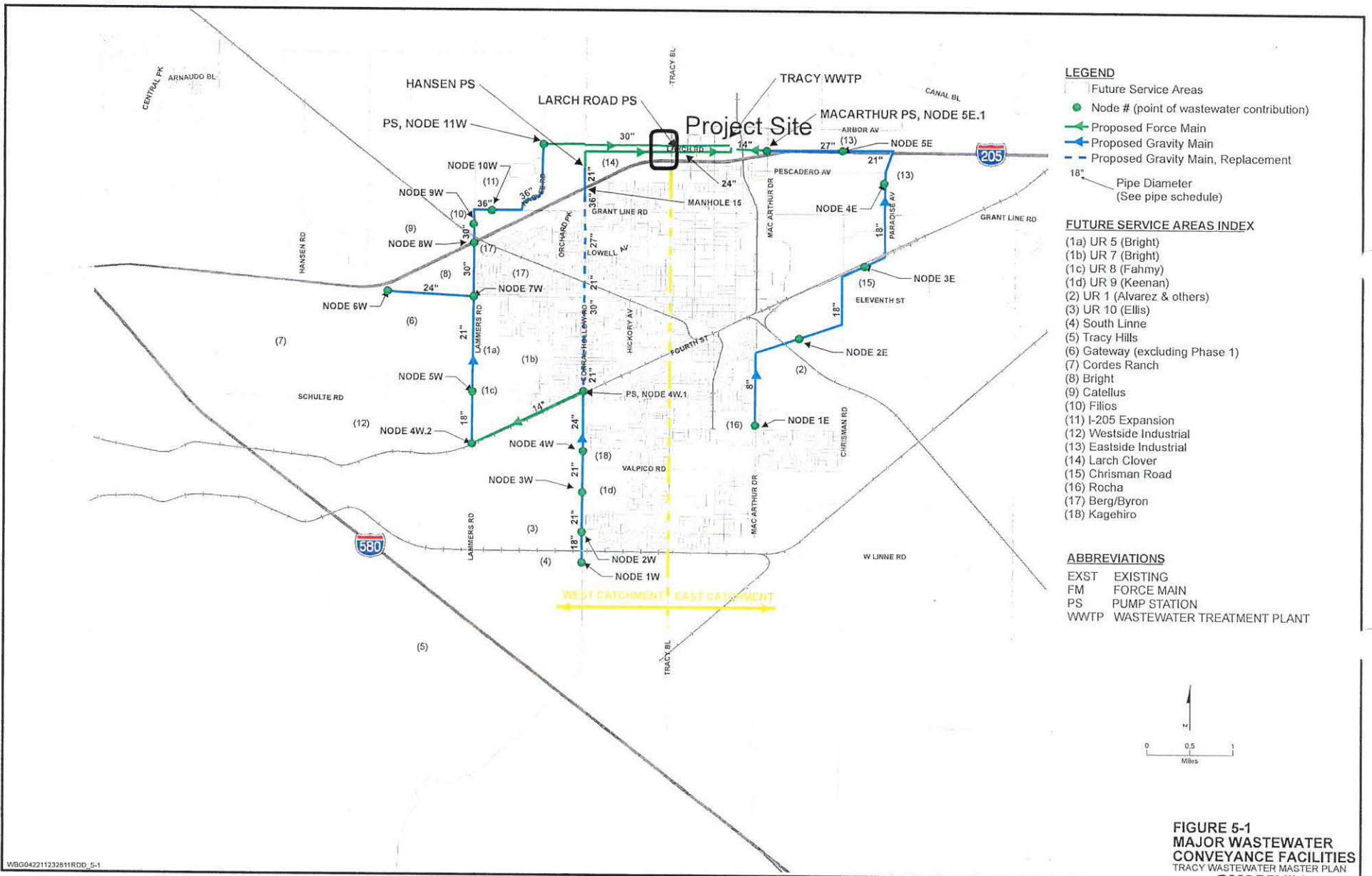
PG&E provides electricity to the site. Transformers would be located above ground as per PG&E requirements, and screened if possible. PG&E also provides natural gas service to the site.

AT&T will provide telephone service. Comcast provides television cable for the City. It is anticipated that electric, gas, telephone, and cable services to the ultimate development will be provided through extension of existing facilities adjacent to the site

**Flood Plain Considerations:**

Starting with the development review process and again through the plan review process of construction documents for a building permit, City staff verifies that all development projects meet the requirements of the City's floodplain regulations (as published in the City of Tracy Municipal Code) where such a project is found to be within a designated flood plain. These regulations have been enforced systematically for decades and have been periodically reviewed by both FEMA and DWR for conformity to FEMA standards. At the completion of the project and before the inspection process has concluded, inspection staff will also secure copies of the appropriate documents (typically flood elevation certificates signed and approved by licensed land surveyors or civil engineers) as a permanent record.

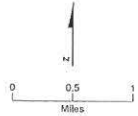
Beneficially, the City of Tracy exceeds the FEMA standard where the finished floor is required to be set a minimum of 1 foot above the base flood elevation rather than setting such a floor at the base flood elevation. Additionally, the City has provided findings for new development that will meet the Urban Level of Flood Protection or the FEMA standards, whichever is deemed applicable based on a study or assessment performed by a California licensed professional engineer. Lastly, where engineered fill is used to raise the finished floor to the appropriate elevation, the same site shall provide a retention basin to offset the fill brought to the site in order to prevent any cumulative increase and effect in flood levels during the occurrence of the base flood discharge.



- LEGEND**
- Future Service Areas
  - Node # (point of wastewater contribution)
  - Proposed Force Main
  - Proposed Gravity Main
  - Proposed Gravity Main, Replacement
  - 18" Pipe Diameter (See pipe schedule)

- FUTURE SERVICE AREAS INDEX**
- (1a) UR 5 (Bright)
  - (1b) UR 7 (Bright)
  - (1c) UR 8 (Fahmy)
  - (1d) UR 9 (Keenan)
  - (2) UR 1 (Alvarez & others)
  - (3) UR 10 (Ellis)
  - (4) South Linne
  - (5) Tracy Hills
  - (6) Gateway (excluding Phase 1)
  - (7) Cordes Ranch
  - (8) Bright
  - (9) Catellus
  - (10) Filios
  - (11) I-205 Expansion
  - (12) Westside Industrial
  - (13) Eastside Industrial
  - (14) Larch Clover
  - (15) Chrisman Road
  - (16) Rocha
  - (17) Berg/Byron
  - (18) Kagehiro

- ABBREVIATIONS**
- EXST EXISTING
  - FM FORCE MAIN
  - PS PUMP STATION
  - WWTP WASTEWATER TREATMENT PLANT

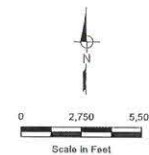
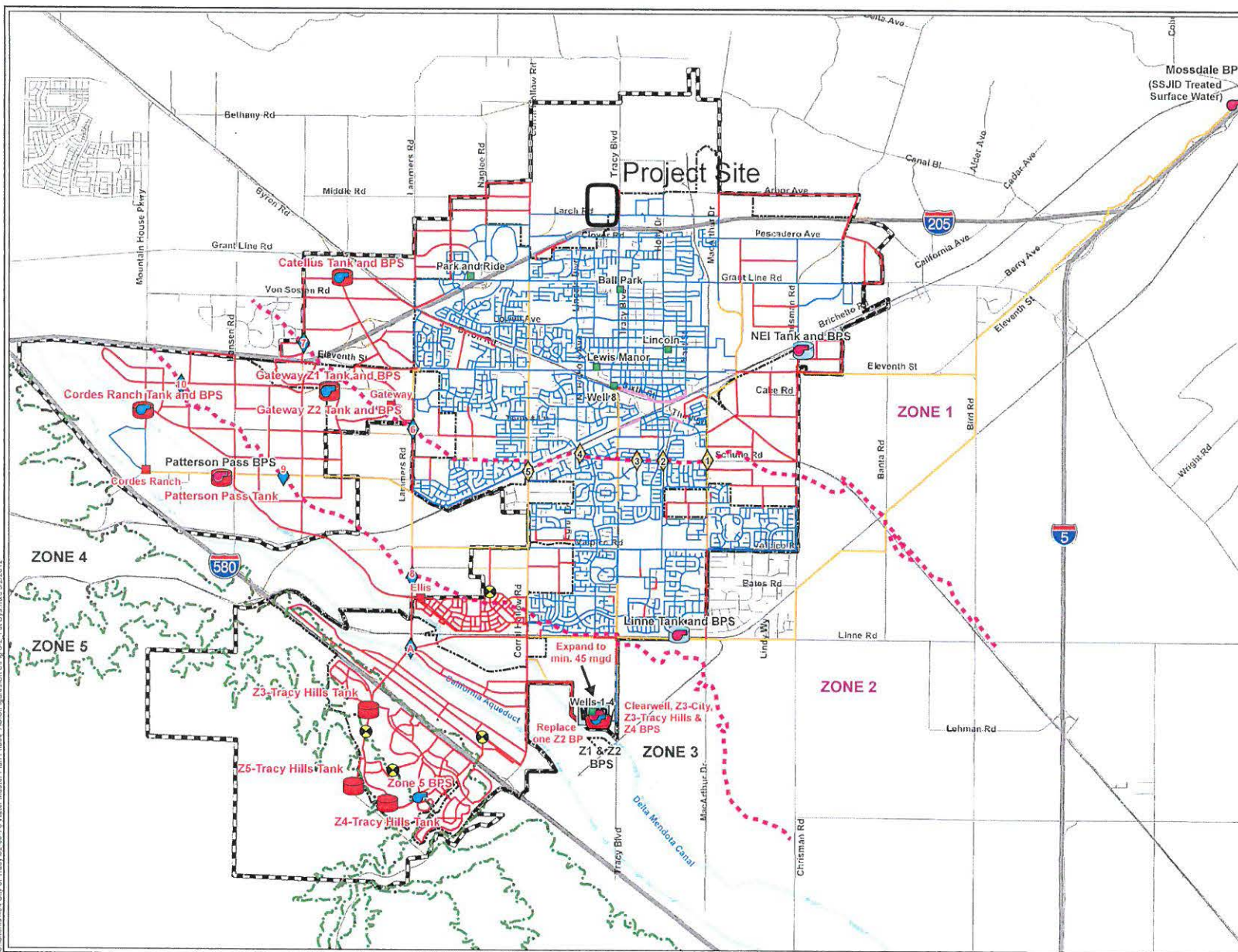


**FIGURE 5-1**  
**MAJOR WASTEWATER**  
**CONVEYANCE FACILITIES**  
 TRACY WASTEWATER MASTER PLAN  
**CH2MHILL**

FIGURE 8-2

City of Tracy  
Water System Master Plan

PROPOSED BUILDOUT  
POTABLE WATER  
SYSTEM FACILITIES



NOTES

1. City limits file (citylimits.shp) provided by DCE on 11/05/09.
2. Well 1 and Lincoln Well are currently inactive.
3. Well 8 will be an injection/extraction well in the City's ASR Program.
4. The City's existing hydraulic model is not an all pipes model. Therefore, not all existing pipes are shown.

LEGEND

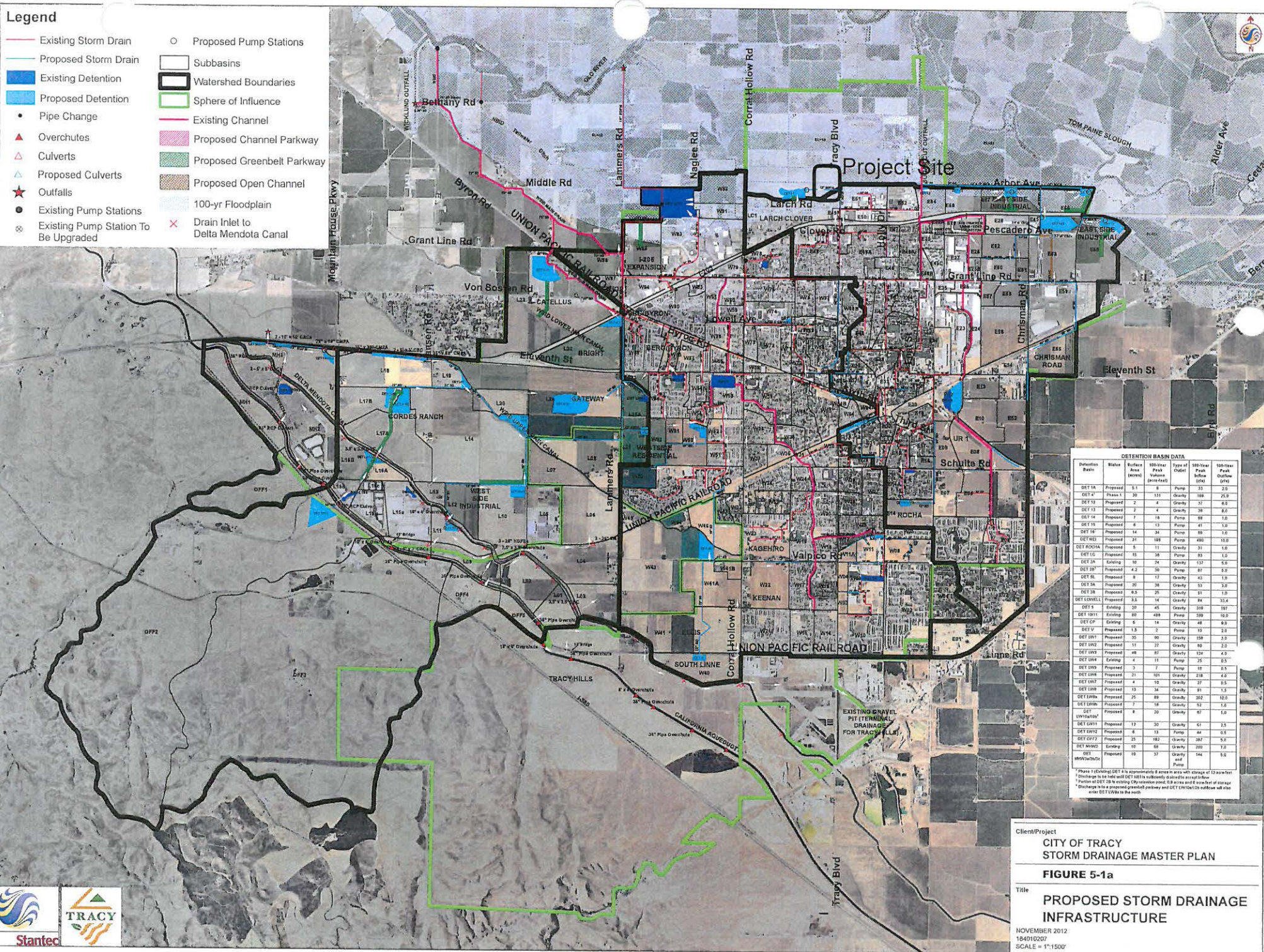
- Proposed Existing Pipeline Upsize
- Proposed Pipeline
- ⚡ Proposed Emergency PRV Connection
- ◊ Proposed Pressure Regulating Station
- Proposed ASR Groundwater Well
- ⊕ Proposed Booster Pump Station
- Proposed Storage Tank
- ☪ Proposed Clearwell
- WTP JJWTP
- ◊ Existing Pressure Regulating Station
- Existing Groundwater Well
- ⊕ Existing Booster Pump Station
- Existing Storage Tank
- Existing Pipeline Diameter < 18-inches
- Existing Pipeline Diameter ≥ 18-inches
- SOI
- City Limits
- Proposed Street
- Existing Highway
- Existing Street



C:\Clients\04\_City of Tracy\03-05-2013\Water Master Plan Phase 1\03-05-2013\Map\CHL\_BEP\_8-2\_Ed\_Shp.mxd 12/29/13

**Legend**

- Existing Storm Drain
- Proposed Storm Drain
- Existing Detention
- Proposed Detention
- Pipe Change
- ▲ Overchutes
- △ Culverts
- ★ Proposed Culverts
- ★ Outfalls
- Existing Pump Stations
- ⊗ Existing Pump Station To Be Upgraded
- Proposed Pump Stations
- Subbasins
- Watershed Boundaries
- Sphere of Influence
- Existing Channel
- Proposed Channel Parkway
- Proposed Greenbelt Parkway
- Proposed Open Channel
- 100-yr Floodplain
- × Drain Inlet to Delta Mendota Canal



DETENTION BASIN DATA						
Detention Basin	Phase	Area (acres)	Storage (acre-feet)	Type of Outlet	100-Year Peak Outflow (cfs)	100-Year Peak Outflow (MGD)
DET 1A	Proposed	5.1	8	Pump	33	2.0
DET 2*	Phase 1	20	101	Gravity	188	25.0
DET 12	Proposed	2	4	Gravity	27	8.0
DET 13	Proposed	2	4	Gravity	26	8.0
DET 14	Proposed	7	16	Pump	68	1.0
DET 15	Proposed	6	13	Pump	41	1.0
DET 16	Proposed	14	34	Pump	66	1.0
DET 16E	Proposed	31	188	Pump	460	10.0
DET 16OCHA	Proposed	5	11	Gravity	31	1.0
DET 17	Proposed	13	28	Pump	60	1.0
DET 2A	Existing	10	24	Gravity	137	6.0
DET 2B	Proposed	4.2	36	Pump	87	5.0
DET 2C	Proposed	8	17	Gravity	43	1.0
DET 2A	Existing	26	38	Gravity	161	3.0
DET 2B	Proposed	0.3	25	Gravity	51	1.0
DET 2C	Proposed	3.8	14	Gravity	84	33.4
DET 3	Existing	20	45	Gravity	110	10.0
DET 3W1	Existing	69	488	Pump	209	16.0
DET 3P	Existing	6	14	Gravity	48	9.0
DET 3V	Proposed	1.3	2	Pump	13	2.0
DET 3W1	Proposed	35	80	Gravity	158	3.0
DET 3W2	Proposed	1.1	23	Gravity	62	2.0
DET 3W3	Proposed	48	87	Gravity	124	4.0
DET 3W4	Existing	4	11	Pump	25	0.5
DET 3W5	Proposed	3	7	Pump	18	0.5
DET 3W6	Proposed	23	101	Gravity	118	4.0
DET 3W7	Proposed	4	10	Gravity	27	0.5
DET 3W8	Proposed	13	34	Gravity	61	1.5
DET 3W9	Proposed	25	89	Gravity	202	10.0
DET 3W10	Proposed	7	15	Gravity	52	1.0
DET 3W11	Proposed	8	20	Gravity	67	1.0
DET 3W12	Proposed	12	30	Gravity	61	2.0
DET 3W13	Proposed	8	13	Pump	44	0.5
DET 3W14	Proposed	25	182	Gravity	287	5.0
DET 3W15	Existing	10	23	Gravity	209	1.0
DET 3W16	Proposed	10	37	Gravity and Pump	144	5.0
DET 3W17	Proposed	10	37	Gravity and Pump	144	5.0

\* Phase 1 (Existing) DET 4 is approximately 8 acres in area with storage of 13 acre-feet.  
 † Storage in Det 2B and DET 3W1 is currently under construction.  
 ‡ Portion of DET 2B is existing City retention pond. 0.8 acre and 8 acre of storage (change in proposed greenbelt parkway and DET 3W10) is outflow will also occur DET 3W8 to the south.



Client/Project  
**CITY OF TRACY  
 STORM DRAINAGE MASTER PLAN**

**FIGURE 5-1a**

Title  
**PROPOSED STORM DRAINAGE  
 INFRASTRUCTURE**

NOVEMBER 2012  
 16401020  
 SCALE = 1"=1500'



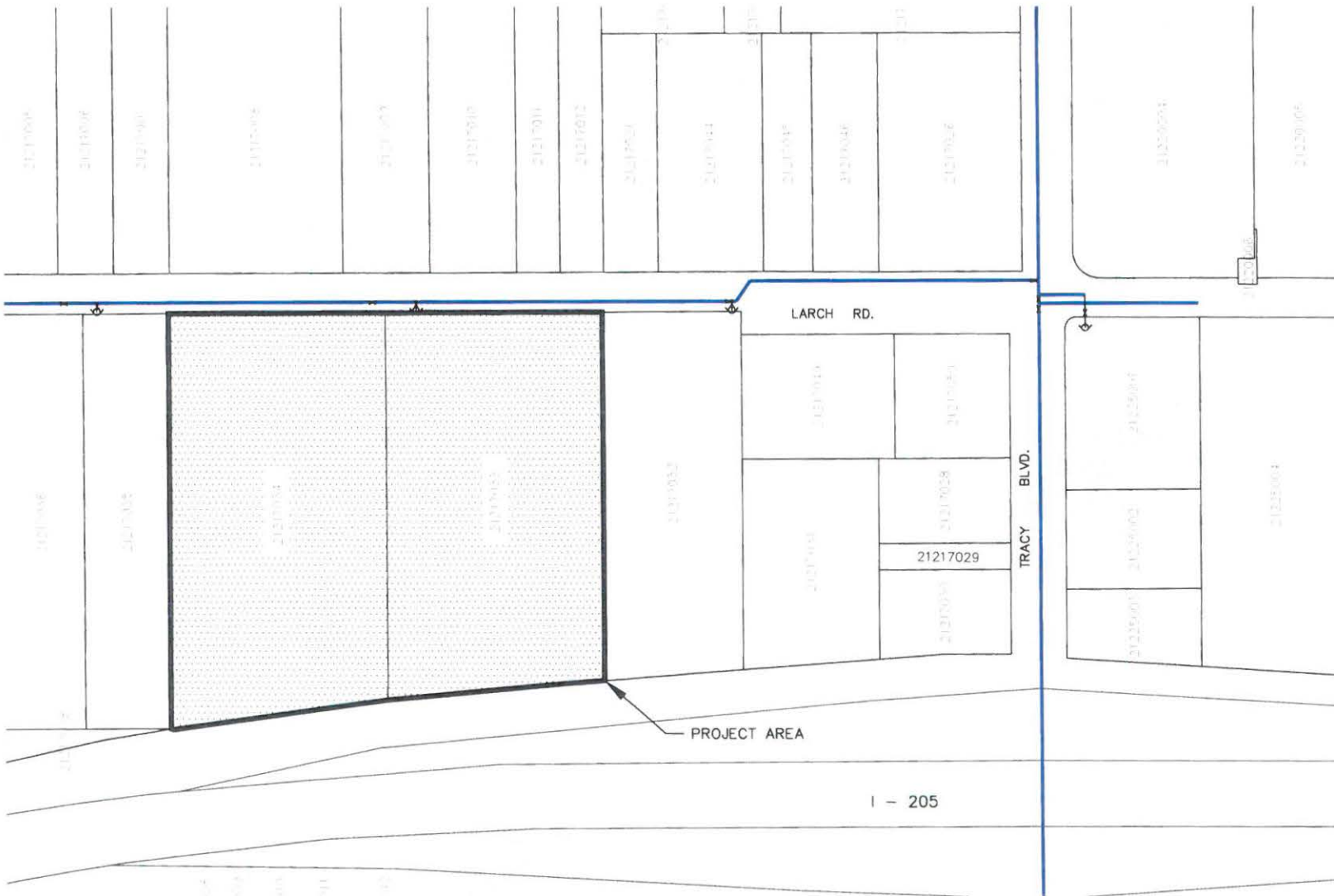
ALVAREZ ANNEXATION – WATER EXHIBIT

LEGEND

W – WATER

EXISTING:

— 12" W



SCALE: 1" = 150'





**FUTURE DET LC**  
(LOCATION TO BE DETERMINED)

FUTURE STORM DRAIN,  
OPEN CHANNEL, OR  
GREENBELT PARKWAY  
(LOCATION TO BE DETERMINED)

LARCH ROAD

TEMPORARY RETENTION BASIN  
REQUIRED VOLUME = 4.3 acre-feet  
(LOCATION TO BE DETERMINED)

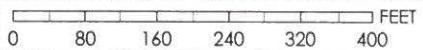
**PROPOSED ANNEXATION**

APN  
212-17-34

APN  
212-17-33

INTERSTATE 205

TRACY BLVD



**Exhibit A**

**Larch Road Annexations**

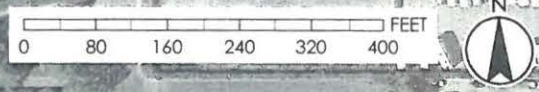
**Option 1- Temporary Retention Basin**

**Legend:**

- NEW 10" SDFM
- EXISTING 66" SD



**FUTURE DET LC**  
(LOCATION TO BE DETERMINED)



NEW PUMP STATION  
1.0 cfs capacity

NEW DETENTION BASIN  
1.4 acre-feet  
(LOCATION TO BE DETERMINED)

EXISTING  
SDMH

To City SD Pump Station  
at Eastside Channel

LARCH ROAD

10" SDFM

40"x65" HEP

54" SD

TRACY BLVD

PROPOSED ANNEXATION

APN  
212-17-34

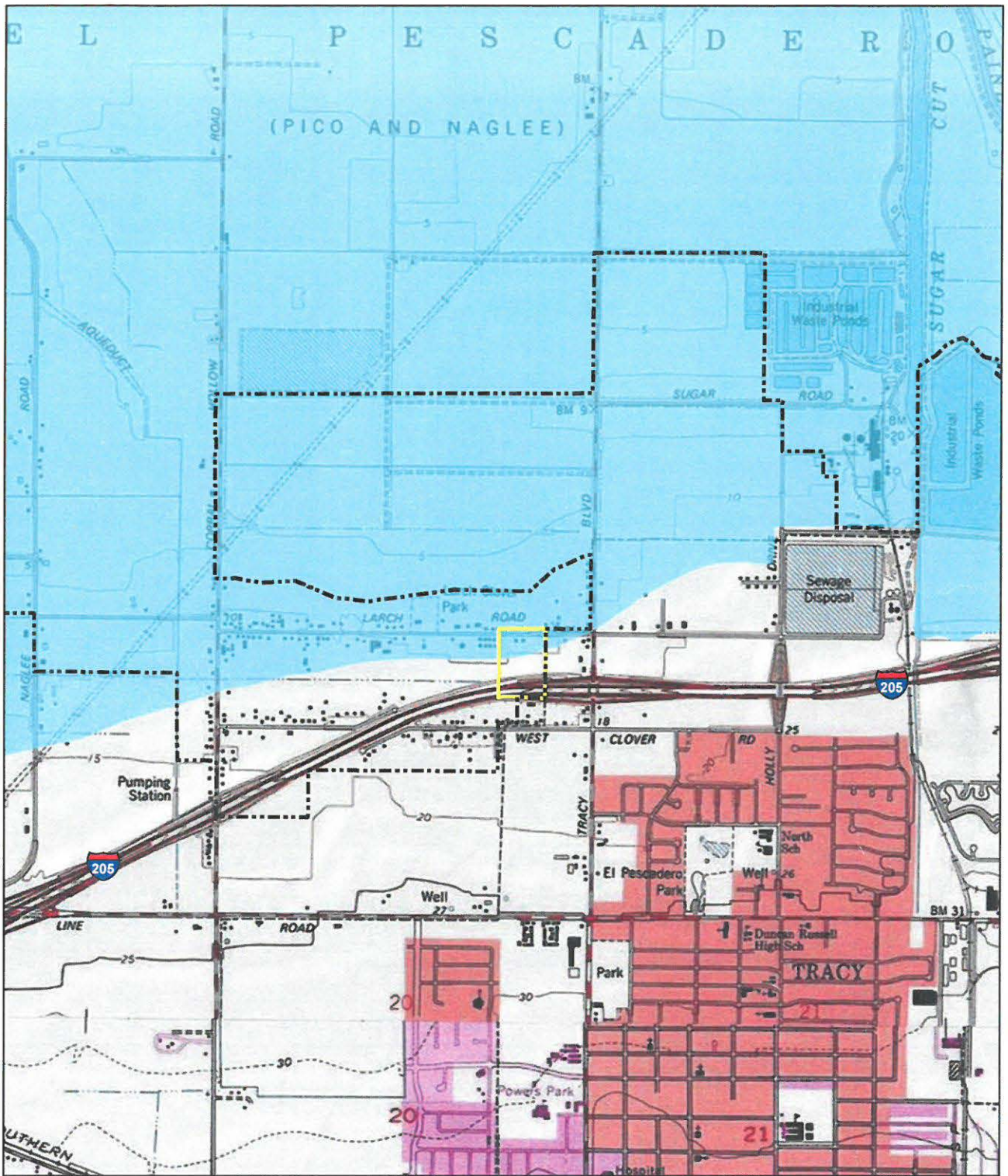
APN  
212-17-33

INTERSTATE 205

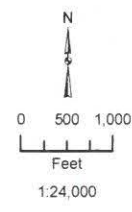
**Exhibit B**  
**Larch Road Annexations**  
**Option 2- Tie Into Existing Storm Drain at Tracy Blvd**

**Legend:**  
NEW 10" SDFM  
EXISTING 66" SD





- Legend**
- Proposed Annexation
  - City Limits
  - 1% Annual Chance Flood Hazard (100-yr Flood Zone)



**ALVAREZ ANNEXATION MND**

**Figure 9: FEMA Flood Insurance Rate Map**

Sources: FEMA's National Flood Hazard Layer map service, accessed through ArcGIS Online, San Joaquin County GIS, Arc1B Online Topographic Map Service. Map date: May 31, 2017.



# SOUTH SAN JOAQUIN COUNTY FIRE AUTHORITY

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December 16, 2019

Jenny Haruyama  
City Manager  
City of Tracy  
333 Civic Center Plaza  
Tracy, CA 95376

Re: Alvarez Reorganization to the City of Tracy

Dear Mrs. Haruyama:

This letter is in response to the October 17, 2019 correspondence from LAFCo Executive Officer James Glaser as it relates to fire protection and the Alvarez Reorganization to the City of Tracy. Mr. Glaser indicated the section pertaining to fire protection was incomplete. The following information should address Mr. Glaser's concerns.

Fire department response times will not be affected by this annexation. The annexation area is currently served by Fire Station 96 (1800 W. Grant Line Road) which is located approximately 1.8 miles from the site. The annexation area is within fire department response time standards for first-due units as indicated in the South County Fire Authority Standards of Cover Study, 2017. Further, the area is within the effective response force (ERF) standard of 16 fire personnel on scene within 8 minutes (also in the Standards of Cover Study). The resources that would respond an ERF are all from City owned and funded fire stations. In short, the annexation area is well served by existing fire stations and will not require new fire stations or equipment upon detachment.

Another area of concern noted by Mr. Glaser is revenue to the City of Tracy upon detachment of the annexation area from Tracy Rural Fire District. Again, the annexation area will be served by existing fire stations and equipment already owned and funded by the City of Tracy. In fact, the same City owned resources provide emergency response to the proposed annexation area today. The detachment of the annexation area will not have a negative impact on future funding for fire services. The fire department provided a Comprehensive Revenue Analysis to LAFCo in 2017. This analysis did not contemplate the Alvarez annexation and therefore does not impact the revenue projections included within the previously provided analysis.

Please feel free to contact me with any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Randall Bradley", written over a horizontal line.

Randall Bradley  
Fire Chief

Cc: Leticia Ramirez, City Attorney  
Andrew Malik, Assistant City Manager



# LAFCo

509 W. WEBER AVENUE SUITE 420 STOCKTON, CA 95203

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## EXECUTIVE OFFICER'S REPORT

- PROJECT:** CONSOLIDATION OF BYRON BETHANY IRRIGATION DISTRICT (BBID) AND THE WEST SIDE IRRIGATION DISTRICT (TWSID) (LAFCo 30-19)
- PROPOSAL:** Consolidation of two irrigation districts
- APPLICANT:** BBID/TWSID (Exhibit A-Justification of Proposal)
- LOCATION:** BBID borders the western County boundary with territory in Contra Costa and Alameda counties. TWSID is located east and west of the City of Tracy (Exhibit B-Map of BBID/TWSID)
- PURPOSE:** To enhance services to the landowners within each district
- PROCESS:** Concurrent resolution requires Commission approval and a protest hearing

### RECOMMENDATION

It is recommended that the Commission approve Resolution No. 1424 approving the consolidation of BBID and TWSID and directing the Executive Officer to initiate protest procedures.

### BACKGROUND

The Board of Directors of BBID and TWSID approved a concurrent resolution to consolidate the two districts (Exhibit C-Concurrent Resolution No. 1). Consolidation of the two districts will be accomplished by combining the territory of TWSID with the territory of BBID and creating BBID as a single successor district. TWSID will cease to exist. If two or more local agencies adopt substantially similar resolutions of application making a proposal for consolidation of the districts, the Commission's authority is limited pursuant to Government Code Section 56853, which states that the Commission shall approve, or conditionally approve, the proposal.

The action to consolidate two special districts requires protest proceedings. Landowner and registered voters will be given notice of the protest hearing within 35 days following the adoption of the Commission's resolution approving the consolidation. Since there are more than 1,000 eligible voters within the two districts the notice will be provided by publication of a display advertisement of at least one-eight page in a newspaper at least 21-days prior to the day set for the protest hearing. The Commission has adopted a policy that delegates the protest hearing process to the Executive Officer.

On June 13, 2019, the Commission adopted a Final Municipal Service Review (MSR) and a Sphere of Influence (SOI) for BBID and TWSID. The MSR consisted of an analysis of the district's

financial ability to provide services, adequacy of services, infrastructure needs or deficiencies and various governmental structure options, including consolidation. In updating the SOI for BBID and TWSID the Commission determined that consolidation is feasible and the SOI was modified and expanded to include territory where there is the technical capacity to provide water service or drainage in the future.

BBID provides irrigation water to approximately 29,500 acres of agricultural land located in San Joaquin, Contra Costa, and Alameda Counties. It also serves a population of approximately 15,000 people by providing raw water for treatment to Mountain House Community Services District. BBID holds pre-1914 appropriative water rights and receives 3,600 acre feet annually (AFA) from the Central Valley Project.

TWSID's service area is comprised of approximately 6,500 acres located east and west of Tracy. The district provides raw water services to agricultural customers. The district also provides storm water drainage services to Tracy under a mutual agreement, the Tracy Defense Depot, and County Service Area No. 50. TWSID receives approximately 12,000 AFA from its post-1914 water license from the State of California and through a water service contract from the Federal Bureau of Reclamation.

## **ENVIRONMENTAL**

BBID has determined that the consolidation of the two districts is categorically exempt pursuant to CEQA, Section 15320, Class 20, Changes in Organization. Class 20 consists of changes in the organization or reorganization of local governmental agencies, i.e., consolidation of two or more districts having identical powers, where the changes do not change the geographical area in which previously existing powers are exercised (Exhibit D-Notice of Exemption).

## **PLAN FOR SERVICES (Exhibit E)**

### **Management**

The consolidated District will be governed by a 9-member Board of Directors consisting of the current 7-member BBID Board of Directors (representing Divisions 1-7 within BBID) and 2 Board Members representing two divisions within the current TWSID territory. Board members will serve staggered four-year terms, are elected by the registered voters within their division, and must own land within the division they represent. BBID currently has 16 employees and TWSID has 4 employees. All employees will become BBID employees after consolidation. The consolidated district will be managed by one General Manager. It should be noted that the current BBID General Manager has been serving as the General Manager of TWSID since 2014 when its General Manager retired.

### **Services**

Both BBID and TWSID have sufficient water supply and water/drainage infrastructure to continue services to their existing customers. It is expected that raw water demand will increase by the year 2040 within the two districts. The MSR completed in July 2019 determined that the consolidated district has sufficient water rights to supply the projected future demand in the year 2040. Shortfalls during future drought years will be overcome through the use of recycled water and water conservation. Consolidation of the districts would help obtain benefits of unified water resources planning and management which will result in more efficient delivery of public services

to customers.

#### Financial

The Final MSR and SOI Update for BBID and TWSID identified two areas that would improve TWSID's financial status including retiree medical insurance payments and capital improvement funding. Although TWSID has set aside \$1.5 million in reserve funds to pay for retiree medical insurance it is uncertain if this amount would be sufficient to fully cover this obligation. TWSID adopted a Resolution protecting lifetime health benefits if it consolidated with BBID for full-time employees hired before February 9, 2011 and employees hired between June 10, 2009 and February 8, 2011 meeting specified criteria (Exhibit F-Resolution No. 2016-02). The consolidated district becomes responsible for any unfunded liability. BBID proposes to prepare an actuarial study to determine the extent of the retiree medical benefit obligation. If the study determines there are unfunded liabilities, a plan will be prepared to address the deficit. This may include such actions as modifying water rates, selling surplus TWSID property, or increasing the Water service Stand-by Fee.

TWSID does not have a capital improvement plan (CIP) although it currently maintains a reserve fund of \$1.0 million for capital replacement. After consolidation, BBID proposes to prepare a CIP for the West Side Service Area which will consider all capital improvement projects, associated costs, and a plan to pay for these improvements. After consolidation, the West Side Service Area may be eligible for grant funding from the Federal Bureau of Reclamation Smart Water Program and from the State Integrated Water Management Plan.

#### **TERMS AND CONDITIONS**

BBID and TWSID approved a concurrent resolution proposing a consolidation subject to the Terms and Conditions shown in Exhibit G-Terms and Conditions. The Terms and Conditions include the establishment of the nine divisions within the consolidated district, the makeup of the Board of Directors, and status of TWSID employees. Under the Terms and Conditions, the consolidated district will establish equal agricultural water rates, equal access and priority to all water legally available to the current WSID, assume existing TWSID agreements; and sets aside for the benefit of TWSID the restricted reserve funds, and transfers all assets of TWSID to BBID.

The Commission may order a change to the proposed terms and conditions with the consent of the Districts. Without consent the Commission must provide mailed written notice of the changes to the districts and cannot move forward on the consolidation for 30 days following that mailing. A noticed public hearing on the proposed changes must be held. (Government Code Section 56853 (b)).

#### **REFERRAL COMMENTS (Exhibit H)**

LAFCo referred the consolidation proposal to affected agencies for review and comments. The County Public Works Department had no comments on the consolidation. No other affected agencies provided comments.

#### **EFFECT OF CONSOLIDATION**

Upon filing of the Certificate of Completion consolidating the districts, the successor district,

BBID, succeeds to all the “powers, rights, duties, obligations, functions, and properties of all predecessor districts.” The consolidation district becomes liable for all debts of the predecessor district as well.

**DISCUSSION**

Government Code Section 56853(a) provides a special procedure to be followed when both Boards of Directors adopt “substantially similar” Resolutions of application asking to consolidate. The Commission’s authority is limited because the law states that LAFCo shall approve or conditionally approve the proposal. BBID and TWSID have proposed terms and conditions for the consolidation. LAFCo may change the terms and conditions, however, it must provide mailed written notice of the changes to the districts and cannot move forward on the consolidation for 30 days following that mailing without the districts written consent.

Although the Commission shall approve or conditionally approve the proposal to consolidate, the consolidation is subject to a protest hearing. The purpose of the protest hearing is to allow landowners and registered voters to have a say in whether the consolidation will proceed. The number of protests determines whether LAFCo must terminate proceedings, approve the change, or approve the change subject to an election. The following actions will be taken if at the close of the protest hearing the Commission receives written protests:

Action	Written Protests Received
Termination	≥ 50% of the voters residing in the territory
Approval	<25% of registered voters OR <25% landowners owning <25% of assessed value of land within the territory
Election	≥ 25% but <50% of registered voters residing in the territory; OR ≥25% or <50% of landowners who own at least 25% of the assessed value of land within the territory

Consolidation of BBID and TWSID is a logical and orderly change of organization. A MSR and SOI Update which addressed the proposed consolidation was approved by the Commission in July 2019. Consolidating BBID and TWSID will help the District(s) achieve economies of scale to improve efficiency in the provision of water service and maintain ratepayer costs over the long-term.

- Attachments:
- Resolution No. 1424
  - Exhibit A-Justification of Proposal
  - Exhibit B-BBID/TWSID Map
  - Exhibit C-Concurrent Resolution No. 1
  - Exhibit D-Notice of Exemption
  - Exhibit E-Plan for Services
  - Exhibit F-Resolution No. 2016-02
  - Exhibit G-Terms and Conditions
  - Exhibit H-Referral Commens



RESOLUTION NO. 1424

BEFORE THE SAN JOAQUIN LOCAL AGENCY FORMATION COMMISSION  
APPROVING THE CONSOLIDATION OF BYRON BETHANY IRRIGATION  
DISTRICT AND THE WEST SIDE IRRIGATION DISTRICT (LAFC 30-19)

WHEREAS, the above entitled proposal was initiated by Concurrent Resolution No. 1 from Byron Bethany Irrigation District and The West Side Irrigation District and on March 12, 2020 the Executive Officer certified the application filed for processing in accordance with Local Government Reorganization Act; and

WHEREAS, the Commission held a telephonically public hearing on the proposed reorganization on June 11, 2020, pursuant to the notice of hearing which was published and posted 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 hearing telephonically; and

WHEREAS, the Commission has, in evaluation of the proposal considered the report submitted by the Executive Officer; and

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

Section 1. The proposal qualifies as a Class 20 Exemption under the State CEQA Guidelines.

Section 2. The consolidated district will have the same boundaries as BBID and TWSID as shown in Exhibit A.

Section 3. The reorganization shall be subject to the Terms and Conditions attached hereto as Exhibit B.

Section 4. Directs the Executive Officer to conduct a protest hearing in accordance with Government Code section 57000.

PASSED AND ADOPTED this 11<sup>th</sup> day of June 2020 by the following roll call vote:

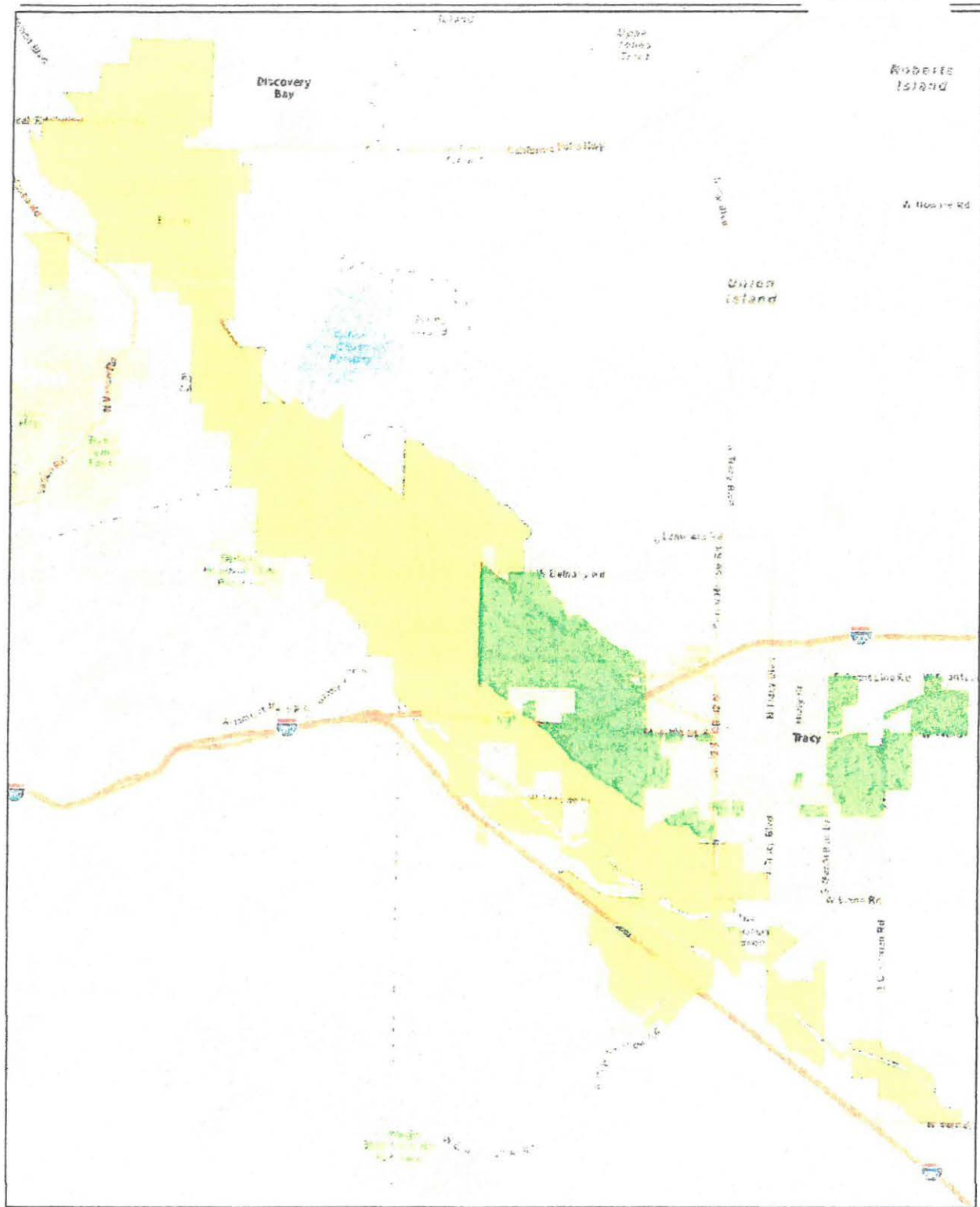
Ayes;

Noes:

Absent:

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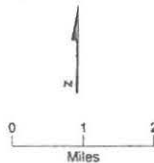
Jesus Andrade, Chairman  
San Joaquin Local Agency  
Formation Commission



LEGEND

- Byron Bethany Irrigation District
- Westside Irrigation District

Figure 3-1: Boundary and Sphere of Influence for BBID & TWSID



VICINITY MAP



## EXHIBIT B

### TERMS AND CONDITIONS FOR THE CONSOLIDATION OF BYRON-BETHANY IRRIGATION DISTRICT AND THE WEST SIDE IRRIGATION DISTRICT

The following terms and conditions shall be imposed as a condition of the consolidation of Byron-Bethany Irrigation District (BBID) and The West Side Irrigation District (WSID):

1. The consolidated district shall operate as a multi-county district operating under Division 11 of the California Water Code.
2. The boundaries of WSID shall be divided into two Divisions and added to BBID's existing seven Divisions. The consolidated district shall have a total of nine Divisions.
3. The boundaries of WSID shall be identified as "West Side Service Area" within BBID.
4. The Board of Directors of the consolidated district shall consist of nine members. Each Director shall be elected by the Division they represent. The current WSID Board of Directors shall appoint the initial Directors for the two divisions within the West Side Service Area.
5. All existing employees of the WSID shall be retained by BBID except for the General Manager.
6. All existing employee and Director benefits of the WSID shall be retained by WSID employees and Directors as specified in Resolution 2016-02, attached hereto as Attachment 1 and incorporated herein by reference.
7. Agricultural water rates within all service areas of BBID other than the "Central Valley Project Service Area" (which is the former district boundary of the Plain View Water District) shall be equal, subject only to reasonable adjustment based on the actual cost of pumping water.
8. BBID shall aggressively pursue the authority to provide pre-1914 water to the West Side Service Area.

# 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:** BBID-TWSID Consolidation

**TYPE OF PROPOSAL**

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

**AGENCY CHANGES RESULTING FROM THIS PROPOSAL**

Agency or Agencies gaining territory: Byron Bethany Irrigation District

Agency or Agencies losing territory: The West Side Irrigation 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:

<u>Name</u>	<u>Mailing Address</u>	<u>Telephone</u>
Board of Directors Byron Bethany Irrigation District	7995 Bruns Road Byron CA 94514	209-835-0375
Board of Directors The West Side Irrigation District	1320 Tracy Boulevard Tracy CA 95376	209-835-0503
City Manager's Office City of Tracy	333 Civic Center Plaza Tracy CA 95376	209-831-6115
General Manager's Office Mountain House Community Services District	230 S Sterling Drive Mountain House CA 95391	209-831-56210
Rick Gilmore, General Manager Byron Bethany Irrigation District	7995 Bruns Road Byron CA 94514	209-608-1428
Bruce Baracco, Project Consultant Baracco and Associates	44 Eureka Street Sutter Creek CA 95685	209-304-0028

(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? N/A  Yes  No
- 2. Do the proposed boundaries split lines of assessment or ownership? N/A  Yes  No
- 3. Does the proposal involve public rights-of-way or easements? N/A  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? N/A  Yes  No

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

<u>APN</u>	<u>Owner</u>	<u>Acreage</u>
N/A		
Byron Bethany Irrigation District has 9,157 parcels of record.		
The West Side Irrigation District has 908 parcels of record.		

- 8. Physical Location of Proposal:  
Within portions of Alameda, Contra Costa and San Joaquin Counties (refer to Proposal Map).
- 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: N/A.
- 10. List those public services or facilities which will be provided to the affected territory as a result of the proposed action:  
Agricultural irrigation water  
Water for Municipal and Industrial purposes  
Storm drainage services
- 11. Indicate which of these services or facilities will require main line extensions or facility up-grades in order to serve the affected territory:  
None; all existing main lines are in place, and all existing facilities are adequate.
- 12. Provide any other justification that will assist the Commission in reviewing the merits of this request.  
Refer to Attachment 1: Justification Narrative, and  
Attachment 2: Plan for Services  
  
(Attach a separate sheet if necessary)

**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 Byron, California, on February 28, 2020.

APPLICANT

REAL PARTY IN INTEREST

(If different from Applicant)

Signature: 

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

Title: General Manager, BBID and TWSID

Title: \_\_\_\_\_

**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.

  
(Signature)

Date: February 28, 2020

Print or Type Name: Rick Gilmore

Daytime Telephone: 209-608-1428

## JUSTIFICATION NARRATIVE

### Consolidation of Byron Bethany Irrigation District and The West Side Irrigation District

February 28, 2020

#### Introduction

In July 2016, the respective Boards of Directors of Byron Bethany Irrigation District (BBID) and The West Side Irrigation District (TWSID) determined that it was in both district's best interests to consider consolidating BBID and TWSID into one irrigation district. The genesis for this activity came about in 2014, at a time when TWSID did not have a District Manager, and TWSID Board had expressed concern for the long-term viability of the District. TWSID Board reached out to the BBID Board for assistance. The result was the BBID Board assigning its General Manager, Rick Gilmore, to serve as interim General Manager for TWSID. This arrangement continued until early July of 2016, when substantive discussions resulted in a proposal to move forward on consolidation. Each Board of Directors adopted concurrent resolutions to initiate the consolidation process. In December 2016, TWSID and BBID entered into a Management Agreement such that BBID would provide management services to TWSID including General Manager duties, operations, and maintenance support. TWSID maintained its own legal counsel and District Secretary.

#### Summary

The Boards of Directors of Byron Bethany Irrigation District and The West Side Irrigation District approved a concurrent resolution for the consolidation of the two districts. (Refer to Exhibit A – Concurrent Resolution No. 1) TWSID adopted this resolution on July 13, 2016. BBID adopted this resolution on July 26, 2016. The Districts propose to accomplish the consolidation by combining the territory of TWSID with the territory of BBID, and creating BBID as a single successor district. TWSID would no longer be a separate entity. The reason for the consolidation is to enhance the services provided to the territories of both BBID and TWSID as described in the analysis of the District's Sphere of Influence (SOI) approved by LAFCo on June 13, 2019. The relationship between BBID and TWSID is shown in Figure 3-1 on page 1-4.

After consolidation of BBID and TWSID occurs, BBID will gain two Divisions (8 and 9) that represent current TWSID territory. The consolidated BBID/TWSID will then be governed by a 9-member Board of Directors, elected by division to staggered 4-year terms by registered voters in each division. Division Directors must own land within the division they hope to represent. The current 7-member BBID Board of Directors is shown by Division in Figure 3-6 on page 1-5. Divisions 1 and 2 are located in Contra Costa County. Division 3 is shared with Alameda and Contra Costa Counties, while Divisions 4 through 7 are located in San Joaquin County, with the Mountain House Community being Division 4. Divisions 8 and 9 will be comprised of TWSID territory located in San Joaquin County. The configuration for these two divisions will be determined by the Board of Directors.

## The Consolidation Process

As part of the consolidation process, the respective Boards of Directors are petitioning San Joaquin LAFCo to initiate consolidation proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 200 (CKH Act), including Section 56375 *et seq.*, Section 56853, and Section 57500 *et seq.* Under this scenario, the two districts will be consolidated under one action by the Local Agency Formation Commission. BBID will then become the successor district. The primary purpose of the consolidation would be to enhance the services provided to the landowners within each district. Details relating to the services to be provided are contained in the Plan for Services as Attachment 2. A map showing the Consolidated District is shown on Figure 3-5 on page 1-6.

In addition, the Concurrent Resolution specifies the parameters (called Terms and Conditions) under which the Consolidated District would operate. These are detailed in Exhibit B – Terms and Conditions for the Consolidation of Byron-Bethany Irrigation District and The West Side Irrigation District. (Major parameters include: the principal act under which the multiple-County Consolidated District would operate; the designation of two service areas within the Consolidated District; the establishment of nine divisions within the Consolidated District; the makeup of the Board of Directors for the Consolidated District; status of TWSID employees; establishment of equal agricultural water rates; equal access and priority to all water legally available to the current West Side Irrigation District; existing TWSID agreements shall be assumed by the Consolidated District; TWSID restricted reserve funds available upon consolidation shall be set aside for the benefit of the West Side Service Area; and the transfer of all assets of TWSID to BBID.

## Operational Aspects of the Consolidation

Following completion of the consolidation, the Consolidated District will be composed of two service areas: the Byron Bethany Service Area and the West Side Service Area. The consolidated Board of Directors would then consist of the existing seven Board Members (Divisions 1-7) within the Byron Bethany Service Area, and two additional Board Members (Divisions 8-9) from the West Side Service Area. The Consolidated District would then operate with a 9-member Board of Directors. At the present time, term limits are not at play in either district. Following to 2020 Federal Census, the Consolidated District will likely re-calibrate the divisions, perhaps reducing the number to seven divisions. The current voter roll indicates that there are a total of 10,122 registered voters within the Byron Bethany Service Area (25 in Alameda County, 721 in Contra Costa County, and 9,376 in San Joaquin County). There are also a total of 8,847 landowners within the Byron Bethany Service Area. The West Side Service Area currently has 340 registered voters and 304 landowners (all within San Joaquin County).

The Consolidated District will employ 22 full time equivalent (FTE) personnel. Eighteen for the Byron Bethany Service Area – 16 Operations & Maintenance Laborers and two Administration Support persons; and four for the West Side Service Area -- three Operations & Maintenance Laborers and one Administration Support person. The one General Manager will continue to oversee both Service Areas, and will be assisted by one Assistant General Manager, and one Director of Administration. The Consolidated District will contract for legal counsel services, engineering services, and audit services.



Justification for Consolidation

TWSID's current financial trends indicate that expenses sometimes exceed revenues; and over the long-term this trend is not sustainable. District revenue is derived from two major sources: property tax; and water sales. While property tax revenue has increased around 2% per year, water sales have fallen by 43% between 2012 and 2016; from \$1,099,734 in 2012 to \$621,907 in 2016. This trend is expected to continue. Operating expenses have exceeded operational revenue in five of six years between 2011 and 2016. Only with the addition of non-operating revenue such as property tax, stand-by fees, and interest, has the District been able to operate in the black for three out of six years between 2011 and 2016.

There are two important aspects of consolidation which will be beneficial to TWSID: retiree medical insurance payments; and capital improvement funding.

Retiree Medical Insurance Payments – For several years in the past, TWSID had an employee benefit program covering retiree medical insurance which was not sustainable. Since then, the District changed its policy; however TWSID is still responsible for these benefits for a few of the retired and current Directors, and a few past employees. TWSID has set aside \$1.5 million in reserve funds to pay for this expense. At this time, it is not clear whether the reserve fund will be sufficient to fully cover this obligation. As part of the consolidation program, the Consolidated District would then be responsible for any unfunded liability. BBID is proposing to prepare an actuarial study to determine the extent of the retiree medical benefit obligation. If this study determines that there are unfunded liabilities, a plan will be prepared to address the deficit. This may include such actions as modifying water rates, selling surplus TWSID property, or increasing the Water Service Stand-by Fee.

Capital Improvement Funding – At the present time TWSID does not have a Capital Improvement Plan (CIP), although the District maintains a reserve fund for capital replacement projects (\$1.0 million). However, it is not certain that these funds will be adequate to pay for needed capital improvement projects within the West Side Service Area. BBID is proposing to prepare a CIP for the West Side Service Area which is consistent with BBID's overall CIP. This new plan will consider all capital improvement projects within the two Service Areas, any associated costs, and a plan to pay for these improvements. After consolidation, the West Side Service Area may be eligible for grant funding from the Federal Bureau of Reclamation Smart Water Program, and from the State Integrated Water Management Plan.

Both BBID and TWSID share an aspiration to seek the most efficient provision of service for their water ratepayers. Consolidating BBID and TWSID will help the District to obtain benefits of unified water resources planning and management which will result in more efficient delivery of public services to customers. Based on the joint Management Agreement between BBID and TWSID, a more efficient Service Plan can be developed. This Plan for Services provides a framework for developing such efficiencies. Approval of the consolidation will allow the Consolidated District to more effectively engage with regional partners and to continue making improvements in the area of water supply reliability and water use efficiency. A Consolidated District will also improve upon economies of scale, increase purchasing power, reduce ratepayer costs, allow for personnel and equipment sharing, and coordinating a regular maintenance schedule.

\* \* \* \*



## CONCURRENT RESOLUTION NO. 1

CONCURRENT RESOLUTION OF APPLICATION BY  
BYRON-BETHANY IRRIGATION DISTRICT AND THE WEST SIDE IRRIGATION DISTRICT

A CONCURRENT RESOLUTION OF THE BOARDS OF DIRECTORS OF BYRON-BETHANY IRRIGATION DISTRICT AND THE WEST SIDE IRRIGATION DISTRICT CONSTITUTING THE DISTRICTS' RESOLUTION OF APPLICATION TO THE SAN JOAQUIN COUNTY LOCAL AGENCY FORMATION COMMISSION TO INITIATE PROCEEDINGS FOR THE CONSOLIDATION OF BYRON-BETHANY IRRIGATION DISTRICT AND WEST SIDE IRRIGATION DISTRICT

WHEREAS, the Boards of Directors of Byron-Bethany Irrigation District (BBID) and The West Side Irrigation District (WSID) (collectively referred to herein as "Districts") desire to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (LAFCO Law), Part 3 of Division 3 (commencing with Section 56000) of Title 5 of the Government Code with the San Joaquin County Local Agency Formation Commission (SJ LAFCO) for the consolidation of the Districts (Consolidation) as specified herein; and

WHEREAS, the Districts wish to accomplish the Consolidation by uniting the territory of WSID with the territory of BBID and creating BBID as the single successor district; and

WHEREAS, the Districts have agreed to initiate the Consolidation with SJ LAFCO by adoption of this Concurrent Resolution; and

WHEREAS, pursuant to Government Code section 56853, in the case of a concurrent consolidation, SJ LAFCO shall approve, or conditionally approve, the proposed consolidation; and

WHEREAS, notice of intent to adopt this Concurrent Resolution of Application has not been given to SJ LAFCO, or to any interested agency or subject agency; and

WHEREAS, the proposal is consistent with the Spheres of Influence for BBID and WSID; and

WHEREAS, the territory included in the consolidated district is inhabited, as defined in the LAFCO Law; and

WHEREAS, the boundaries of the territory included in the consolidated district will be the combined territories of BBID and WSID, as described in Exhibit "A," attached hereto and incorporated herein by reference; and

WHEREAS, the Districts desire that the proposed consolidation be subject to the terms and conditions set forth in Exhibit "B," attached hereto and incorporated herein by reference; and

WHEREAS, the reason for the Consolidation is to enhance the services provided to the territories of both BBID and WSID; and

WHEREAS, the Districts hereby consent to the proposed consolidation without an election by voters within the Districts.

NOW, THEREFORE, BE IT RESOLVED by the Boards of Directors of BBID and WSID that:

1. The SJ LAFCO is requested to undertake proceedings for the proposed consolidation pursuant to Part 3 of Division 3 of the LAFCO Law and according to the terms and conditions stated above.
2. The President of the Board or General Manager for each District is authorized and directed to execute this Concurrent Resolution and any other documents as SJ LAFCO may reasonably request to accomplish the consolidation initiated by this Concurrent Resolution.
3. The President of the Board or General Manager for each District is hereby authorized and directed to perform any and all acts required to effectuate the consolidation initiated by this Concurrent Resolution, including but not limited to preparation and coordination of the application to SJ LAFCO, the justification of proposal, and the plan for services.
4. BBID, as the future successor district, will take the lead in preparing the application to SJ LAFCO and any documentation required or requested by SJ LAFCO to accomplish the consolidation initiated by this Concurrent Resolution. BBID will involve and coordinate with WSID in the preparation of the application and any other documentation required or requested by SJ LAFCO.
5. This Concurrent Resolution is effective from the date last shown below.

PASSED AND ADOPTED by the Board of Directors of the Byron-Bethany Irrigation District at a regular Board Meeting held on the 26th day of July 2016 by the following vote:

**BYRON-BETHANY IRRIGATION DISTRICT:**


AYES: Brown, Enos, Kagehiro, M. Maggiore, T. Maggiore, Tuso

NOES:

ABSENT: Musco

ABSTAIN:

  
\_\_\_\_\_  
Russell Kagehiro, President

ATTEST:  
  
\_\_\_\_\_  
Rick Gilmore, Secretary

**WEST SIDE IRRIGATION DISTRICT:**

PASSED AND ADOPTED by the Board of Directors of the West Side Irrigation District at a regular Board Meeting held on the 13th day of July 2016 by the following vote:

AYES: Alvarez, Pereira, Pombo

NOES: Serpa

ABSENT: Mattos

ABSTAIN:

  
\_\_\_\_\_  
Jack Alvarez, President

ATTEST:

  
\_\_\_\_\_  
Carol Petz, Secretary

**Notice of Exemption****Appendix E**

**To:** Office of Planning and Research  
P.O. Box 3044, Room 113  
Sacramento, CA 95812-3044

County Clerk

County of: San Joaquin

44 N San Joaquin Street Suite 260

Stockton CA 95202

**From: (Public Agency):** Byron Bethany Irrigation District  
7995 Bruns Road  
Byron CA 94514

(Address)

Project Title: Byron Bethany Irrigation District-The West Side Irrigation District Consolidation

Project Applicant: Byron Bethany Irrigation District

Project Location - Specific:

Portions of Alameda, Contra Costa, and San Joaquin Counties

Project Location - City: Tracy Project Location - County: Same as above

Description of Nature, Purpose and Beneficiaries of Project:

To consolidate two irrigation districts into one irrigation district. Byron Bethany Irrigation District will be the successor district, and The West Side Irrigation District will cease to exist.

Name of Public Agency Approving Project: San Joaquin Local Agency Formation Commission

Name of Person or Agency Carrying Out Project: Byron Bethany Irrigation District

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: Section 15320. Class 20. Changes in Organization
- Statutory Exemptions. State code number: \_\_\_\_\_

Reasons why project is exempt:

Two districts with identical powers are allowed to consolidate where the changes do not change the geographical area in which previously existing powers are exercised.

Lead Agency  
Contact Person: Rick Gilmore Area Code/Telephone/Extension: 209-835-0375

**If filed by applicant:**

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?  Yes  No

Signature:  Date: February 28, 2020 Title: General Manager

Signed by Lead Agency  Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.  
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: N.A.

Filed Doc #: 39-02282020-072  
02/28/2020 11:43:04 AM

Steve J. Bestolarides  
San Joaquin County Clerk

**Attachment 2****PLAN FOR SERVICES****Consolidation of  
Byron Bethany Irrigation District and The West Side Irrigation District****February 28, 2020****Introduction**

Pursuant to Section 56653 of the Government Code, San Joaquin LAFCo requires that any application for a consolidation 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.

**Background**

Byron Bethany Irrigation District (BBID) and The West Side Irrigation District (TWSID) are proposing to consolidate into a single irrigation district. The consolidated district will continue to provide services to the combined 'territory' including:

- Irrigation water for commercial agricultural operations;
- Wholesale untreated municipal water to the Mountain House Community Services District (MHCSD);
- Service to twelve other Municipal and Industrial (M&I) customers in the Tracy area.; and
- Storm drainage services to a portion of the City of Tracy.

For details, data and references, refer to the *Final Municipal Service Review and Sphere of Influence Update for Byron Bethany Irrigation District and The West Side Irrigation District*, prepared for San Joaquin LAFCo, June 13, 2019.

## **Existing Services**

The Byron Bethany Service Area will continue to provide irrigation water to approximately 29,500 acres, including farm properties within the three County service areas (portions of San Joaquin, Alameda, and Contra Costa Counties). In addition, raw water is wholesaled to the Mountain House Community Services District to serve treated water to 15,000 people, plus other Municipal and Industrial users in the Tracy area.

The West Side Service Area of the consolidated district will continue to provide irrigation water to approximately 4,200 acres of crops. In addition, the West Side Service Area provides storm water drainage services consisting of conveyance (existing irrigation canals) and discharge to portions of the City of Tracy, the Tracy Defense Depot, and County Service Area No. 50.

At the present time, the consolidated district will provide approximately 39,300 acre-feet of irrigation water to 33,000 acres each year. Details regarding existing services for each Service Area are provided below. The consolidated district boundary is shown in Figure 3-5 on page 2-7.

### **Byron Bethany Service Area**

Byron Bethany Irrigation District (BBID) is responsible for providing reliable and affordable raw water services to their agricultural and municipal customers. The Byron Bethany Service Area comprises approximately 29,477 acres consisting of farmland (including perennial orchards of almonds, apples, cherries, and walnuts), perennial vines for grapes, and annual crops such as tomatoes, corn, cotton, strawberries, oats, sudan, bell peppers, beans and alfalfa. Of the five service divisions within the Service Area, four are served by pre-1914 appropriative water rights, and one division is served by Federal water (Central Valley Project). In addition to these primary water sources, BBID has been able to purchase raw water from neighboring districts (such as the Contra Costa Water District) during times of drought or water shortages.

### **Current Water Demand**

On average, the Byron Bethany Service Area utilizes 26,000 acre-feet annually (AFA) from its pre-1914 appropriative rights, and 3,600 AFA from the Central Valley Project (CVP). In addition, occasional use of groundwater from private property owners and purchases from Contra Costa Water District (CCWD) can add to the total quantity.

Currently BBID does not use recycled water, although the District is open to the concept if a feasible solution arises in the future.

The demand for agricultural water peaks during mid to late summer as crops mature and crop water use increases. Farmers may also use water in winter for frost protection. The Byron Bethany Service Area currently serves 110 agriculture surface irrigation customers with 315 metered turnouts. An individual farm might have several metered turnouts. The Byron Bethany Service Area also has 12 Municipal and Industrial (M&I) customers, including the Mountain House Community Services District (MHCS D), the City of Tracy, Mariposa Energy LLC, Patterson Pass Business Park, Baselite Concrete, GWF Energy, Musco Family Olive, Kings & Lyon, Safeway Distribution Center, and Costco Distribution Center. MHCS D has been receiving an average of 2,400 AFA to serve current development.



### Water Service Facilities

BBID derives its pre-1914 water supply from Italian Slough, with flow diverted from the Harvey O. Banks Pumping Plant (State Water Project) approach channel located upstream from the pumping plant. Water for agricultural purposes is conveyed via water pumps to a series of canals, pipelines and gates to farmland within the Service Area. As shown on Figure 5-1 on page 2-8, the Byron Bethany Service Area delivers irrigation water and municipal water (MHCSO) through a series of canals, pipes, and pump stations. The BBID portion of the consolidated district also has an intertie with Contra Costa Water District to provide water on an emergency basis during water shortages.

BBID's CVP water is supplied by the Delta-Mendota Canal. This water is distributed to the CVP service division through several intakes along the Delta-Mendota Canal. This water is distributed via 9.2 miles of enclosed pipe with meters used to measure flow. Raw water provided to the MHCSO is obtained from the State Water Project and conveyed utilizing a pump station and 30-inch diameter pipeline to the Mountain House Water Treatment Plant. (Refer to Figure 5-1 on page 2-8 for locations.) BBID is working to improve its water storage facilities by supporting the Los Vaqueros Reservoir expansion project in Contra Costa County. BBID can also utilize Federal facilities for water storage including the Delta-Mendota Canal, the O'Neil Forebay, and San Luis Reservoir.

### Capital Improvements

BBID adopted a Capital Improvement Plan (CIP) as part of its Agricultural Water Management Plan. A number of projects, including canal linings, pipeline replacement, and conversion of canals to pipelines are included on the CIP projects list. Several have been completed, while others are in the design process or are future planned projects.

## **West Side Service Area**

The West Side Irrigation District (TWSID) is responsible for providing reliable and affordable raw water services to their agricultural customers located east and west of the City of Tracy. The West Side Service Area comprises approximately 6,590 acres of which 4,200 acres are currently in production. Crops grown include alfalfa, beans, corn, oats, and sudan, along with irrigated pasture. In addition, TWSID provides storm water drainage services to the City of Tracy under a mutual agreement.

### Current Water Demand

On average, the West Side Service Area utilizes 12,000 acre-feet annually (AFA) from its two sources of water: a post-1914 water license from the State of California; and a water service contract with the Federal Bureau of Reclamation for 2,500 acre-feet annually.

Currently TWSID does not use recycled water, but is working with the City of Tracy to utilize tertiary treated wastewater to be discharged into a TWSID canal and potentially available for agricultural use.

Demand for water in the West Side Service Area is based on current crop configurations, as many farmers rotate their crops from year to year based on market demands, soil health, and water availability. District farmers utilize three methods to irrigate their crops: furrows on 1,100 acres, borders on 1,670 acres, and sprinklers on 1,447 acres.

### Water Service Facilities

Water is measured at the pump station at the Old River intake, and distributed to customers from there through a series of canals, pipes, and pump stations.

### Capital Improvements

At the present time TWSID does not have a Capital Improvement Plan (CIP), although the District maintains a reserve fund for capital replacement projects (\$1.0 million).

## **Future Water Demand**

In the future, demand for water services from the Consolidated District will be from two sources: agricultural water demand; and municipal water demand. Agricultural water will be utilized in both the Byron Bethany Service Area and the West Side Service Area. Municipal water will be utilized in the Mountain House Community (MHCSD), The Tracy Hills Project (City of Tracy), and the industrial area around the Patterson Pass Business Park. Both BBID and TWSID feel that they have sufficient water resources to meet the demands of their agricultural and municipal water customers through at least the year 2040.

### **Byron Bethany Service Area**

Demand for agricultural irrigation water in the Byron Bethany Service Area is expected to remain static in future years, with additional acreage water use offset by increased water use efficiency through drip irrigation. Water demand for municipal purposes will increase due to additional development in Mountain House and Tracy Hills.

Agricultural water demand for 2020 is projected to be 24,900 acre-feet (AF).  
This demand will remain constant at 24,900 AF in 2025, 2030, 2035 and 2040.

Municipal water demand for Mountain House is projected to be 5,120 AF in 2020; then increasing to 6,394 AF in 2025, 7,666 AF in 2030, 8,939 in 2035, and 10,172 AF in 2040, which is considered to be full build-out.

Municipal water demand for Tracy Hills is projected to be 5,000 AF in 2020, 10,400 AF in 2025, 13,100 AF in 2030, 15,430 AF in 2035, and 16,230 AF in 2040.

### **West Side Service Area**

TWSID has taken steps to conserve water, which, in concert with fallowed land and/or dry-cropped farming, has actually reduced the demand for agricultural irrigation water. Following consolidation, the West Side Service Area expects water demand to increase as irrigation increases. The West Side Service Area will also provide municipal water to the City of Tracy for the Tracy Hills project.

Agricultural water demand is projected to be 12,000 AF in 2020, 14,000 AF in 2025 and 2030, 14,500 AF in 2035, and 15,000 AF in 2040.

Municipal water for Tracy Hills will be constant at 4,000 AF per year, beginning in 2020.

## **Financing**

Presented below are summaries of the adopted budgets for each District for the 2019 Budget Year:

### **Byron Bethany Irrigation District**

#### **Revenues**

Property Tax Revenue	\$3,650,000
Water Sales	1,373,000
Miscellaneous Revenue	972,455
Transfer from Unencumbered Reserves	<u>1,201,402</u>
Total	\$7,196,857

#### **Expenditures**

Salaries and Benefits	\$1,897,276
Services and Supplies	3,094,881
Capital Outlay	<u>2,204,700</u>
Total	\$7,196,857

BBID maintains a number of investment accounts, including the California Local Agency Investment Fund (LAIF), JP Morgan Chase, Discover Bank, and Morgan Stanley. As of September 2019, these accounts contained \$15,729,372.

BBID also maintains a number of Reserve Accounts, as of September 2019, as follows:

Insurance/SIR Reserve	\$105,000
SLDMWA – DHCCP Payment Reserve	1,000,000
Rolling Stock Replacement Reserve	100,000
Construction Equipment Replacement Reserve	100,000
Groundwater Management Program	200,000
OME & GA Reserve	3,406,250
Mountain House Infrastructure Replacement	2,000,000
CVP Service Area Capital Improvement	50,000
PERS Contribution Contingency	500,000
Capital Improvement Plan – Ten Year CIP Plan	1,476,086
Legal Reserve	1,000,000
2017 Sales Debt Payment Reserve	1,600,000
2018 Revenue Bonds Debt Payment Reserve	<u>1,000,000</u>
Total	\$12,537,336

### **The West Side Irrigation District**

#### **Revenues**

Water Sales	\$871,600
Property Tax Revenue	68,500
Miscellaneous Revenue	251,207
Transfer from Reserves	<u>203,063</u>
Total	\$1,394,370

#### **Expenditures**

Salaries and Benefits	\$206,500
Services and Supplies	\$1,078,000
Capital Improvements	<u>109,870</u>
Total	\$1,394,370

TWSID does not have any investment accounts.

TWSID maintains three Reserve Accounts, as of February 2020, as follows:

Capital Replacement Fund	\$1,000,000
Employee and Director Benefits Fund	1,500,000
Groundwater Well Development Fund	<u>1,000,000</u>
Total	\$3,500,000

Liabilities

Neither District has incurred any new liabilities since 2016. For a discussion of TWSID's post-retirement medical insurance liability, please refer to Attachment 1.

\* \* \* \*

**Attachment 1**BEFORE THE BOARD OF DIRECTORS OF  
THE WEST SIDE IRRIGATION DISTRICT

## RESOLUTION NO. 2016-02

Resolution Identifying Employee and Director Benefits for Both Existing and Retired  
Employees and Existing and Retired Directors

WHEREAS, over the years, the Board of Directors (Board) has adopted and amended health insurance and other related employment benefits for employees and Directors to keep a qualified work force and to keep in conformance with changes in the law.

WHEREAS, over the years, the Board has adopted and amended resolutions related to health insurance for retired employees and Directors to keep in conformance with changes in the law.

WHEREAS, the Board has been considering the potential of consolidating with the Byron-Bethany Irrigation District (BBID) and the Board wants to ensure that the existing benefits for employees, retired employees, existing Directors and retired Directors are identified and continue to be provided with any future consolidation with BBID.

WHEREAS, benefits that accrue to retired employees will apply to existing employees that subsequently retire following consolidation. Benefits that accrue to retired Directors shall apply to any Director's position that is eliminated as a result of the consolidation and said Director shall be classified as a retired Director. Any existing Director that serves on the BBID Board as a result of the consolidation and subsequently retires or is not re-elected or re-appointed shall be considered retired at the end of the Director's then term.

BE IT RESOLVED by the Board of Directors of The West Side Irrigation District as follows:

## SECTION A - EXISTING EMPLOYEE BENEFITS

1. Full time employees are entitled to medical, dental and life insurance benefits. The District pays 100% of the cost of medical, dental and life insurance benefits for the employee and their dependents. Currently there are 5 employees receiving full medical, dental, and life insurance on themselves and dependents under their choice of plans.

2. Annually on January 1 of each year, all employees receive 6 days (48 hours) of sick leave.

3. Full time employees receive paid vacation accruing annually on the first day of the month in the employee's anniversary month: 2-15 years get 2 weeks per

year; 16-20 years get 3 weeks per year; after 20 years get 4 weeks per year. Vacation time is not carried over year to year.

4. Full time employees are paid for time missed due to jury duty.
5. Full time employees receive up to 3 days leave of absence with pay for bereavement due to the death of an immediate family member.
6. Employees are paid for the following holidays, New Year's Day, President's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day and the day after, two weeks at Christmas.
7. Full time employees are eligible for the District's defined benefit plan through VALIC. The District will match employee contributions up to 5%. Employee can contribute more, but the District will only match up to 5%.
8. Employees who were hired prior to February 9, 2011 will receive lifetime health benefits with the following provisions:
  - (a) Employees employed prior to June 10, 2009:
    - (1) Must have been employed on or after December 1, 1991.
    - (2) Employee must have been employed by the District continuously for at least 14 years.
    - (3) Employee must be covered by the District's approved health insurance plan at the time of retirement.
    - (4) Employee must have reached the age of 55 prior to retirement.
  - (b) Employees hired between June 10, 2009 & February 8, 2011:
    - (1) Employee must have been employed by the District continuously for at least 25 years.
    - (2) Employee must be covered by the District's approved health insurance plan at the time of retirement.
    - (3) Employee must have reached age 60 prior to retirement.
    - (4) Only the spouse of the qualified employee who was the spouse of the employee at the time that the employee retires is eligible for health insurance benefits upon the requirement of the qualified employee. Should the qualified employee re-marry after retirement any subsequent spouse shall not be entitled to health insurance benefits.

(c) Employees hired on or after February 9, 2011 are not entitled to lifetime health benefits as the policy was terminated.

#### SECTION B - RETIRED EMPLOYEES HEALTHCARE INSURANCE BENEFITS

1. Retired Employees who were hired prior to February 9, 2011 will receive lifetime health benefits with the following provisions:

(a) Retired Employees employed prior to June 10, 2009:

(1) Must have been employed on or after December 1, 1991.

(2) Employee must have been employed by the District continuously for at least 14 years.

(3) Employee must be covered by the District's approved health insurance plan at the time of retirement.

(4) Employee must have reached the age of 55 prior to retirement.

(b) Retired Employees hired between June 10, 2009 & February 8, 2011:

(1) Employee must have been employed by the District continuously for at least 25 years.

(2) Employee must be covered by the District's approved health insurance plan at the time of retirement.

(3) Employee must have reached age 60 prior to retirement.

(4) Only the spouse of the qualified employee who was the spouse of the employee at the time that the employee retires is eligible for health insurance benefits upon the requirement of the qualified employee. Should the qualified employee re-marry after retirement any subsequent spouse shall not be entitled to health insurance benefits.

(c) Retired Employees hired on or after February 9, 2011 are not entitled to lifetime health benefits as the policy was terminated.

2. Health insurance shall be provided for either the life of the Retired Employee or the life of the Retired Employee's spouse, whichever is longer, subject to the requirements set forth in this Section, and subject to the following:

(a) If a Retired Employee, or his/her spouse, reaches age 65 and becomes eligible for Medicare or Medical or otherwise becomes eligible for governmentally provided or mandated health insurance benefits, the District may replace its then

existing approved health insurance coverage with supplemental health insurance of a type and amount to be determined by the District.

(b) If a Retired Employee, or his/her spouse, reaches age 65 and becomes eligible for Medicare, said Retired Employee, or his/her spouse, is required to obtain at his/her own expense, Medicare Parts A & B to continue to be eligible for District-provided health insurance.

3. The District's health insurance program is purchased through the Association of California Water Agencies and operates pursuant to the rules of that Association. If those rules are changed so as to alter or deny approval of the District's health insurance program for Directors and/or their spouses, then the District's program may be changed to conform to the new rules, or terminated, if required.

#### SECTION C - EXISTING DIRECTORS HEALTHCARE INSURANCE BENEFITS

1. Directors having served 10 years of consecutive service prior to February 1, 2015 shall qualify for healthcare insurance benefits. The District will pay 100% of the medical plan of the Director's choice for both the Director and their dependents.

2. Directors having served 10 years of consecutive service on or after February 1, 2015 shall qualify for healthcare insurance benefits. The District will pay 100% of the least cost medical insurance plan, per available medical plans, for the Director and 50% of the least cost medical insurance plan, per available medical plans for the employee's dependents. The Director and their dependents shall have the option to buy-up to a higher benefit plan at their expense.

#### SECTION D - QUALIFICATIONS FOR DIRECTORS LIFETIME HEALTH INSURANCE BENEFITS

1. For a Director and his/her spouse to qualify for the health insurance benefits, the Director must meet the following conditions:

(a) The Director must have been duly elected and serving as a Director for the District on or after December 1, 1991.

(b) The Director must have served at least four (4) consecutive four (4) year terms as a director of the District.

(c) The Director must be covered by the District's approved health insurance plan at the time of his/her retirement.

(d) The Director must have reached age 55 prior to retirement.

(e) No lifetime health insurance benefits will be provided to a Director or his/her spouse if the Director is first elected to a term of office that begins on or after January 1, 1995.



2. Health insurance shall be provided for either the life of the Director or the life of the Director's spouse, whichever is longer, subject to the requirements set forth in this Sections, and subject to the following:

(a) If a Director, or his/her spouse, reaches age 65 and becomes eligible for Medicare or Medical or otherwise becomes eligible for governmentally provided or mandated health insurance benefits, the District may replace its then existing approved health insurance coverage with supplemental health insurance of a type and amount to be determined by the District.

(b) If a Director, or his/her spouse, reaches age 65 and becomes eligible for Medicare, said Director, or his/her spouse, is required to obtain at his/her own expense, Medicare Parts A & B to continue to be eligible for District-provided health insurance.

3. The District's health insurance program is purchased through the Association of California Water Agencies and operates pursuant to the rules of that Association. If those rules are changed so as to alter or deny approval of the District's health insurance program for Directors and/or their spouses, then the District's program may be changed to conform to the new rules, or terminated, if required.

## EXHIBIT B

TERMS AND CONDITIONS FOR THE CONSOLIDATION OF  
BYRON-BETHANY IRRIGATION DISTRICT AND  
THE WEST SIDE IRRIGATION DISTRICT

The following terms and conditions shall be imposed as a condition of the consolidation of Byron-Bethany Irrigation District (BBID) and The West Side Irrigation District (WSID):

1. The consolidated district shall operate as a multi-county district operating under Division 11 of the California Water Code.
2. The boundaries of WSID shall be divided into two Divisions and added to BBID's existing seven Divisions. The consolidated district shall have a total of nine Divisions.
3. The boundaries of WSID shall be identified as "West Side Service Area" within BBID.
4. The Board of Directors of the consolidated district shall consist of nine members. Each Director shall be elected by the Division they represent. The current WSID Board of Directors shall appoint the initial Directors for the two divisions within the West Side Service Area.
5. All existing employees of the WSID shall be retained by BBID except for the General Manager.
6. All existing employee and Director benefits of the WSID shall be retained by WSID employees and Directors as specified in Resolution 2016-02, attached hereto as Attachment 1 and incorporated herein by reference.
7. Agricultural water rates within all service areas of BBID other than the "Central Valley Project Service Area" (which is the former district boundary of the Plain View Water District) shall be equal, subject only to reasonable adjustment based on the actual cost of pumping water.
8. BBID shall aggressively pursue the authority to provide pre-1914 water to the West Side Service Area.

9. The West Side Service Area shall have equal access and priority to all water legally available to it served by and through BBID, water transfers, Warren Act water, groundwater well water, and other methods.

10. All existing written agreements of WSID shall be assumed by BBID ("Assumed Agreements"). Assumed Agreements shall also include the applicable drainage agreements for the Cordes Ranch development and the Tracy Gateway development. While these agreements have expired, it is anticipated that each will be renewed.

11. WSID's Central Valley Project Water Service Contract ("Assigned CVP Water") shall be assigned to BBID subject to the approval of the United States Bureau of Reclamation.

12. The West Side Service Area shall have a priority to any and all Assigned CVP Water as follows:

- a. First priority to Assigned CVP Water shall be to Landowners within the West Side Service Area.
- b. Second priority to Assigned CVP Water shall be transferred to third parties, with income generated allocated to the Restricted Reserve Funds.
- c. Third priority to Assigned CVP Water shall be to landowners within BBID outside of the West Side Service Area.

13. The West Side Service Area shall have a priority to water under License 1381 as follows ("License Water"):

- a. First priority to License Water shall be to Landowners within the West Side Service Area.
- b. If the Place of Use for License Water is expanded at any time in the future, second priority to License Water shall be transfer to third parties, with income generated allocated to the Restricted Reserve Funds.
- c. Third priority to License Water shall be to landowners within BBID outside of the West Side Service Area.

14. Funds available to WSID as of the date of consolidation ("Restricted Reserve Funds") shall be set aside in restricted funds established for the benefit of the West Side Service Area as follows:

- a. West Side Service Area Capital Replacement Fund (\$1,000,000)

- b. West Side Service Area Employee and Director Benefits Fund (\$1,500,000)
- c. West Side Service Area Groundwater Well Development Fund (\$1,000,000)

15. West Side Service Area Restricted Reserve Funds shall be supplemented from the proceeds from the sale of any West Side Service Area property rights, payments under Assumed Agreements, and from the sale of any of West Side Service Area Assigned CVP Water or License Water or any other sources of income attributable to the West Side Service Area.

16. Subject to the restrictions outlined above, all assets of WSID shall be transferred to BBID upon the filing of the Certificate of Completion by the San Joaquin County Local Agency Formation Commission.

17. WSID warrants it has no ongoing liabilities that will impact BBID with the exception of long-term debt associated with construction of the Delta-Mendota Canal and the capital costs of the Lodi Energy Center, which are paid through monthly utility bills.

18. BBID warrants that it has no ongoing liability that will impact the West Side Service Area.



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



**Department of Public Works**

**Kris Balaji, Director of Public Works**

**Fritz Buchman, Deputy Director/Development**

**Jim Stone, Deputy Director/Operations**

**Najee Zarif, Interim Deputy Director/Engineering**

**Kristi Rhea, Manager of Strategic Initiatives**

May 22, 2020

MEMORANDUM

**TO:** James E. Glaser, Executive Officer  
LAFCo

**CONTACT PERSON:** Liz Contreras, LAFCo Analyst

**FROM:** Alex Chetley, Engineering Services Manager<sup>AC</sup>  
Development Services Division

**SUBJECT:** CONSOLIDATION OF BYRON BETHANY IRRIGATION DISTRICT (BBID) AND THE WEST SIDE IRRIGATION DISTRICT (TWSID) (LAFc 30-19)  
To consolidate the above-named Irrigation Districts, creating BBID as a single successor district.

**LOCATION:** Byron Bethany Irrigation District consists of 29,477 acres with a service boundary that includes portions of San Joaquin, Alameda and Contra Costa Counties. The West Side Irrigation District consists of 6,590 acres east and west of the City of Tracy.

**COMMENTS:**

- **No comments**

**AC:SC**

X:\LAFCo\LAFCo Referrals\Consolidation of Byron Bethany Irrig Dist and West Side Irrig Dist (LAFc 30-19)\Comments to LAFCo.doc



# LAFCo

509 W. WEBER AVENUE SUITE 420 STOCKTON, CA 95203

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## EXECUTIVE OFFICER'S REPORT

June 11, 2020

TO: LAFCo Commissioners

FROM: James E. Glaser, Executive Officer

SUBJECT: **Preliminary and Final Budget for Fiscal Year 2020-2021, Work Program, and Schedule of Fees**

### Recommendation

It is recommended that the Commission approve the Preliminary and Final Fiscal Year 2020-2021 Budget, Work Program and Schedule of Fees.

### Background

San Joaquin LAFCo is responsible under State law to adopt annually, following a noticed public hearing a proposed and final budget. State law also specifies that the proposed and final budget shall be equal to the budget adopted for the previous fiscal year unless the Commission finds any reduced costs will nevertheless allow the Commission to fulfill its prescribed regulatory and planning duties. A 21-day Notice of Public Hearing was posted and published. The Staff Report and Budget was mailed to the county and cities. The LAFCo website provided instructions on how to comment and participate in the Commission's electronic hearing to consider the budget.

### Revenue Sources

State law mandates that the County and its cities shall each provide a one-half share of the commission's operational costs for LAFCOs without independent special district representation on the commission. During the FY18-19 budget process the Commission approved an annual 3% increase to the County and cities contributions.

The proposed budget anticipates revenues in the amount of \$490,000 from the following sources:

\$229,500 contribution from the County; \$229,500 contribution from the seven cities;<sup>1</sup> \$15,000 from application filing fees; and \$16,000 interest revenue. The budget anticipates that the cost for staffing and operations will be approximately \$779,041 and that the Commission will transfer \$289,041 from its existing \$895,538 Contingency/Reserve fund to continue agency operations to the end of the fiscal year if all line items are expended including the contract for services. In comparison to the existing FY19-20 budget, the proposed budget anticipates a 4% increase in revenues due to the 3% increase from the County and cities and an increase in interest revenue as LAFCo will carry-over a larger balance than the previous fiscal year.

#### Salaries and Benefits

The proposed FY20-21 budget includes staff salaries for a full-time Executive Officer, a full-time LAFCo Analyst and a part-time Commission Clerk. The Commission contracts with the County for retirement and health benefits for the full-time staff. Estimates for benefit costs are provided by the County during each budget cycle and are incorporated into the LAFCo budget. For FY20-21 the County increased retirement contribution rates by 2.89% of compensation for the Executive Officer and an increased retirement contribution rate by 2.3% of compensation for the LAFCo Analyst. Health Insurance costs for the Analyst rose by 31%. Currently, the Analyst position is being filled by a part-time employee and does not receive the additional benefits, therefore, the Commission will experience a salary and benefit savings of \$134,106 this fiscal year. In the event that the Commission must hire a full-time Analyst in the upcoming fiscal year it would be prudent to include salary and benefits for a full time Analyst.

#### Services and Supplies

The Commission contracts with the County for specific services including payroll, auditor services, information technology, computers, communications, and mailroom services. Each budget year the County determines LAFCo's share of the cost for services. The costs for County services have generally remained as last year with the exception of Data Processing Direct Charges which increased by 76%. This service includes service calls as well as costs for the County's Information Service Department to maintain the safety and security of our computer information, data backup storage, user licenses, and website maintenance.

At the 2019 CALAFCo Annual Conference a restructuring of membership dues was approved by the voting members. The revised fee structure resulted in a 71% increase for San Joaquin LAFCo from \$6,249 to \$10,662. The budget also includes the costs associated for six Commissioners and one Staff to attend the Annual CALAFCo Conference in Monterey in October 2020 and for two staff to attend the Staff Conference in April 2021. There are some questions as to the length of the conference and type of interactions that will be permitted with attendees.

A new line item in the proposed budget is the cost of liability insurance in the amount of \$5,200. LAFCo is now required to carry its own liability insurance and has purchased a policy from Alliant Insurance.

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<sup>1</sup> The County and its cities contribute one-half share of LAFCo's operational costs. The Cities share is based upon the proportionate share of the total county population living within cities. Using the January 2020 population data from the State Department of Finance, the city contributions would be as follows: Stockton-\$118,400; Tracy-\$35,664; Manteca-\$31,510; Lodi-\$25,245; Lathrop-\$9,983; Ripon-\$5,921; and Escalon-\$2,777.

## **Budget Discussion**

Approval of the proposed LAFCo FY2020-2021 budget will enable the Commission to perform its core responsibilities effectively and continue its work on municipal service review and sphere of influence updates, processing change of organization applications, and policy development. As in previous budget years, the Commission's budget anticipated overall expenditures would be more than its revenues. The Commission and staff, however, has exercised fiscal prudence and it had not been necessary to draw down into its Contingency Reserves. It is estimated that no Contingency/Reserves will be used this current fiscal year and the Commission will carry forth a balance of approximately \$1,045,595.

Increases in costs for the FY20-21 budget for employee benefits, CALAFCo dues, County technology services, and liability insurance increases the proposed budget expenditures by \$26,741. The County/Cities 3% increased contribution of \$13,400 will help offset these additional costs.

The City of Stockton (the current owner of our building) has informed LAFCo that they do not intend to extend our lease passed September 30, 2020 although we are in negotiations to extend our lease for another six months. LAFCo will experience additional costs in Fiscal Year 2020-2021 for relocation, tenant improvements, and perhaps additional rent. These costs are unknown at this time and have not been incorporated into the proposed budget.

## **Work Program**

In 2020-2021, the LAFCo Work Program will include application processing for annexations, other organizational changes, and out-of-agency service requests. Municipal Service Reviews (MSRs) and Sphere of Influence (SOI) Plans will be updated for the cities of Stockton, Manteca, Escalon and Lodi and for Stockton East and Central San Joaquin Water Conservation District in anticipation of their consolidation. Pending Commission direction, LAFCo may begin work on the remaining 29 reclamation districts and MSRs and SOIs for County rural fire districts in 2020-2021. LAFCo will continue to expend considerable resources defending litigation filed by Tracy Rural Fire Protection District and the City of Tracy. The Commission will review and update, as needed, its operational policies and procedures.

## **Schedule of Fees**

No changes are being proposed to the Schedule of Fees.

## **Accomplishments**

During 2019-2020 LAFCo has completed the Tracy Fire Governance Study and the Municipal Service Review and Sphere of Influence Plans for the Cities of Tracy and Stockton and South San Joaquin Irrigation District (SSJID). In addition, several annexation requests were approved (including Tracy Village subject to an election) and a MSR and SOI was adopted for Byron-Bethany Irrigation District and West Side Irrigation District in anticipation of their consolidation this fiscal year. Jones Tract Reclamation District was consolidated and several districts were dissolved.



Attachments: Resolution No. 1426 Approving the Preliminary Budget  
Resolution No. 1427 Approving the Final Budget  
Proposed Fiscal Year 2020-2021 Budget  
Work Program  
Schedule of Fees

cc: County Administrator's Office

**RESOLUTION NO. 1426**

**BEFORE THE SAN JOAQUIN LOCAL AGENCY FORMATION COMMISSION  
ADOPTING THE PRELIMINARY FISCAL YEAR 2020-2021 BUDGET,  
WORK PROGRAM AND SCHEDULE OF FEES**

WHEREAS, the Commission held a telephonically public hearing on the Preliminary Fiscal Year 2020-2021 LAFCo Budget, Work Program, and Schedule of Fees on June 11, 2020 at 9:00 a.m. pursuant to a notice of hearing which was published 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.

WHEREAS, at said hearing, the Commission heard and received evidence regarding the proposal and all persons were given an opportunity to be heard.

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

- Section 1. The Preliminary Fiscal Year 2020-2021 Budget and Work Program is hereby approved as set forth in Exhibit A and B.
- Section 2. The LAFCo Schedule of Fees is hereby approved as set forth in Exhibit C.
- Section 3. Said Schedule of Fees will be become effective on August 11, 2020.

PASSED AND ADOPTED THIS 11<sup>th</sup> day of June 2020 by the following vote:

AYES:

NOES:

ABSENT:

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JESUS ANDRADE, Chairman  
San Joaquin Local Agency  
Formation Commission

**RESOLUTION NO. 1427**

**BEFORE THE SAN JOAQUIN LOCAL AGENCY FORMATION COMMISSION  
ADOPTING THE FINAL FISCAL YEAR 2020-2021 BUDGET,  
WORK PROGRAM AND SCHEDULE OF FEES**

WHEREAS, the Commission held a telephonically public hearing on the Final Fiscal Year 2020-2021 LAFCo Budget, Work Program. and Schedule of Fees on June 11, 2020 at 9:00 a.m. pursuant to a notice of hearing which was published 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.

WHEREAS, at said hearing, the Commission heard and received evidence regarding the proposal and all persons were given an opportunity to be heard.

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

- Section 1. The Final Fiscal Year 2020-2021 Budget and Work Program is hereby approved as set forth in Exhibit A and B.
- Section 2. The LAFCo Schedule of Fees is hereby approved as set forth in Exhibit C.
- Section 3. Said Schedule of Fees will be become effective on August 11, 2020.

PASSED AND ADOPTED THIS 11<sup>th</sup> day of June 2020 by the following vote:

AYES:

NOES:

ABSENT:

---

JESUS ANDRADE, Chairman  
San Joaquin Local Agency  
Formation Commission

**San Joaquin LAFCo**  
**PROPOSED FISCAL YEAR 2020-2021 BUDGET**  
**June 11, 2020**

	Budget FY19-20	Estimated Rev/Exp thru 6/31/20	PROPOSED FY 20-21	Difference	% Increase/Decrease	
<b>REVENUES</b>						
Filing Fees	15,000	71,582	15,000	0	0	
County Contribution	222,800	222,800	229,500	6,700	3%	3% annual increase approved in 2018
City Contribution	222,800	222,800	229,500	6,700	3%	3% annual increase approved in 2018
Reimbursement Legal Fees		58,071				
Transfer in (budget corrections)		16,358	0			
Interest	14,000	22,153	16,000	2,000	14%	Larger balance carried forward
<b>TOTAL REVENUES</b>	<b>\$474,600</b>	<b>\$613,764</b>	<b>\$490,000</b>	<b>\$15,400</b>	<b>4%</b>	
<b>EXPENDITURES</b>						
<b>SALARIES</b>						
Staff Salaries/Commissioner Stipends	290,981	195,590	298,208	7,227	2%	
<b>BENEFITS</b>						
	178,672	122,252	192,661	13,989	8%	Increased retirement contribution and health ins
<b>SALARIES/BENEFITS-COMMISSIONER S</b>	<b>\$469,653</b>	<b>\$335,547</b>	<b>\$490,869</b>	<b>\$21,216</b>	<b>5%</b>	
<b>SERVICES AND SUPPLIES</b>						
Prof Serv (Neumiller & Beardslee)	15,000	63,448	15,000	0	0	
Office Supplies - General	5,000	7,595	5,000	0	0	
Communications	3,000	3,305	3,000	0	0	
CALAFCO Membership	6,249	6,780	10,662	4,413	71%	Membership fees set by CALAFCO
Rents and Leases - Copy Machine/Usage	2,400	2,191	2,400	0	0	
Rents and Leases - County Computers*	1,398	1,460	1,139	-259	-19%	Lease for 3 computers determined by County
CALAFCO Conference-Commissioners	10,068	5,289	7,572	-2,496	-25%	Conference in Monterey for 6 Commissioners
CALAFCO Conference-Staff	6,338	1,375	3,876	-2,462	-39%	Annual 1 Staff and Staff Conference for 2 Staff
Data Processing Direct Charges*	4,159	6,491	7,302	3,143	76%	County determines LAFCo costs for service
Auditors Payroll and A/P Charges	300	505	505	205	68%	County determines LAFCo costs for service
Registrar of Voters Charges	200	200	200	0	0	
Recorders Office	450	-	0	-450	-100%	No charge to LAFCo
Publications & Legal Notices	3,000	2,026	3,000	0	0	
Insurance-Worker's Compensation*	191	191	221	30	16%	County determines LAFCo costs for insurance
Insurance-Special Property	950	842	1,095	145	15%	Estimated cost from insurance agency
Insurance-Liability		3,151	5,200	5,200		LAFCo required to carry its own liability insurance
Office Space/Utilities	22,000	20,160	22,000	0	0	
Contract for Services	200,000	-	200,000	0	0	
<b>Total Services and Supplies</b>	<b>\$280,703</b>	<b>\$125,009</b>	<b>\$288,172</b>	<b>\$7,469</b>	<b>3%</b>	
Total Expenditures	750,356	460,556	779,041			
Total Revenues	474,600	613,764	490,000			
<b>GRAND TOTAL</b>	<b>-\$275,756</b>	<b>153,209</b>	<b>-289,041</b>			
Contingency/Reserves	\$804,853	\$895,538	1,045,595			
<b>Balance</b>	<b>\$529,097</b>	<b>\$1,048,747</b>	<b>\$756,554</b>			

San Joaquin LAFCo  
**WORK PROGRAM**  
FY 2020-2021

In 2020-2021, the LAFCo Work Program will include application processing for annexations, other organizational changes, and out-of-agency service requests. Municipal Service Reviews (MSRs) and Sphere of Influence (SOI) Plans will be updated for the cities of Stockton, Manteca, Escalon and Lodi and for Stockton East and Central San Joaquin Water Conservation District in anticipation of their consolidation. Pending Commission direction, LAFCo may begin work on the remaining 29 reclamation districts and MSRs and SOIs for County rural fire districts in 2020-2021. LAFCo will continue to expend considerable resources defending litigation filed by Tracy Rural Fire Protection District and the City of Tracy. The Commission will review and update, as needed, its operational policies and procedures.

**San Joaquin Local Agency Formation Commission**

**SCHEDULE OF FEES**

**FEES FOR PROCESSING APPLICATIONS AND CHARGES FOR SERVICES**

*(Effective Date: August 11, 2020)*

Fee

<b>I.</b>	<b><u>ANNEXATIONS AND DETACHMENTS</u></b>	
	Existing and New Development:	
	Under 3 Acres	\$2,190
	3 to 10 Acres	\$2,922
	10.1 to 20 Acres	\$3,660
	20.1 to 40 Acres	\$4,388
	40.1 to 80 Acres	\$5,122
	80.1 to 120 Acres	\$5,854
	120.1 to 240 Acres	\$6,593
	240.1 to 500 Acres	\$7,333
	500.1 to 1,000 Acres	\$8,060
	Over 1,000.1 acres \$8.05 per acre	
<b>II.</b>	<b><u>LEGAL SERVICES</u></b>	Actual Cost \$1,000
	Required for all services.	Deposit
	Principle	\$375 per hour
	Associate	\$300 per hour
	Paralegal	\$175 per hour
<b>III.</b>	<b><u>OTHER ACTIONS</u></b>	
	Proposals requiring Protest Proceedings (Actual cost if Voter Election)	1,600
	Special District Formation	8,500
	Consolidation, Merger, Subsidiary District	1,000
	Addition of Services	2,500
	Dissolution	No Charge
	Request for Reconsideration	1,500
	Time Extension Request	400
	Out-of-Agency Service for Designated Areas	2,500
	Out-of-Agency Service	\$300 per single-family equivalent/per service
	Sphere of Influence	
	Amendment in conjunction with annexation	1,500
	Amendment not in conjunction with annexation	2,500
	New or Update for Cities	4,000
	New or Update for Special Districts	1,600
	Removal of Territory	2,500
	Amendment to a Municipal Service Review	1,200
	Incorporation	Actual Costs (\$5,000 deposit)
	Comprehensive Fiscal Analysis	Actual Cost (\$5,000 deposit)

<b>IV.</b>	<b><u>ENVIRONMENTAL REVIEW</u></b>	
	CEQA Exemption	\$150
	Lead Agency other than LAFCo:	
	Review Environmental Impact Report	\$500
	Review Negative Declaration	\$250
	LAFCo as Lead Agency:	
	Initial Study (including Negative Declaration)	Actual Cost
	Preparation and processing of EIR	Actual Cost
	State Department of Fish and Wildlife Fee (with LAFCo as Lead Agency) includes County Clerk Processing Fee	
	Notices of Exemption	As Required by Fish and Wildlife Code
	If Negative Declaration	
	If Environmental Impact Report	
	County Clerk Processing Fee	\$50
<b>V.</b>	<b><u>MISCELLANEOUS FEES AND CHARGES</u></b>	
	For checking and approving boundary maps and legal descriptions ( <i>Make check payable to Department of Public Works</i> )	\$700 or 20% of LAFCo Fee
	Special Commission meeting	\$2,000
	Staff Costs for Research, Technical Assistance, Mailing, Attendance at Meetings and unique/complex projects as determined by the Commission:	
	Executive Officer	\$150 per hour
	LAFCo Analyst	\$120 per hour
	Commission Clerk	\$60 per hour
	Meeting CDs (per CD)	\$20
	Document copying (per page)	\$.20
	Checking Sufficiency of Petition (per signature)	Fee set by the Registrar of Voters
	Outside Consultants hired by LAFCo	Actual Costs plus 20%
	Meeting Transcripts	Actual Costs plus 20%

Notes:

- Actual costs shall be determined by multiplying the documented actual hours by the hourly rate of salary plus benefits.
- The Commission may waive or adjust processing fees upon a determination that the proposal would further the purposes of the Local Government Reorganization Act of 2000. Requests for fee waivers or adjustments must be submitted in writing to the Commission prior to the submittal of any application.
- Processing and filing fees are due and payable upon filing of an application with LAFCo. No action shall be taken on any proposal or petition until appropriate fees have been paid.
- Upon Commission approval, the Executive Officer may require fees based on actual cost for unique/complex projects.

*April 29, 2020*

*Local Agency Formation Commission (Lafco)  
Attention: Jim Glaser, Executive Officer  
509 W. Weber Avenue Suite 420  
Stockton, CA 95203*

*Dear Board of Directors*

*Hope this finds all of you and your families safe and well. The Covid-19 virus has certainly made things difficult. I have a dilemma and don't quite know whom to address for advice or information. I have a number of questions.*

*My name is Marian Rawlins. I reside at 5880 E. Fig Avenue, in Manteca CA. I and my neighbors, who own properties in the area south of Peach Avenue, have been for over 30 plus years locked in a battle to keep the City of Manteca and its roadways from going through and creating havoc in our rural area. This roadway has had many names. McKinley Expressway, Antone Raymus Expressway, and now the Antone Raymus Parkway.*

*With this Covid19 shelter in place mandate, the City of Manteca is continuing to hold City Council Meetings. The public is not allowed to attend. Residents of the City and rural Landowners can submit letters via email. This puts landowners at a disadvantage, written objections mean nothing; no emotion attached, no dialogue. Not the democratic process at all. I believe the City of Manteca is taking advantage of the Covid19 virus tragedy and passing all different kinds of projects. These projects are resulting in roadways that are being planned to connect at some point to the now named, "Antone Raymus Parkway". Submitting emails to express our position on matters is of no avail. These emails and letters submitted at meetings are noted and then set aside. Case in point: I attended a Manteca City Council Meeting on February 03, 2020 and asked to be recognized to speak. I knew of an emailed letter that had been sent to each Council Member by another individual who could not attend this meeting. The first thing I*



letter that had been sent to each Council Member by another individual who could not attend this meeting. The first thing I asked of the Council, "Have all of you had a chance to read that letter"? Keep in mind, there was to be a vote on the subject of that email at this same council meeting. Only Mayor Cantu stated immediately, he had read the letter. Only after asking a second time did Council Member Debby Moorehead state she had "received the email". I asked, "but did you read it"? To which she replied she had. The other members of the council did not respond, obviously they had not taken the time to read the email. This does not bode well. I'm sure this is more the norm than not. I can't believe this behavior is being objective and impartial to all concerned citizens. Other council members attending but not replying:

Jose Nuno, Vice Mayor

Gary Singh, Council Member

David Breitenbucher, Council Member

My concerns are, after two years of asking where the RD17 dry land levee extension is going to be placed, we have yet to have an answer. This is extremely important! The roadway, if there is to be one, could only be placed north of the RD17 Dry Land Levee Extension. Does the City of Manteca have the right to make decisions that adversely affects county property owners? Doing this without informing the landowners whose properties are going to be adversely affected is totally unfair and speaks to a perceived negligent omission of facts. The City of Manteca is well aware of the massive protests from landowners in the past. They have chosen not to discuss this prior.

I understand The Board of Supervisors is also going to vote on projects that will affect us. How are we to be heard and informed of these proceedings?

In regards to the City of Manteca's General Plan, all the information I have been able to glean from Council and planners, as to the location of the roadways is 'NOTHING'. I have asked repeatedly but no answer is yet to be given. Also when will the General Plan for the City of Manteca be submitted for approval?

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*Regarding the latest Griffin Park Subdivision bordering Manteca Road, Sedan Avenue and Tinnin Road in Manteca, has this project come before Local Agency Formation Commission (LAFCO) for approval? In this particular case, I believe the City of Manteca based their approval on a 2017-traffic study. We all know, a traffic study from 2017 is nowhere near what the traffic is today. Bare in mind, this was just approved a short time ago. I should also mention, Tinnin Road is a short rural county road that runs between Woodward Ave. to the south and dead ends at West Ripon Road. Rural residents in that area were "NOT" notified as to the planning of this development, (I believe 1600 homes). This development shows an Antone Raymus Parkway running through the middle of the development from Manteca Road connecting to Tinnin Road. The plans shows Tinnin Road being renamed "Antone Raymus Parkway" for only a short distance, then a line shown veering to the west running through orchards. This line is not complete. I inquired about this asking where it would be located. I received "NO" answer. This fragmented line appears to be in alignment crossing Union Road and going between Peach and Fig Avenue, somewhere in the middle. When questioned about this at Manteca City Council meeting, there was again no answer given. Council stated that the "Expressway" (for want of a permanent name) was not being discussed at this time. I am concerned we are not being notified nor will we be given an opportunity to address these vital decisions. The City of Manteca has irresponsibly approved projects with no regards as to how traffic is to be moved or the impact of flooding issues to those rural landowners south of Peach Avenue. Their irresponsibility and lack of foreseeability and accountability should not come at such a high cost to its' rural neighbors to the south. Frankly, I would place it in the category of, "THEY REALLY DON'T CARE". Rural landowners to the south of Peach are in the way of the City of Manteca's tax revenue and Developers' quest for money.*

*A classic example of the City's of Manteca's poor planning is Woodward Avenue. This was and should have remained a vital thoroughfare. I might add it would have solved a lot of problems had the City of Manteca left it alone. It is still the most convenient*

route for traffic to move. Instead the City allowed medium strips to be put in the middle of the road, narrowing the lanes. The City of Manteca allowed developers to have new homes (between the corner of Tinnin Road and Woodward Avenue all the way to Airport Way and beyond) facing Woodward Avenue with driveways exiting onto this busy thoroughfare (Woodward Avenue) rather than stonewalls securing an entrance into the subdivision. This is an accident waiting to happen!

I apologize for seeming to ramble on but I am at a loss as to how to proceed. My neighbors and myself have a lot at stake. Some have farmed in this area for generations others have lived here for over 40 years. We have a lot to lose. Would certainly appreciate any information regarding our rights and procedures to be taken by our County Authorities regarding the above mention projects. I respectfully ask that you read this letter and give thought to landowners who seem not to have a voice nor have their way of life appreciated.

Kind Regards,



Marian Rawlins  
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