

Special Districts

Stephanie Lopez

From: Lizett Aguilar <laguilar@sylvan.k12.ca.us>
Sent: Wednesday, June 24, 2020 9:54 AM
To: ModestoULL
Subject: Question on ULL

Good morning,

I have some questions on the possible ULL decision by the City and the potential impact to Sylvan Union School District. They are as follows:

- Does this impact our school district boundaries in any way?
- Does this impact our school developer fees, property taxes, mitigation fees or Mello Roos?

Thank you in advance for your assistance.

Thank you,

Lizett

Lizett Aguilar

Assistant Superintendent, Business Services

Sylvan Union School District

605 Sylvan Ave, Modesto, CA 95350

(209) 574-5000 Ext. 3000

(209) 524-2672 Fax

CONFIDENTIALITY NOTICE: This electronic message transmission contains information from Sylvan Union School District which may be confidential or privileged. The information is intended to be for the use of the individual or entity named above. If you are not the intended recipient, be aware that any disclosure, copying or distribution or use of the contents of this information is prohibited. If you have received this electronic transmission in error, please notify us by telephone **(209-574-5000)** or by electronic mail immediately.

Stephanie Lopez

From: Wakoli Wekesa <wwekesa@eastsidemosquito.com>
Sent: Tuesday, June 23, 2020 4:23 PM
To: ModestoULL
Subject: Input on the Urban Limit Line for the City of Modesto

Dear Mayor Ted Brandvold,

I am writing in response to the recent letter dated June 9, 2020 in reference to the City Council consideration of the Urban Limit Line for the City of Modesto. The District Board of Trustees and I received a copy. I am current District Manager of East Side Mosquito Abatement District, which was established in 1939 and moved to its current location of 2000 Santa Fe Ave, Modesto in 1956. The District owns two small aircrafts routinely used in controlling mosquitoes in the rural and agricultural areas of Stanislaus County. These aircrafts are operated from our facility on Santa Fe Avenue. I would like to inform the Modesto City Council that any changes the City may contemplate to the eastern part of the City should consider the District's operations. The aircrafts the District operates are single engine airplanes that are restricted from flying directly over congested/city neighborhoods. Changes to the Urban Limit Line beyond the Santa Fe Avenue may impair our activities and almost curtail our mosquito control efforts. Any future considerations of such changes however should be communicated to the District promptly. The District may require years of planning to accommodate any changes to its operations, therefore it will be imperative for the City to consider the District interests and coordinate any changes, accordingly.

We appreciate your invitation to submit comments and look forward to the City's decisions.

Sincerely,

J. Wakoli Wekesa, PhD
District Manager | Entomologist
East Side Mosquito Abatement District
2000 Santa Fe Avenue, Modesto, CA 95357
T: 209-522-4098|C: 209-988-1525
wwekesa@eastsidemosquito.com

Stephanie Lopez

From: Sean Scully <sscully@riverbank.org>
Sent: Monday, June 22, 2020 6:02 PM
To: ModestoULL
Cc: Donna M. Kenney; Marisela Garcia
Subject: Comment Letter from City of Riverbank
Attachments: 0121_001.pdf

City of Modesto Staff,

Attached is the City of Riverbank's input to the letter received from City of Modesto Mayor Brandvold dated June 9, 2020 regarding a potential Urban Limit Line measure in Modesto. The City of Riverbank appreciates the opportunity to provide comment.

Best Regards,

Sean Scully
City Manager
City of Riverbank

From: City Manager Office [mailto:donotreply@riverbank.org]
Sent: Monday, June 22, 2020 2:40 PM
To: Sean Scully <sscully@riverbank.org>
Subject: Attached Image



City of Riverbank
6707 Third Street
Riverbank CA 95367
209.869.7101

June 22, 2020

City of Modesto
Attn: Joe Lopez, City Manager
1010 Tenth St.
Modesto CA, 95353

RE: Potential Future Modesto Urban Limit Line

Mr. Lopez,

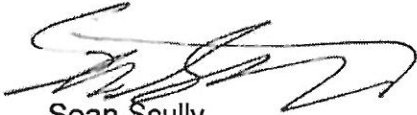
The City of Riverbank is in receipt of Mayor Brandvold's June 9th 2020 correspondence notifying the upcoming consideration of an Urban Limit Line (ULL) ballot measure. As you know, the City of Riverbank has been monitoring the public discussion in Modesto regarding a ULL ballot measure for the past year. Since the last correspondence on this matter (June, 2019) we have had the opportunity to briefly discuss this matter at a staff level as well as with Mayor Brandvold. We appreciate the City of Modesto's willingness to include Riverbank in discussions regarding this measure and also appreciate the opportunity to provide feedback.

The letter that was sent by the City of Riverbank in June of 2019 centered on three key issues as directed by the Riverbank City Council. Those key issues generally related to the Council's overwhelming desire to maintain a clear independence between our respective boundaries. This can be achieved through working together in the future to establish buffer areas between our boundaries, general preference that growth consideration along McHenry Ave (North of Claribel Rd) be limited to the area westbound of that roadway, and finally working together to establish mutually agreeable land use policies to ensure that the growth of our communities remains independent of one another while appropriately balancing the need for housing and preservation of farmland.

Based on the updated information it appears that Modesto has taken into account some of these concerns and we greatly appreciate that effort. We look forward to continue to work with you on this and other related matters. As this process continues to move forward we are happy to attend and participate in any relevant meetings regarding this matter.

As always, we stand ready to work collaboratively with the City of Modesto on these land use efforts and we value the positive working relationship we have with you. Feel free to give me a call at 209-863-7122 or email at sscully@riverbank.org with any questions or concerns.

Best Regards,

A handwritten signature in black ink, appearing to read 'Sean Scully', written in a cursive style.

Sean Scully
City Manager
City of Riverbank

CC: Riverbank City Council
Marisela Garcia, Assistant City Manager / Administrative Services Director
Donna Kenney, Planning and Building Manager

Stephanie Lopez

From: Jennifer Vieira <vieiraj@stancounty.com>
Sent: Tuesday, June 23, 2020 11:00 AM
To: Stephanie Lopez
Subject: RE: Comments Regarding City of Modesto's Proposed Urban Limit Line

Your welcome. Have a great day!

From: Stephanie Lopez [mailto:slopez@modestogov.com]
Sent: Tuesday, June 23, 2020 10:59 AM
To: Jennifer Vieira <vieiraj@stancounty.com>
Subject: RE: Comments Regarding City of Modesto's Proposed Urban Limit Line

Thank you for the clarification.

From: Jennifer Vieira <vieiraj@stancounty.com>
Sent: Tuesday, June 23, 2020 10:58 AM
To: Stephanie Lopez <slopez@modestogov.com>
Subject: RE: Comments Regarding City of Modesto's Proposed Urban Limit Line

The LAFCO EO would like it placed as public comment for tonight's meeting?

From: Stephanie Lopez [mailto:slopez@modestogov.com]
Sent: Tuesday, June 23, 2020 10:50 AM
To: Jennifer Vieira <vieiraj@stancounty.com>
Subject: RE: Comments Regarding City of Modesto's Proposed Urban Limit Line
Importance: High

Ms.Viera – The ULL item is not being heard at tonight's Council meeting; there is a workshop on Thursday, July 25 and council meeting on July 7. Does LAFCO want this letter to be part of the July 7 packet? Please advise.

Stephanie Lopez, City Clerk

From: Jennifer Vieira <vieiraj@stancounty.com>
Sent: Tuesday, June 23, 2020 10:44 AM
To: Stephanie Lopez <slopez@modestogov.com>
Subject: Comments Regarding City of Modesto's Proposed Urban Limit Line

Please see the attached comment letter for tonight's agenda item.

Thank you!

June 23, 2020

Mayor Brandvold & City Council
City of Modesto
P.O. Box 642
Modesto, CA 95353

SUBJECT: City of Modesto's Proposed Urban Limit Line

Mayor Brandvold and City Council:

LAFCO is in receipt of a letter dated June 9, 2020 regarding the City's upcoming consideration of an Urban Limit Line (ULL). Little information has been shared with our agency regarding the proposed ULL. While it appears the City Council will be continuing its discussion to the July 7th meeting, to date, LAFCO has not received the draft language of the ULL, the City's proposed General Plan Amendments, or a California Environmental Quality Act referral for the proposal.

LAFCO respectfully requests that the City Council direct its Staff to initiate the standard land-use planning process for General Plan amendments to accommodate the proposed ULL. This process, as outlined by statute, would include making the draft General Plan amendments and ULL available for a comment period in accordance with Government Code Section 65352(a). This would also allow time for preparation of the required environmental documentation and review. Doing so would provide a more reasonable opportunity for engagement with affected agencies and persons, and the addition of a Planning Commission review and hearing, prior to the City Council's adoption of a ULL and submittal to voters.

The proposed ULL is outside the current LAFCO-adopted sphere of influence for the area. In anticipation of an application to expand the sphere of influence to match or effectuate the ULL, LAFCO expects the land-use planning process to first be completed. While the letter we received is limited in its information about the proposed ULL, LAFCO Staff has prepared the following comments for the City's information in anticipation of such an application.

General Plan Consistency

As presented, areas of the proposed ULL located south of the unincorporated community of Salida and along North McHenry are outside of the City's General Plan area. Inclusion of these areas necessitates a General Plan amendment. Internal consistency amongst the various elements of the General Plan must also be ensured. As identified above, Government Code Section 65352(a) requires that prior to the City amending its General Plan it shall refer the proposed action to numerous agencies, including LAFCO, with a minimum 45-day comment period.

Compliance with the California Environmental Quality Act (CEQA)

City Staff has indicated that they have drafted a finding of conformance with the Master Environmental Impact Report (EIR) previously prepared for the City's General Plan. The proposed ULL includes areas beyond the planning area of the General Plan and is thus outside the scope of the Master EIR, as these areas and their associated impacts have not been analyzed.

Adoption of the ULL, amendments to the General Plan, and subsequent request for a sphere of influence expansion are all considered projects under CEQA that must be fully described and analyzed. As a Responsible Agency, LAFCO will rely on the City's preparation of environmental documentation during its review of the sphere of influence.

Relation to LAFCO Policies and Processes

While the City's letter describes its ULL as the City's self-imposed limit on growth, it currently represents an expanded area *beyond* the City's LAFCO-adopted sphere of influence. Therefore, LAFCO approval would be required to make the two consistent.

LAFCOs have the exclusive authority for designating a sphere of influence for a city. A sphere of influence is defined by Government Code Section 56076 as a "plan for the probable physical boundaries and service area of a local agency, as determined by the commission." Stanislaus LAFCO has established policies that further describe the intent of a sphere of influence. These include promoting orderly growth and coordination of cooperative planning efforts among the county, cities, special districts, and communities. The sphere of influence is intended to be a twenty-year planning boundary for an agency. The Commission also designates a more near-term boundary known as a "primary area" within the sphere of influence of each city. Any subsequent annexation proposal must be consistent with these Commission-adopted boundaries.

When determining a sphere of influence for a city, LAFCO will consider its locally-adopted policies in conjunction with the factors set forth in Government Code Section 56425(e), including the present and planned land uses in the area, the impact to agricultural lands and the existence of any social or economic communities of interest in the area. The City must also demonstrate how the proposal represents a logical expansion of its boundary that discourages urban sprawl.

There are two communities of interest that the City's proposed ULL, and presumably its proposed sphere of influence, would encroach upon—Salida and Wood Colony. Each of these communities should be discussed relative to LAFCO's adopted policy that states, "sphere of influence boundaries shall, to the extent possible, maintain a separation between existing communities to protect open space and agricultural lands and the identity of an individual community."

An expansion of the City's sphere of influence also requires City of Modesto representatives to meet with County representatives to discuss the proposed sphere and explore methods to reach agreement on its boundaries, development standards, and zoning requirements within the sphere *prior* to application to LAFCO (Government Code Section 56425b). Additionally, an update to the City's Municipal Service Review must be prepared prior to or concurrently with the sphere of influence expansion describing the city's ability to provide services as well as impacts to existing service providers in the area, including the Salida Fire Protection District.

Agricultural Resources

One of LAFCO's main charges, as set forth by the Legislature, is to protect and promote agriculture. LAFCO's Agricultural Preservation Policy encourages cities to develop methods or strategies to minimize the loss of agricultural lands. The Commission encourages cities to choose from a menu of commonly-used strategies in the Policy, including voter-approved urban growth boundaries. The Policy requires cities to complete an analysis in order for the Commission to make determinations including that insufficient alternative land is available within the current sphere of influence, that growth has been directed away from prime agricultural lands, and that the additional territory will not exceed the twenty-year period of probable growth and development.

The proposed ULL also includes lands with active Williamson Act contracts. The Williamson Act is considered a mechanism to preserve agricultural land in the long term. LAFCO policies for sphere of influence amendments and annexations both discourage the inclusion of Williamson Act lands within proposed boundaries.

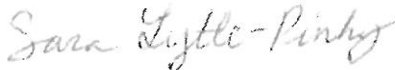
Additional Comments and Information Needed

Staff notes the following additional comments and information that would be helpful to include in future referrals regarding the project:

- The timeframe for the ULL was not specified in the letter provided to LAFCO and it is unclear whether it is intended to be consistent with the City's sphere of influence and/or Urban Growth Review.
- The intent of the open portion of the proposed ULL in the northeast Modesto area should be made clear.
- Please identify the "narrow legal exceptions" as referenced in the June 9th letter regarding exceptions for areas to be annexed outside an Urban Limit Line.
- Statements in the June 9th letter and the "What an Urban Limit Line Means" handout regarding making areas "easier to be annexed" do not identify required LAFCO steps and processes.
- The "Conceptual Urban Limit Line" map appears to inadvertently exclude the Mancini Park area (already within the City Limits) from the ULL and General Plan boundary.

LAFCO Staff appreciates the opportunity to comment on the City's proposal. If you have any questions, please contact our office at (209) 525-7660.

Sincerely,



Sara Lytle-Pinhey
Executive Officer

cc: LAFCO Commissioners
Alice E. Mimms, LAFCO Counsel
Stephanie Lopez, Modesto City Clerk

William D. Ross
David Schwarz
Kypros G. Hostetter

Law Offices of
William D. Ross
400 Lambert Avenue
Palo Alto, California 94306
Telephone: (650) 843-8080
Facsimile: (650) 843-8093

RECEIVED
MODESTO CITY CLERK
2020 JUN 19 AM 10:10

Los Angeles Office:
11420 Santa Monica Blvd
#25532
Los Angeles, CA 90025

File No: 19/59

June 19, 2020

VIA ELECTRONIC TRANSMISSION

mayor@modestogov.com
modestoull@modestogov.com

The Honorable Ted Brandvold, Mayor
City of Modesto
1010 10th Street
Modesto, California 95354

Re: Proposed Urban Limit Line Extension; Impact on Burbank-Paradise Fire District

Dear Mayor Brandvold:

This office serves as District Counsel for the Burbank-Paradise Fire District ("District").

Please ensure that this office is notified along with Assistant District Chief Christopher Bernardi, of any further proceedings in the proposed City of Modesto ("City") Urban Limit Line ("ULL") expansion. It is the District's understanding that the next scheduled hearing on this matter will be July 7, 2020. The District and this office request formal notice of that hearing and any other hearings in the matter.

Additionally, please consider this a Request under the California Public Records Act, Government Code Section 6250 *et seq.*, for all City communications dealing with the proposed ULL expansion, as well as related documents from the City concerning the financial impact of the COVID-19.

Practically, the documents requested would include all studies related to the reduction in transit occupancy tax and sales tax to the City, and how reduction in City revenue would relate to the extension of municipal services by the City to any area within the planned increased ULL within the District.

The Honorable Ted Brandvold, Mayor
City of Modesto
June 19, 2020
Page 2

Finally, the District requests any email contact information for the individual who has opposed the expansion of the City ULL.

Your courtesy and cooperation in this matter is appreciated.

Very truly yours,

A handwritten signature in black ink, appearing to read "William D. Ross". The signature is fluid and cursive, with a long horizontal stroke at the end.

William D. Ross
District Counsel

WDR:jf

cc: Christopher Bernardi, Assistant Fire Chief
Burbank-Paradise Fire District
Cbernardi@bpfire.com

William D. Ross
David Schwarz
Kypros G. Hostetter

Law Offices of
William D. Ross
400 Lambert Avenue
Palo Alto, California 94306
Telephone: (650) 843-8080
Facsimile: (650) 843-8093

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2020 JUN 19 AM 8:16

Los Angeles Office:

11420 Santa Monica Blvd
#25532
Los Angeles, CA 90025

File No: 178/5

June 18, 2020

VIA ELECTRONIC TRANSMISSION

mayor@modestogov.com
modestoull@modestogov.com

The Honorable Ted Brandvold, Mayor
City of Modesto
1010 10th Street
Modesto, California 95354

Re: Proposed Urban Limit Line Extension; Impact on Salida Fire Protection District

Dear Mayor Brandvold:

This office serves as District Counsel for the Salida Fire Protection District ("District").

Initially, the District requests that *all* future communications on the matter of future expansion of the City of Modesto ("City") Urban Limit Line ("ULL"), be sent jointly to this office and to the attention of District Fire Captain, Patrick Burns at his email address: pburns@salidafire.com, as well as Danielle Denczek, Administrative District Manager at her email address: ddenczek@salidafire.com.

Additionally, please consider this a Request under the California Public Records Act, Government Code Section 6250 *et seq.*, for all City communications dealing with the proposed ULL expansion, as well as related documents from the City concerning the financial impact of the COVID-19.

Practically, the documents requested would include all studies related to the reduction in transit occupancy tax and sales tax to the City, and how reduction in City revenue would relate to the extension of municipal services by the City to any area within the planned increased ULL within the District.

The Honorable Ted Brandvold, Mayor
City of Modesto
June 18, 2020
Page 2

Finally, the District requests any email contact information for the individual who has opposed the expansion of the City ULL.

Your courtesy and cooperation in this matter is appreciated.

Very truly yours,

A handwritten signature in black ink, appearing to read "William D. Ross".

William D. Ross
District Counsel

WDR:jf

cc: Pat Burns, Fire Captain
pburns@salidafire.com
Danielle Denczek, Administrative District Manager
ddenczek@salidafire.com

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William D. Ross
David Schwarz
Kypros G. Hostetter

Law Offices of
William D. Ross
400 Lambert Avenue
Palo Alto, California 94306
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Facsimile: (650) 843-8093

2020 JUN 19 AM 8: | Los Angeles Office:

11420 Santa Monica Blvd
#25532
Los Angeles, CA 90025

File No: 19/52.1

June 18, 2020

VIA ELECTRONIC TRANSMISSION

mayor@modestogov.com
modestoull@modestogov.com

The Honorable Ted Brandvold, Mayor
City of Modesto
1010 10th Street
Modesto, California 95354

Re: Proposed Urban Limit Line Extension; Impact on Woodland Avenue Fire Protection District

Dear Mayor Brandvold:

This office serves as District Counsel for the Woodland Avenue Fire Protection District ("District").

Initially, the District requests that *all* future communications on the matter of future expansion of the City of Modesto ("City") plans Urban Limit Line ("ULL") be sent jointly to this office and to the attention of Fire Chief, Mike Passalaqua.

Additionally, please consider this a Request under the California Public Records Act, Government Code Section 6250 et seq., for all City communications dealing with the proposed ULL expansion, as well as related documents from the City concerning the financial impact of the COVID-19.

Practically, the documents requested would include all studies related to the reduction in transit occupancy tax and sales tax to the City, and how reduction in City revenue would relate to the extension of municipal services by the City to any area within the planned increased ULL within the District.

Finally, the District requests any email contact information for the individual who has opposed the expansion of the City ULL.

The Honorable Ted Brandvold, Mayor
City of Modesto
June 18, 2020
Page 2

Your courtesy and cooperation in this matter is appreciated.

Very truly yours,

A handwritten signature in black ink that reads "William D. Ross". The signature is written in a cursive style with a long, sweeping underline.

William D. Ross
District Counsel

WDR:jf

cc: Mike Passalaqua, Fire Chief
wafdone@gmail.com

Stephanie Lopez

From: Kathy Espinoza on behalf of Ted Brandvold
Sent: Tuesday, June 23, 2020 8:20 AM
To: Stephanie Lopez
Subject: FW: Urban Limit Line

From: Gilbert Jackson Sr [mailto:jacks3sr@pacbell.net]
Sent: Monday, June 22, 2020 4:54 PM
To: Ted Brandvold
Subject: Urban Limit Line

Sir,

Thank you for letting me see just what will be decided on the 23rd of the above matter. I see no problems as it relates to our school district, or rather my school district # 5, I do not speak for the rest of the school board, just myself and my district within the Stanislaus Union School District. Good luck getting this pasted.

Respectfully,
Gilbert Jackson
Trustee
District # 5
Stanislaus Union School District