



## CITY OF MODESTO

Community and Economic Development Department/Planning Division  
1010 Tenth Street, Suite 3300, P.O. Box 642  
Modesto, CA 95353  
(209) 577-5267 (209) 491-5798 FAX

### ***Annexation Application Supplement*** (County "islands" or infill properties)

**Annexation** is a complex and multi-faceted process, usually involving multiple applications and often involving multiple private parties. It is a multi-agency process, involving the City and the Local Agency Formation Commission (LAFCo) as well as the County and applicable Special Districts. Attached is an annexation flowchart to assist you with visualizing this process. Additional information can be found on the City's website at <http://www.modestogov.com/development/annexations/>.

If the area you are interested in annexing is largely undeveloped and uninhabited, please call City Planning staff to consult regarding the process for annexation of inhabited areas. Staff will arrange for a consultation to assist you and will also arrange consultation with Stanislaus LAFCo staff when needed. The following discussion applies to areas which are largely developed and which are proposed for annexation to facilitate provision of City services and connection to City utility / infrastructure systems.

Before applying for an annexation, it is necessary to determine if the subject property is eligible for annexation. A pre-submittal meeting will be required to assist with answering the following questions:

1. Is the property eligible for annexation?
2. Is a Measure M vote for the property required? If the area is subject to Measure M and has not yet had a Measure M vote, an annexation application cannot be processed. Planning staff will be able to advise you as to the Measure M process.
3. Is the area pre-zoned? Annexations also require pre-zoning, unless this process has previously been completed. This is a concurrent application and process. The annexation cannot be completed until the pre-zoning is in effect. If the property is to be pre-zoned, see also the submittal requirements for Pre-zoning / Re-zoning.
4. Unless the area is covered by the City-County Master Property Tax Agreement, a Property Tax Agreement may be required prior to completing the annexation process.

Planning staff can assist you with identifying the status of certain properties with regard to the above questions, and in determining whether an application for annexation can be accepted and processed. As a part of consideration of annexation, availability of Water, Sewer, and Storm Drainage utilities will be assessed. In most cases these require the preparation of special studies.

The information presented within the attached documents provides a general overview of the typical event sequence associated with processing of an annexation application. These documents include: "Benefits of Annexation;" "Possible Annexation Actions;" and the "Annexation Flowchart," which is meant to illustrate the typical annexation sequence and process.



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### ***Annexation Application Supplement*** (New Growth Areas)

**Annexation** is a complex and multi-faceted process, usually involving multiple applications and often involving multiple private parties. It is a multi-agency process, involving the City and the Local Agency Formation Commission (LAFCo) as well as the County and applicable Special Districts. Attached is an annexation flowchart to assist you with visualizing this process. Additional information can be found on the City's website at <http://www.modestogov.com/development/annexations/>.

If the area you are interested in annexing is largely developed and inhabited, please call City Planning staff to consult regarding the process for annexation of inhabited areas. Staff will arrange for a consultation to assist you and will also arrange consultation with Stanislaus LAFCo staff when needed. The following discussion applies to areas which are primarily undeveloped and which are proposed for annexation to facilitate urban development.

Before applying for an annexation, it is necessary to determine if the subject property is eligible for annexation. A pre-submittal meeting will be required to assist with answering the following questions:

1. Is the property within the City General Plan area? If not, the property is not eligible for annexation.
2. Is the property within the City's Sphere of Influence (SOI) as established by LAFCo? If not, a SOI amendment would be a necessary precursor. A pre-submittal meeting as noted above will be required to discuss the feasibility of such an amendment with Planning and LAFCo staff.
3. Is a Measure M vote required? If the area is subject to Measure M and has not yet had a Measure M vote, an annexation application cannot be processed. Planning staff will be able to advise you as to the Measure M process.
4. If the area is in a Comprehensive Planning District, has a Specific Plan been adopted for the area? If not, an annexation cannot be processed until the Specific Plan process is complete.
5. Is the area pre-zoned? Annexations also require pre-zoning, unless this process has previously been completed. This is a concurrent application and process. The annexation cannot be completed until the pre-zoning is in effect. If the property is to be pre-zoned, see also the submittal requirements for Pre-zoning / Re-zoning.
6. Is the area inhabited? If the area includes 12 or more registered voters, there is a special process for Inhabited Annexation. The standard application form is used.
7. Unless the area is covered by the City-County Master Property Tax Agreement, a Property Tax Agreement may be required prior to completing the annexation process.

Planning staff can assist you with identifying the status of certain properties with regard to the above questions, and in determining whether an application for annexation can be accepted and processed. As a part of consideration of annexation, availability of Water, Sewer, and Storm Drainage utilities will be assessed. In most cases these require the preparation of special studies.

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### **BENEFITS OF ANNEXATION TO THE CITY OF MODESTO FOR PROPERTY OWNERS AND RESIDENTS**

Annexation transfers property under jurisdiction of unincorporated Stanislaus County to the City of Modesto, so that municipal services can be extended and provided. A primary reason to annex is the improved level of governmental service that can typically be realized once City services become available. Property under City jurisdiction receives benefits and services that typically include:

#### **POLICE**

Prior to annexation to the City of Modesto, property is under the jurisdiction of Stanislaus County. As such, law enforcement is provided by the Stanislaus County Sheriff's Department. Because the Sheriff's Department typically provides rural law enforcement services, patrol units are spread over a relatively large area, and response times are typically longer than those of the City Police Department.

The City of Modesto Police Department provides excellent full-service municipal police enforcement to City residents and businesses. Community-oriented policing is provided with an area command office in each quadrant of the City. After annexation it can be expected that law enforcement services will improve, and that response times for law enforcement services will be significantly reduced, thereby providing increased levels of protection.

#### **FIRE**

The City of Modesto Fire Department provides excellent full-service municipal fire protection and Emergency Medical System first responder service to those residents and businesses within the City limits. The City-wide average response time to emergency calls is less than five minutes. This means that, should a fire or other life-threatening emergency event occur for you or your family, the response time can be expected to be within the typical life-saving range. The Fire Insurance Services Office (ISO) rating for the City of Modesto is Class Two (2.0). A lower ISO rating generally results in reduced cost for fire insurance, faster response times and enhanced services.

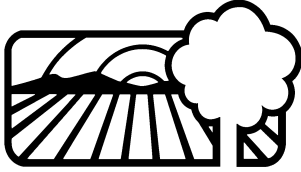
#### **TAXES**

With few exceptions, annexation does not result in increased taxes. The City currently levies a utility users' tax on cable, phone, electric and natural gas use, which funds general City services (including police) at a rate of 6%. Annexation will not affect property taxes because Proposition 13 has established a base year property value. Only the sale or improvement of property will affect property taxes. The only exceptions would be for those properties under a Williamson Act contract – property taxes could be recalculated for these properties.

#### **COUNCIL REPRESENTATION**

As a property owner in a newly annexed area you will be represented by the City Council. In addition to the Mayor, there are six (6) elected Council members who represent citizens on a District-by-District basis. They are interested in promoting active, vibrant and successful neighborhoods in Modesto.

- PARKS** For new areas outside the existing City limits, neighborhood parks will be constructed to City standards as the area develops. The City's Parks, Recreation and Neighborhoods Department provides full-service municipal parks and recreation facilities and programs including: John Thurman Field, golf courses, neighborhood and community parks with baseball, soccer, tennis, swimming and bike trails.
- LAND USE** Upon annexation, planning and zoning authority would be transferred from the County to the City. The City's planning process will provide for input on the use of property under the Modesto Urban Area General Plan. Any existing use, including the keeping of livestock, operation of a business, or other use of property currently in place, and consistent with the current zoning designation in the County, would continue to be permitted after annexation as a legal and non-conforming use in the City. Non-conforming uses may not be expanded, and are considered abandoned upon their discontinuance for a period of six (6) months or more. The City's Neighborhood Preservation Unit (code enforcement) program will also become available.
- SEWER** The ability to connect to the City's wastewater disposal system is one of the advantages of annexing. The cost varies from property to property. If there are existing City sewer lines "available" to a property (within 100 feet), then connection to the system is required within five years of annexation. City staff can assist in determining the location of existing sewer lines and the availability to any given property. As part of development of the project area, the location of master sewer facilities will be determined, including their extension to serve individual properties. The sharing of the costs associated with these extensions, and the timing of their construction, will be determined through the planning and development process. Sewer connection fees and/or costs may be added to the monthly utility bill instead of an up-front payment requirement. In the absence of available sewer facilities, use of existing septic systems may continue, and connection to the City sewer system will not be required until it becomes available per Modesto Municipal Code Section 5.618. For general cost information please contact the City's Land Development Engineering Division staff at 577-5462.
- WATER** Connection to quality City-treated water will be available after annexation. Use of existing well(s) may continue indefinitely as long as compliance with applicable State health standards is maintained. Connection to the City water system will result in increased reliability of water supply.
- PUBLIC WORKS** City street maintenance and street tree trimming services will become available. Garbage pick-up services, including recycling and garden refuse, will most likely continue to be provided by the same company that currently provides these services.
- QUESTIONS** Please contact the City of Modesto Community and Economic Development Department, Planning Division, at (209) 577-5267 if more information is needed.



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## Possible Annexation Actions

A Protest Hearing is normally required following the LAFCo public hearing. The City Council has no discretion over the Protest Hearing. LAFCo must take action based on the State law (Cortese-Knox Section 57075) as indicated below:

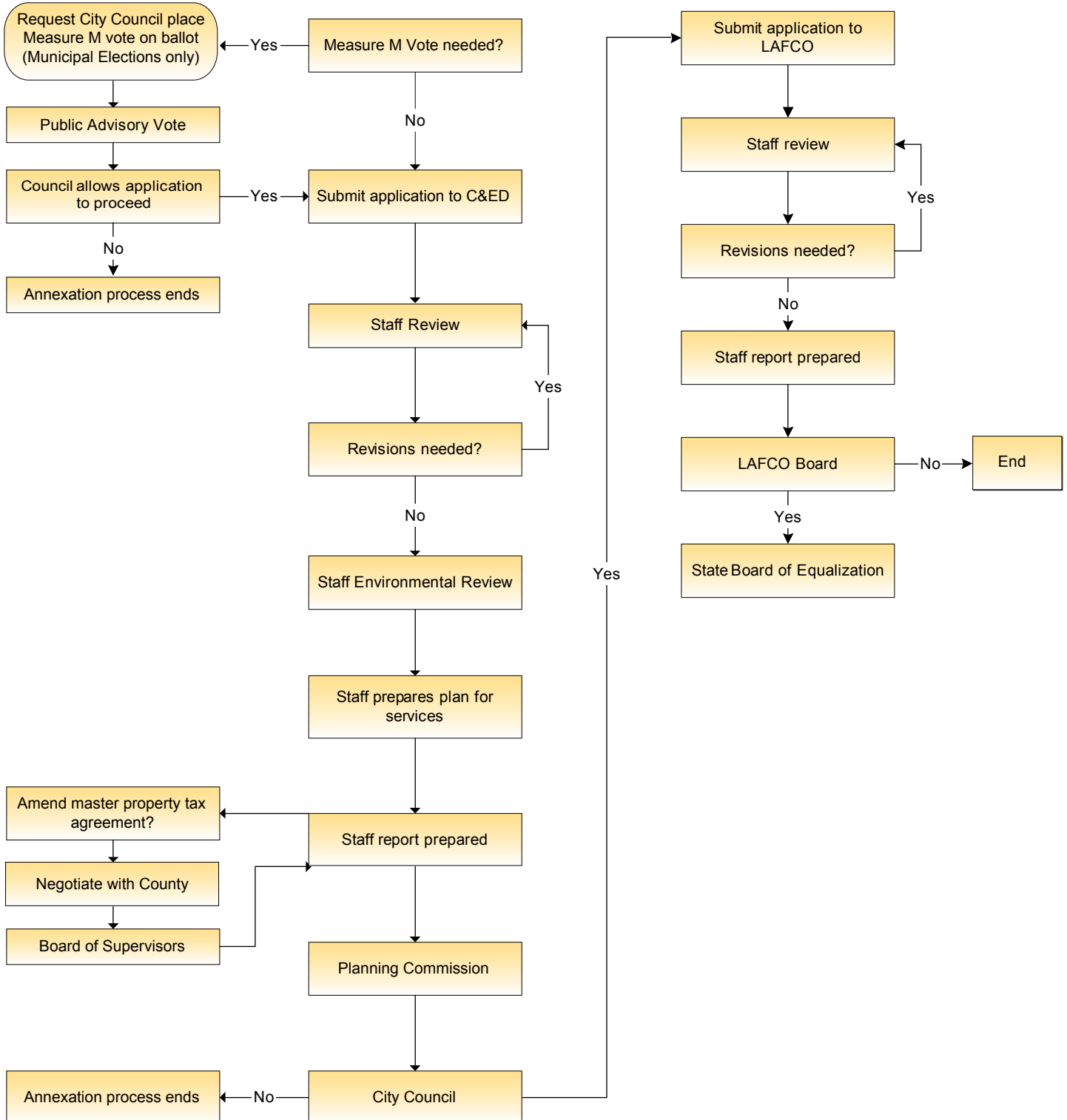
<b>Uninhabited</b> ( Fewer than 12 Registered Voters )	<b>Inhabited</b> ( 12 or more Registered Voters )
<p>If written protests are received prior to the close of the LAFCo public hearing:</p> <p><b>Must Terminate if</b></p> <p><u>Majority Protest</u>            (At least 50% of the total assessed land value is represented in protest)</p> <p><b>Must Annex if</b></p> <p>Less than 50% of total assessed value is represented in protest.</p>	<p>If written protests are received prior to the close of the LAFCo public hearing:</p> <p><b>Must Terminate if</b></p> <p><u>Majority Protest</u>            (At least 50% of the registered voters protest)</p> <p><b>Must Annex if</b></p> <p>Less than 25% of registered voters, or less than 25% of property ownership (based on assessed value), represented in protest.</p> <p><b>Must Hold Election if</b></p> <p>Between 25% and 50% of registered voters file protest.</p> <p style="text-align: center;">- or -</p> <p>At least 25% of land owners, representing at least 25% of the assessed value of land, file protest.</p> <p><i>Note: Only registered voters residing within the boundaries of the proposed annexation territory may vote in the election. Simple majority wins.</i></p>



CITY of MODESTO

## Community and Economic Development Department

### Annexation Process



**General Annexation Procedures/Sequence for  
“Uninhabited Territories”  
(12 or Fewer Registered Voters Live within the Project Area):**

1. City Planning staff is available to meet with proponents upon request. Proponent(s) submit complete application package, including filing fees.
2. City Planning staff sends the application information to other City departments and outside agencies, including schools, utilities, fire districts and other special districts for their review and comment.
3. Typically, there is a Specific Plan and EIR process involved with requests for uninhabited annexations. Interested persons should refer to the City's adopted “Specific Plan Procedures and Preparation Guide,” which can be found at the following link to the City's website:  
<http://www.modestogov.com/ced/pdf/planning/general/Specific%20Plan%20Procedures.pdf>
4. Once the Specific Plan preparation is complete (a process that can take one to two years or more), planning staff prepares the staff reports and other information items needed for public hearings before the Planning Commission and City Council.

In order for the City of Modesto to take formal action regarding the Specific Plan / annexation application, certain information required by LAFCo must be prepared. Generally speaking, this consists of pre-zoning, analyses associated with the City's provision of utilities / infrastructure & emergency services, and documentation of City-County property tax sharing agreements (if applicable).

5. Subsequent to City Council approval of the proposed Specific Plan and annexation, the project proponents must file an application with LAFCo, including any required fees. The documentation described under #4, above, is needed to complete the LAFCo application.
6. LAFCo will process the application consistent with standard procedures, and ultimately hold a public hearing to formally consider annexation approval. Once the project has been approved by the City and LAFCo, the annexation process is completed by LAFCo's recordation of the Certificate of Completion with the State of California. For more information, see the Stanislaus LAFCo website: <http://www.stanislauslafco.org>.

**General Annexation Procedures/Sequence For  
“Inhabited Territories”  
(More than 12 Registered Voters Live within the Project Area):**

1. City Planning staff is available to meet with proponents upon request.
2. Proponent(s) submit complete application package, including filing fees. A petition signed by at least 5% of property owners and/or registered voters must be included (Gov't Code 56074, 56573). All signatures must be obtained within six (6) months of the first signature, and must be submitted to LAFCo within 60 days after the date of the last signature (56075).
3. City Planning staff sends the application information to other City departments and outside agencies, including schools, utilities, fire districts and other special districts for their review and comment.
4. Once the inter-agency review process is complete, planning staff prepares a report to the Planning Commission, and subsequently to the City Council, that includes the draft LAFCo application documents, pre-zoning information, environmental documentation, fiscal impacts analyses, property tax information and Williamson Act contract data, as applicable.
5. After City Council consideration referenced above, Planning staff prepares the LAFCo application package and delivers to LAFCo. Project proponents pay LAFCo application processing fees. This is followed by a Certificate of Filing and public hearing by LAFCo.
6. Following the LAFCo public hearing, an election is held – if necessary. Only registered voters within the annexation area boundary are eligible to vote. A simple majority of votes determines the fate of the annexation.
7. The City Clerk sends annexation documentation, including City Council resolution and State Board of Equalization fee, to LAFCo. Annexation becomes effective upon recording of the Certificate of Completion by LAFCo. For more information, see the Stanislaus LAFCo website: <http://www.stanislauslafco.org>.