

**CEQA Findings of Fact and
Statement of Overriding Considerations
of the City of Riverbank for the
Riverbank 2025 General Plan
Environmental Impact Report**

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ABBREVIATIONS AND ACRONYMS

BNSF	Burlington Northern Santa Fe
CEQA	California Environmental Quality Act
City	City of Riverbank
CO	Carbon Monoxide
CO ₂	carbon dioxide
Draft EIR	Draft Environmental Impact Report
Final EIR	Final Environmental Impact Report
GHGs	greenhouse gases
GSW	Gilton Solid Waste
LAFCO	Local Agency Formation Commission
LOS	level of service
MMRP	mitigation monitoring and reporting program
Mt	Megatons
NOP	Notice of Preparation
NO _x	oxides of nitrogen
OPR	Office of Planning and Research
PM ₁₀	particular matter less than or equal to 10 microns in diameter
PPV	peak particle velocity
Project	2025 General Plan Update
ROG	reactive organic gasses
SJVAPCD	San Joaquin Valley Unified Air Pollution Control District
SR	State Route
StanCOG	Stanislaus Council of Governments
TAC	Toxic Air Contaminant
TPY	tons per year
VdB	vibration decibels
VMT	Vehicle miles traveled
WWTF	wastewater treatment facility

1.1 OVERVIEW AND INTRODUCTION

The City of Riverbank (City), as lead agency, has completed the Final Environmental Impact Report (Final EIR) for its 2025 General Plan Update (Project). The Final EIR comprises a program-level analysis of the Project and has State Clearinghouse No. 2006092051.

A Draft Environmental Impact Report (Draft EIR) was released on February 15th for review by public agencies, organizations, and members of the public. The Draft EIR assesses the potentially significant environmental effects resulting from implementation of the Project, identifies potentially feasible means to mitigate those potentially significant adverse impacts, and evaluates a reasonable range of alternatives to the Project.

The Final EIR is comprised of the Draft EIR, comments received on the Draft EIR, written responses to the significant environmental issues raised in those comments, revisions to the text of the Draft EIR reflecting changes made in response to comments and other information, and the Errata to the Final EIR, along with other minor changes to the text of the Draft EIR.

Additionally, although not required, the Final EIR contains comment letters received after the close of the public comment period on the Draft EIR and written responses thereto.

These findings, as well as the accompanying statement of overriding considerations in Section 1.7.8 have been prepared in accordance with the California Environmental Quality Act (CEQA) (Pub. Resources Code, Section 21000 et seq.) and its implementing guidelines (CEQA Guidelines) (Cal. Code Regs., tit. 14, Section 15000 et seq.).

1.2 PROJECT DESCRIPTION

The Project, as described below, establishes a planning framework and policies through the year 2025, and will replace the existing General Plan, with the exception of the existing Housing Element, which was updated in 2004.

1.2.1 PROJECT LOCATION

Riverbank is located in the northern portion of the San Joaquin Valley in central California. The San Joaquin Valley is the southern section of the Central Valley. The San Joaquin Valley centers geographically around the San Joaquin River. The San Joaquin River flows from south to north and into the Sacramento River east of San Pablo Bay. East of Riverbank and the rest of the valley are the Sierra Nevada foothills and mountains. Between the valley and the Pacific Ocean are the Coast Ranges. Throughout its history, the valley has been a primarily agricultural area, as it still is. However, the valley has been one of the most rapidly growing portions of the state

in the recent past. Urban growth has drastically changed the metropolitan centers of the valley and other formerly small cities within commuting distance of these metropolitan centers and of the San Francisco Bay Area to the west. The metropolitan centers of the San Joaquin Valley include Stockton, Modesto, Fresno, Bakersfield, Merced, and Visalia. Another growing metropolitan area in the vicinity is Sacramento, located in the southern Sacramento Valley (the northern section of the Central Valley).

Riverbank is located just north of Modesto along the southern bank of the Stanislaus River in Stanislaus County. The Stanislaus River, which is adjacent to Riverbank and gives the City its name, forms the boundary between Stanislaus County and San Joaquin County to the north. Near the east end of Riverbank, Stanislaus County extends north beyond the Stanislaus River. The Stanislaus River is one of multiple rivers in the valley that flow west from the Sierra Nevada mountains into the San Joaquin River. Downtown Riverbank lies approximately seven miles north-northeast of downtown Modesto, the seat of Stanislaus County government. The southern extent of Riverbank's city limits now lies only approximately one mile north of the developed area of Modesto. The two cities are directly adjacent to one another in certain areas along Claribel Road. The next closest major city to Riverbank is Stockton, which is approximately 25 miles northwest of Riverbank. Other incorporated cities near Riverbank include Escalon, Oakdale, Ripon, and Waterford. Unincorporated towns near Riverbank include Salida and Empire.

1.2.2 PROJECT HISTORY

The first general plan was adopted by the City of Riverbank on May 12, 1959 and consisted solely of a land use and circulation element. A county-wide housing element which included the city was adopted by the city council in January 1970. In September 1971, a water, sewer, and storm drainage element was adopted. In 1973, with the aid of the Stanislaus Area Association of Governments, the general plan was amended so that the plan then consisted of all of the required elements except the safety element. This final element was adopted on September 23, 1974. A major overhaul of the general plan documents occurred in the early 1980s, with elements being revised and adopted. The land use element was revised in January 1987 and the circulation element in December 1987.

Many of the elements in the existing General Plan are outdated and need extensive revision. In the years since the elements were adopted, the City has experienced significant changes that have affected and will continue to influence local planning considerations. In response to such changes and state requirements, the City initiated the proposed Project.

- ▶ In 2005, the City and Planning Commission approved the *Riverbank 2005-2025 General Plan Update Vision and Guiding Principles*. Following is the *Riverbank 2025 Vision*:

Riverbank in 2025 has a small-town character where residents can live, work, and play locally. The City has a thriving downtown that offers a variety of retail opportunities and services and functions as the social and cultural heart of the community. Riverbank has a healthy and diversified industrial base served by its railroad, safe and walkable/bikable neighborhoods, and a wide range of employment and housing opportunities for its diverse population. Although we welcome automobiles, Riverbank is a place for PEOPLE. Those who choose not to drive can easily and safely walk, bicycle, or use public transit to get to work, school, shopping, or a local park. Riverbankers' strong sense of community identity is reflected in its public gathering places and activities, architectural variety, and the ways in which the City's riverfront location, railroad-oriented history, agricultural heritage, and other unique qualities are celebrated in the built environment. Riverbank in 2025 has succeeded in creating a BALANCE between housing and jobs for its residents, commerce and industries that support the local economy, and the protection of agriculture and natural resources.

The Vision was used to create Guiding Principles. These principles have helped guide development of the 2008 General Plan:

Small-Town Character: Riverbank in 2025 will be a pleasant, quiet, friendly community with a distinct small-town character.

1. Public spaces in Riverbank where people can meet and interact with friends and neighbors are essential to our community.
2. Our neighborhoods are best served by attractive, safe, tree-lined, pedestrian-friendly streetscapes.
3. Our children should be able to safely walk or bike to school.
4. Downtown should be the social and cultural heart of our community, and must not be left behind as the City grows.
5. Small, locally-owned businesses are an important part of the unique character of Riverbank and essential to a healthy local economy.
6. Our streets and public spaces should be designed with people in mind, not only for the convenience of cars.
7. Commercial corridors, such as Patterson Road, should be attractive, unique, pedestrian-friendly centers of commerce to enhance the City's character.

8. Our City can grow without being overcome by traffic, noise, air quality, or other impacts that would sacrifice the small-town character.

Community Identity: In 2025, Riverbank’s unique qualities will be enhanced through a balance between the built environment, the natural environment, and the working agricultural landscape.

9. The Stanislaus River is a wonderful community asset, the natural beauty and function of which we should protect as we increase public access to the River and its views.

10. Agriculture is important to our history, economy, and culture. Riverbank should remain an agricultural center for the region. We should conserve agricultural lands, nurture industries that rely on agriculture, market local agricultural goods, and increase the productivity of local agriculture through research and development.

11. Riverbank’s historic roots in agriculture, the railroad, and the River, should be recognized, celebrated, and respected as we create the City’s future.

12. Downtown should remain a walkable, pedestrian-scaled commercial center that best reflects our community’s unique identity and our desire to maintain our small town image.

13. Riverbank should preserve open green spaces around the City to maintain a distinct identity and create buffers between urban and agricultural uses of land.

Choice and Diversity: In 2025, Riverbank will enjoy a variety of entertainment opportunities, retail and commercial services, housing types, job opportunities, and activity destinations that are easily accessible by car, transit, on foot, or bicycle. Choices and opportunities will be available to the greatest extent possible regardless of the physical or developmental abilities, needs, preferences, backgrounds, and incomes of our residents.

14. We value the opportunities to live, shop, work, and recreate locally if we choose.

15. We will design our community so that people can walk, bicycle, or use public transit if they choose not to drive.

16. Existing and future residents should have local housing choices that best meet their needs.

17. The City is, and will be, home to all generations. Riverbank is a community where children can grow, raise families, and stay in the community as they age.

18. We will encourage a diversity of jobs and economic opportunities as the City grows.
19. We value education and skills that provide residents an opportunity for economic advancement. Our schools are vital to the social and economic well being of Riverbank. We will seek employers who can offer living wages and well-paying jobs for our residents.

Improved Quality of Life as the City Grows: In 2025, growth and change have been managed to benefit existing and future residents.

20. Our City will benefit from an appropriate balance between housing, commerce, industry, circulation, and open spaces for agriculture and nature.
21. The future health of Riverbank requires that older neighborhoods be improved at the same time that new areas develop.
22. Those who benefit from development should compensate for the public costs of serving such development.
23. A healthy community requires that its citizens feel a sense of connection. Physical, economic, or social barriers that prevent us from living as one community should be removed whenever possible.
24. New development should increase, not impede, our sense of being connected as one community.
25. Our City government, guided by the public interest, should be an active leader in improving the quality of life in Riverbank.
26. Economic and fiscal sustainability are important to Riverbank's future and our citizens' quality of life. Development decisions should contribute to the economic health and fiscal sustainability of the City.

Safe, Healthy, and Secure Environment: In 2025, Riverbank's citizens will travel, work, live, and participate in activities confident of their personal and their families' safety and security.

27. Our community should provide for a diversity of safe and lawful economic, social, and civic opportunities for people of all ages to nurture and enhance each others' quality of life.
28. Our City should be safe and healthy for all our residents.
29. Community design should encourage people to look out for one another, to view and monitor public spaces, and to feel ownership and interest in our community's safety and security.

30. Pedestrians and bicyclists should be as confident in their ability to travel safely in Riverbank as do our drivers.
31. The air we breathe and the water we use affect our health and well-being. We want growth and development to maintain the high standards for the quality of our air and water.
32. Maintaining and improving our urban tree canopy is important to our air quality, climate, aesthetic enjoyment, and overall quality of life.

1.2.3 FRAMEWORK OF THE 2025 GENERAL PLAN

The General Plan is Riverbank’s overarching policy and planning document. This document represents the community’s long-range objectives for conservation and physical development in the City. The General Plan provides decision makers, City staff, property owners, and the public at large with the City’s policy direction for managing land use change. The General Plan is comprehensive in scope, addressing land use, transportation, housing, economic development, public facilities and infrastructure and open space preservation, among many other subjects.

California planning law requires cities and counties to prepare and adopt a “comprehensive, long-range general plan” to guide development of the community. The General Plan could be thought of as the jurisdictions’ “constitution.” The General Plan requires a complex set of analysis, comprehensive public outreach and input, and meaningful policy direction in a vast range of topic areas. Put simply, the General Plan has several basic functions:

- ▶ A vision for the future. The General Plan contains a vision statement, goals, and policies and implementation strategies to achieve the vision and goals for the future.
- ▶ Decision making guide. As decision makers change over time, the General Plan includes educational material and background information that provide a context for the policy guidance contained in the Plan. The General Plan provides continuity for guiding and influencing the many public and private decisions that together influence the community’s future, even as City leadership may change.
- ▶ Legal requirement. The General Plan has been prepared to fulfill the requirements of State law and guidelines adopted by the California Office of Planning and Research. State law not only requires adoption of the General Plan, but that zoning codes, subdivision regulations, specific plans, capital improvement programs, and other local measures be consistent with the General Plan.

The General Plan includes a comprehensive set of Background Reports, which establish the context and setting for the General Plan, and are incorporated by reference.

The Riverbank General Plan contains the seven elements mandated by State law plus optional elements, which are also accommodated under State law. General Plan goals, policies, and implementation measures are provided in a separate volume from the Background Reports. The following General Plan elements are included:

AIR QUALITY (OPTIONAL)

The Air Quality Element comprehensively addresses air pollution and its effects within Riverbank, regionally, and globally. Public health aspects are included, but also addressed in the Safety Element. The Air Quality Element of the General Plan addresses the City's goals, policies, and implementation strategies for maintaining and improving air quality during and after the buildout of the General Plan.

LAND USE ELEMENT (MANDATORY)

The Land Use Element integrates all of the constraints and opportunities information from the other elements into a plan for the future City. This plan provides a comprehensive approach to land use in Riverbank, as well as addressing the key land use issues as discussed in the element. The Element contains goals, policies, and implementation measures guiding land use and development. These include building density standards, such as maximum building height and lot coverage. The Land Use Diagram shows the spatial allocation of various land uses throughout the City.

CIRCULATION ELEMENT (MANDATORY)

The Circulation Element addresses traffic congestion and other prominent circulation issues in Riverbank and presents a comprehensive Circulation Plan that addresses railroads, transit, bicycle and pedestrian transportation, and other modes, as well as motor vehicles and streets.

COMMUNITY CHARACTER AND DESIGN ELEMENT (OPTIONAL)

This element addresses the aesthetic and functional characteristics of the built environment in Riverbank. The element provides policies that will ensure an attractive, pedestrian-friendly, well-connected community that reflects unique local qualities in its architecture and urban design. The element considers and addresses character and design issues brought forth by Riverbank residents during the General Plan Update process.

CONSERVATION AND OPEN SPACE ELEMENT (MANDATORY)

This Element addresses topics related to two mandatory General Plan Elements: conservation and open space. The function of each is described separately below. Riverbank's General Plan addresses all relevant required topics in one combined element.

The primary function of the Conservation element is the management of natural resources. Key issues include habitat preservation, wetlands, soils, potential mineral deposits, air and water pollution, and groundwater.

The primary function of the Open Space Element is the management and preservation of open space lands. Key issues include lands along the Stanislaus River, agriculture, public health and safety in using open space lands, and potential habitat lands.

ECONOMIC DEVELOPMENT (OPTIONAL)

The Economy Element focuses on the jobs/housing balance in Riverbank, the diversification of the local economy, attracting family wage jobs to Riverbank, and enhancing skills and work opportunities for Riverbank area residents.

NOISE (MANDATORY)

This Element contains provisions for the protection of residents from the health and aesthetic problems associated with noise. It evaluates existing future noise levels and provides noise standards for different land uses. In Riverbank, key noise generators are roadways, the railroad, and industrial uses.

PUBLIC SERVICES AND FACILITIES (OPTIONAL)

This Element evaluates existing sewer, water, storm drainage, and other utility facilities, as well as police, fire, parks, libraries, social services, solid waste collection, and schools. The Element projects future needs for these facilities and services. Key issues include the division of the City into two school districts, the need for more library and fire protection capacity, and eliminating connections between the sewer and storm drainage collection systems. Please refer to the Stanislaus Consolidated Fire Protection District Strategic Plan for more information on fire and emergency response for the Riverbank area.

SAFETY (MANDATORY)

The Safety Element identifies hazards which must be considered in the development of future land uses, such as earthquake faults, flood zones, hazardous wastes, and fire hazards. Plans for emergency response are also examined. A general plan must contain development policies, diagrams, and text that describe objectives, principles, standards, and plan proposals. According to the Governor's Office of Planning and Research's (OPR)

guidelines regarding general plans, topics from different elements may be combined, but all must be addressed within the general plan. Please refer to the Governor’s Office of Planning and Research General Plan Guidelines for more information. The General Plan will be implemented through a combination of private and public actions.

SPECIFIC PLANS

The City will consider specific plans to implement General Plan policy in new growth areas. The City will consider development proposals and will make investments in existing developed portions of Riverbank. City decision makers will use the policies included throughout this General Plan as a decision making guide for a wide range discretionary actions.

IMPLEMENTATION

The General Plan also includes implementation strategies, which are proactive measures the City will undertake to assist in achieving the General Plan’s vision and goals.

GENERAL PLAN AMENDMENTS

As the City of Riverbank uses its General Plan, there may be need to amend sections or elements of the plan document. Riverbank is limited in how many times it may amend any one of the mandatory general plan elements annually. An amendment may include more than one change to the general plan. In some cases, a government may group together several proposals to be considered in one amendment. Amendments can be adopted by the governing agency, with the mandated process outlined in Section 65350, et seq., or by initiative or referendum. Any amendment must conform to all the requirements of planning law, including consistency requirements. Amendments are subject to compliance with CEQA.

When the Planning Commission and City Council are considering a proposed General Plan amendment, at a minimum, the answers to the following questions (plus additional considerations as conditions warrant) will determine the City’s action: Is the proposed amendment in the public interest? Is the proposed amendment consistent and compatible with the goals and the vast majority of policies of the General Plan? Have the potential effects of the proposed amendment been evaluated and determined not to be detrimental overall to the public health, safety, or welfare? Has the proposed amendment been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act? The City must make positive findings in each of these cases to pursue a General Plan amendment.

1.3 CITY COUNCIL ACTIONS AND PROJECT APPROVAL

The City of Riverbank is the lead agency for the Proposed Project. A lead agency, as defined in Section 15376 of the State CEQA Guidelines, is “the public agency that has the principal responsibility for carrying out or approving a project.” Described below are the approvals required for approval of the 2025 Final General Plan.

1. Adopt a resolution to certify the Final EIR;
2. Adopt a resolution to:
 - a. Adopt the City of Riverbank 2025 General Plan based on these findings;
 - b. Adopt the Mitigation Monitoring and Reporting Program for the Project, as discussed in Section 1.8 of these findings.

1.4 PROJECT OBJECTIVES

The Project Objectives for the purposes of the 2025 General Plan EIR are the City’s Vision Statement and Guiding Principles.

The Vision Statement is an expression of the desired future for the community in 2025. The Guiding Principles represent shared community values that will be used in moving toward the future vision. The General Plan was designed according to the Vision Statement and Guiding Principles, and provides the policy framework necessary to fulfill the community’s Vision for Riverbank in 2025. The community’s Vision Statement follows:

- ▶ **Small-town character** where residents can live, work, and play locally.
- ▶ **Thriving downtown** that offers a variety of retail opportunities and services and functions as the social and cultural heart of the community.
- ▶ **Healthy and diversified industrial base** served by its railroad, safe and **walkable/bikable neighborhoods**, and a wide range of employment and housing opportunities for its diverse population.
- ▶ Those who choose not to drive can **easily and safely walk, bicycle, or use public transit** to get to work, school, shopping, or a local park.
- ▶ Strong sense of **community identity** is reflected in its public gathering places and activities, **architectural variety**, and the ways in which the City’s riverfront location, railroad-oriented history, agricultural heritage, and other unique qualities are celebrated in the built environment.

- ▶ Riverbank in 2025 has succeeded in creating a **BALANCE between housing and jobs** for its residents, commerce and industries that support the local economy, and the **protection of agriculture and natural resources**.

The Guiding Principles were followed in drafting the General Plan and provide more detail about agreed rules used in implementing the Vision:

- ▶ **Small-Town Character:** Riverbank in 2025 will be a pleasant, quiet, friendly community with a distinct small-town character.
 - Public spaces in Riverbank where people can meet and interact with friends and neighbors are essential to our community.
 - Our neighborhoods are best served by attractive, safe, tree-lined, pedestrian-friendly streetscapes.
 - Our children should be able to safely walk or bike to school.
 - Downtown should be the social and cultural heart of our community, and must not be left behind as the City grows.
 - Small, locally-owned businesses are an important part of the unique character of Riverbank and essential to a healthy local economy.
 - Our streets and public spaces should be designed with people in mind, not only for the convenience of cars.
 - Commercial corridors, such as Patterson Road, should be attractive, unique, pedestrian-friendly centers of commerce to enhance the City's character.
 - Our City can grow without being overcome by traffic, noise, air quality, or other impacts that would sacrifice the small-town character.
- ▶ **Community Identity:** In 2025, Riverbank's unique qualities will be enhanced through a balance between the built environment, the natural environment, and the working agricultural landscape.
 - The Stanislaus River is a wonderful community asset, the natural beauty and function of which we should protect as we increase public access to the River and its views.

- Agriculture is important to our history, economy, and culture. Riverbank should remain an agricultural center for the region. We should conserve agricultural lands, nurture industries that rely on agriculture, market local agricultural goods, and increase the productivity of local agriculture through research and development.
 - Riverbank’s historic roots in agriculture, the railroad, and the River, should be recognized, celebrated, and respected as we create the City’s future.
 - Downtown should remain a walkable, pedestrian-scaled commercial center that best reflects our community’s unique identity and our desire to maintain our small town image.
 - Riverbank should preserve open green spaces around the City to maintain a distinct identity and create buffers between urban and agricultural uses of land.
- **Choice and Diversity:** In 2025, Riverbank will enjoy a variety of entertainment opportunities, retail and commercial services, housing types, job opportunities, and activity destinations that are easily accessible by car, transit, on foot, or bicycle. Choices and opportunities will be available to the greatest extent possible regardless of the physical or developmental abilities, needs, preferences, backgrounds, and incomes of our residents.
- We value the opportunities to live, shop, work, and recreate locally if we choose.
 - We will design our community so that people can walk, bicycle, or use public transit if they choose not to drive.
 - Existing and future residents should have local housing choices that best meet their needs.
 - The City is, and will be, home to all generations. Riverbank is a community where children can grow, raise families, and stay in the community as they age.
 - We will encourage a diversity of jobs and economic opportunities as the City grows.
 - We value education and skills that provide residents an opportunity for economic advancement. Our schools are vital to the social and economic well being of Riverbank. We will seek employers who can offer living wages and well-paying jobs for our residents.
- **Improved Quality of Life as the City Grows:** In 2025, growth and change have been managed to benefit existing and future residents.

- Our City will benefit from an appropriate balance between housing, commerce, industry, circulation, and open spaces for agriculture and nature.
 - The future health of Riverbank requires that older neighborhoods be improved at the same time that new areas develop.
 - Those who benefit from development should compensate for the public costs of serving such development.
 - A healthy community requires that its citizens feel a sense of connection. Physical, economic, or social barriers that prevent us from living as one community should be removed whenever possible.
 - New development should increase, not impede, our sense of being connected as one community.
 - Our City government, guided by the public interest, should be an active leader in improving the quality of life in Riverbank.
 - Economic and fiscal sustainability are important to Riverbank’s future and our citizens’ quality of life. Development decisions should contribute to the economic health and fiscal sustainability of the City.
- **Safe, Healthy, and Secure Environment:** In 2025, Riverbank’s citizens will travel, work, live, and participate in activities confident of their personal and their families’ safety and security.
- Our community should provide for a diversity of safe and lawful economic, social, and civic opportunities for people of all ages to nurture and enhance each others’ quality of life.
 - Our City should be safe and healthy for all our residents.
 - Community design should encourage people to look out for one another, to view and monitor public spaces, and to feel ownership and interest in our community’s safety and security.
 - Pedestrians and bicyclists should be as confident in their ability to travel safely in Riverbank as do our drivers.
 - The air we breathe and the water we use affect our health and well-being. We want growth and development to maintain the high standards for the quality of our air and water.
 - Maintaining and improving our urban tree canopy is important to our air quality, climate, aesthetic enjoyment, and overall quality of life.

1.5 RECORD OF PROCEEDINGS

The record of proceedings for the City's decision on the Project includes the following:

- ▶ the Notice of Preparation (NOP) published by the City September 8, 2006, along with all other public notices issued by the City in conjunction with the Project;
- ▶ the Draft Environmental Impact Report for the Riverbank City 2025 General Plan and Technical Appendices (February 2008 original Draft EIR and July 2008 partly recirculated Draft EIR).
- ▶ the 2025 General Plan;
- ▶ all comments submitted by agencies or members of the public during the two 45-day comment periods on the Draft EIR (February 15 through April 1, 2008) and the partly recirculated Draft EIR (July 11 through August 25, 2008);
- ▶ the Final Environmental Impact Report for the Riverbank City 2025 General Plan, including comments received on the Draft EIR, responses to those comments, comments received on the partly recirculated Draft EIR, responses to these comments, the Errata to the Final EIR, and technical appendices;
- ▶ all findings and resolutions adopted by the City Council in connection with the Project and all documents cited or referenced to therein;
- ▶ general plan background reports, studies, memoranda, maps, staff reports, or other planning documents related to the Project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the Project;
- ▶ all documents submitted to the City (including the Planning Commission and the City Council) by other public agencies or members of the public in connection with the Project, up through the close of the public testimony portion of the City Council's public hearings on the Project;
- ▶ any minutes of all information sessions, public meetings, and public hearings held by the City in connection with the Project;
- ▶ any documentary or other evidence submitted to the City at such information sessions, public meetings and public hearings;

- ▶ matters of common knowledge to the City, including, but not limited to Federal, State, and local laws and regulations; and
- ▶ any other materials required for the record of proceedings by Public Resources Code section 21167.6, subdivision (e).

The official custodian of the record is:

City of Riverbank
Community Development Department
6617 Third Street
Riverbank, CA

The City Council relied on all of the documents listed above in reaching its decision on the Project, even if not every document was formally presented to the City Council or City staff as part of the City files generated in connection with the Project. Without exception, any documents set forth above not found in the Project files fall into one of two categories: (1) Documents that reflect prior planning or legislative decisions with which the City Council was aware in approving the Project. (See *City of Santa Cruz v. Local Agency Formation Commission* (1978) 76 Cal.App.3d 381, 391-392; *Dominey v. Department of Personnel Administration* (1988) 205 Cal.App.3d 729, 738, fn. 6.); or (2) Documents that influenced the expert advice provided to City staff or consultants, who then provided advice to the City Council; such documents form part of the underlying factual basis for the City Council's decisions relating to the adoption of the Project. (See Pub. Resources Code, Section 21167.6, subd. (e)(10); *Browning-Ferris Industries v. City Council of City of San Jose* (1986) 181 Cal.App.3d 852, 866; *Stanislaus Audubon Society, Inc. V. City of Stanislaus* (1995) 33 Cal.App.4th 144, 153, 155.)

1.6 PROCEDURAL HISTORY

1.6.1 INTRODUCTION

This section provides a brief summary of the City's environmental review of the proposed Project and the modifications made to the proposed Project in consideration of comments received on the Draft EIR for the Project.

1.6.2 BACKGROUND

In compliance with CEQA, the City sent an NOP on September 8, 2006, to government agencies, special service districts, organizations, and individuals with an interest in or jurisdiction over the Project. This step ensured early consultation on the scope of the EIR. The comment period ended on November 30, 2006.

The Draft EIR for the Project was submitted to the State Clearinghouse and released for public and agency review on February 15, 2008. The draft EIR and General Plan update were made available for public review at several locations including local libraries, City offices, and on a web site. The public review and comment period for the draft EIR closed on April 17, 2008. Comments were received from agencies, interest groups, and individuals.

In response to comments received from the public and from City committee members, the City revised and recirculated several sections of the draft EIR for additional review and comment. The recirculated draft EIR was submitted to the State Clearinghouse and released for public and agency review on July 11, 2008. The recirculated draft EIR and General Plan were made available for public review at several locations including local libraries, City offices, and on a web site. The public review and comment period for the draft EIR closed on August 25, 2008. Comments were received from agencies, interest groups, and individuals.

Following public review of the draft EIR and the recirculated draft EIR, the City began preparing the Final EIR. The purpose of the Final EIR was twofold. First, the document provided copies of the comments made on the draft General Plan update and the EIR and provided written responses to all significant environmental issues raised in comments on the draft EIR. (See Public Resources Code, Section 21091(d)(2)(B); CEQA Guidelines, Section 15088(c).) Second, the document was designed to function as the Final EIR for the General Plan, and as such has been designed to meet the content requirements of a final program EIR as specified in CEQA and the CEQA Guidelines.

The completed Final EIR was made available for public review. The Riverbank Planning Commission conducted a public hearing on October 8 at the Riverbank Community Center. Following the close of the public hearing, the Planning Commission considered the General Plan update and the EIR, and adopted Planning Commission Resolution No. 2007-010 making findings regarding the General Plan update and the EIR and recommending that the City Council certify the EIR and adopted the General Plan update. The City Council held a public meeting on October 22, 2008 at which it considered certification of the Final EIR and adoption of the General Plan update.

1.6.3 DIFFERENCES OF OPINION REGARDING THE IMPACTS OF THE PROJECT

In making its determination to certify the Final EIR and to approve the Riverbank 2025 General Plan, the City Council recognizes that the 2025 General Plan addresses a number of controversial environmental issues and that a range of technical and scientific opinion exists with respect to those issues. The City Council has acquired an understanding of the range of this technical and scientific opinion by its review of the Draft EIR, the comments received on the Draft EIR and the responses to those comments in the Final EIR, as well as testimony, letters and reports regarding the Final EIR and the merits of the Project.

The City Council has reviewed and considered, as a whole, the evidence and analysis presented in the Draft EIR, the evidence and analysis presented in the comments on the Draft EIR, the evidence and analysis presented in the Final EIR, the information submitted on the Final EIR, and the reports prepared by the experts who prepared the EIR, the City’s general plan consultants, and by staff, addressing these comments.

The City Council has gained a comprehensive and well-rounded understanding of the environmental issues presented by the 2025 General Plan and EIR. In turn, the understanding has enabled the City Council to make its decisions after weighing and considering the various viewpoints on these important issues. The City Council accordingly certifies that its findings are based on a full appraisal of all of the evidence contained in the Final EIR, as well as the evidence and other information in the record addressing the Final EIR.

1.7 FINDINGS OF FACT

1.7.1 FINDINGS REQUIRED UNDER CEQA

Public Resources Code section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The same statute states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” Section 21002 goes on to state that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles announced in Public Resources Code section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See Pub. Resources Code, Section 21081, subd. (a); CEQA Guidelines, Section 15091, subd. (a).) For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The first such finding is that “[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, Section 15091, subd. (a)(1).) The second permissible finding is that “[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.” (CEQA Guidelines, Section 15091, subd. (a)(2).) The third potential conclusion is that “[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.” (CEQA Guidelines, Section 15091, subd. (a)(3).)

Public Resources Code section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.” CEQA Guidelines section 15364 adds another factor: “legal” considerations. (See also *Citizens of Goleta Valley v. City Council (Goleta II)* (1990) 52 Cal.3d 553, 565.)

The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417.) “[F]easibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (*Ibid.*; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.)

The three available findings under Guidelines section 15091 allow an approving agency to be clear when, as to particular significant environmental effects, the agency decision-maker is (i) adopting mitigation measures recommended in an EIR, (ii) identifying measures that lay outside its control, but should be, or have been, adopted by some other agency; or (iii) identifying measures that are infeasible. For projects with EIRs that include numerous mitigation measures that are either infeasible or outside the approving agency’s control, findings can be very lengthy, as they must explain, for example, why some measures are rejected as being infeasible.

Where, in contrast, the approving agency chooses to adopt each and every mitigation measure recommended in an EIR, there would seem to be little point in repeated invoking, over many dozens of pages, the finding that “[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” Notably, where the project being approved is an updated general plan, mitigation measures can be “incorporate[d] into the plan [.]” (Pub. Resources Code, Section 21081.6, subd. (b).)

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s “benefits” rendered “acceptable” its “unavoidable adverse environmental effects.” (CEQA Guidelines, Section 15093, 15043, subd. (b); see also Pub. Resources Code, Section 21081, subd. (b).) The California Supreme Court has stated, “[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced.” (*Goleta II*, 52 Cal.3d at p. 576.)

These findings constitute the City Council's best efforts to set forth the evidentiary and policy bases for its decision to approve the Project in a manner consistent with the requirements of CEQA. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations that come into effect with the City Council's approval of the Project.

The City Council is adopting these findings for the entirety of the actions described in these findings and in the Final EIR. Although the findings below identify specific pages within the Draft and Final EIRs in support of various conclusions reached below, the City Council has no quarrel with, and thus incorporates by reference and adopts as its own, the reasoning set forth in both environmental documents, and thus relies on that reasoning, even where not specifically mentioned or cited below, in reaching the conclusions set forth below, except where additional evidence is specifically mentioned. This is especially true with respect to Council's approval of all mitigation measures in the Final EIR, the reasoning set forth in responses to comments in the Final EIR, and all policies and implementation programs in the General Plan.

1.7.2 INCORPORATION BY REFERENCE

As noted, the Final EIR, including the Errata to the Final EIR, is incorporated into these findings in its entirety. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving the Project in spite of the potential for associated significant and unavoidable adverse impacts.

1.7.3 GENERAL FINDINGS

These findings provide the written analysis and conclusions of the City Council regarding the environmental impacts of the Project and the mitigation measures included as part of the Final EIR, including the Errata to the Final EIR, and adopted by the City Council as part of the Project. To avoid duplication and redundancy, and because the City Council agrees with, and hereby adopts, the conclusions in the Final EIR, these findings will not always repeat the analysis and conclusions in the Final EIR, but instead incorporates them by reference herein and relied upon them as substantial evidence supporting these findings.

In making these findings, the City Council has considered the opinions of other agencies and members of the public. The City Council finds that the determination of significance thresholds is a judgment decision within the discretion of the City Council; the significance thresholds used in the EIR are supported by substantial evidence in the record, including the expert opinion of the EIR preparers and City staff; and the significance thresholds used in the EIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the Project. Thus, although, as a legal matter, the City Council is not bound by the significance

determinations in the EIR (see Pub. Resources Code, Section 21082.2, subd. (e)), the City Council finds them persuasive and hereby adopts them as its own.

Sections 1.7.3 and 1.7.4 of these findings summarize the environmental determinations of the Final EIR and the Project's impacts before and after mitigation. Sections 1.7.3 and 1.7.4 do not attempt to describe the full analysis of each environmental impact contained in the Final EIR. Instead, these sections provide a summary description of each impact, set forth the mitigation measures identified to reduce or avoid the impact, and state the City Council's findings on the significance of each impact after imposition of the adopted General Plan goals, policies, implementation programs and the recommended mitigation measures. A full explanation of these environmental findings and conclusions can be found in the Final EIR and these findings hereby incorporate by reference the discussion and analysis in the Final EIR supporting the Final EIR's determination, including the policies and implementation measures included in the Errata to the Final EIR, regarding the Project's impacts and mitigation measures designed to address those impacts. In making these findings, the City Council ratifies, adopts and incorporates in these findings the determinations and conclusions of the Final EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

IMPACTS DECLARED TO BE LESS THAN SIGNIFICANT

The City Council agrees with the characterization in the Final EIR with respect to all impacts identified as "less than significant" and finds that those impacts have been described accurately and are less than significant or no impact as so described in the Final EIR. Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, Section 21002; CEQA Guidelines, Section 15126.4, subd. (a)(3); 15091.) This finding applies to the following numbered impacts:

Aesthetics

- ▶ Impact 4.2-2. Substantially Damage Scenic Resources, Including, but Not Limited to, Trees, Rock Outcroppings, and Historic Buildings within a State Scenic Highway. There are no state scenic highways in the Riverbank Planning Area. There is no impact.
- ▶ Impact 4.2-3. Create a New Source of Substantial Light or Glare Which Would Adversely Affect Day or Nighttime Views in the Area. New development allowed under the proposed General Plan would increase the number of light sources and amount of glare in Riverbank. However, compliance with City policies would ensure that the project would have a less-than-significant impact in terms of light or glare.

Air Quality

- ▶ Impact 4.4-4. Generation of Long-Term, Operation-Related Local Mobile-Source Emissions of Carbon Monoxide (CO). Based on San Joaquin Valley Unified Air Pollution Control District's (SJVAPCD's) screening criteria, long-term operation-related local mobile-source emissions of CO would not result in or substantially contribute to emissions concentrations that exceed the 1-hour ambient air quality standard of 20 ppm or the 8-hour standard of 9 ppm, respectively. As a result, this impact would be less than significant.

Biological Resources

- ▶ Impact 4.5-1. Effects on special-status plants, wildlife, and fisheries. The proposed General Plan would involve construction and occupation of many different urban land uses, as well as preservation and conservation of certain lands. These changes could affect special-status species or the habitats they depend on. However, detailed policies in the General Plan ensure that impacts are less than significant.
- ▶ Impact 4.5-2. Effects on Federally Protected Waters of the United States, sensitive natural communities, and wildlife corridors and nursery sites. The proposed General Plan would involve construction and occupation of many different urban land uses, as well as preservation and conservation of certain lands. These changes could affect directly or indirectly affect Waters of the United States and other important resource areas as described below. However, detailed policies in the General Plan ensure that impacts are less than significant.
- ▶ Impact 4.5-3. Effects on approved local, regional, or state habitat conservation plans or other policies and ordinances protecting biological resources. The City is adjacent to San Joaquin County, which has an adopted habitat conservation plan, the SJMSCP. Implementation of proposed General Plan policies would ensure potential adverse effects to natural resources protected under the SJMSCP are avoided to a great extent and that residual unavoidable effects are fully mitigated. Therefore, the Plan would be consistent with the SJMSCP and other plans and ordinances that protect biological resources. This impact is considered less than significant.

Cultural Resources

- ▶ Impact 4.6-1. Cause a Substantial Adverse Change in the Significance of an Historic Resource. The General Plan encourages infill development and revitalization of areas of the city where there may be older buildings. The General Plan anticipates growth in areas historically used for farming. It is possible that changes in policies included as a part of the General Plan could cause an adverse change relative to historic resources. However, the proposed General Plan update includes policies to reduce such impacts. The impact is considered less than significant.

- ▶ Impact 4.6-2. Cause a Substantial Adverse Change in the Significance of a Unique Archaeological Resource. There is a strong possibility that previously unidentified unique archaeological remains may be discovered in subsurface contexts prior to or during General Plan implementation. It is possible that a unique archaeological resource could be adversely affected by General Plan implementation. However, the proposed General Plan update includes policies to reduce such impacts. The impact is considered less than significant.
- ▶ Impact 4.6-3. Disturb any Human Remains, Including Those Interred Outside Formal Cemeteries. Human remains dating to the prehistoric period of California have been located at numerous locations along rivers and streams within the San Joaquin Valley, including San Joaquin County. It is possible that General Plan implementation would involve some construction that could disturb human remains. California law recognizes the need to protect interred human remains, particularly Native American burials and associated items of patrimony, from vandalism and inadvertent destruction. Existing State regulations and proposed City policy ensure a less-than-significant impact.

Energy Conservation

- ▶ Impact 4.7-1. Wasteful, inefficient, and unnecessary consumption of energy or preemption of future energy development or future energy conservation. The General Plan would accommodate a large amount of urban development, as well as resource conservation, which would increase demand and consumption of energy. However, the General Plan includes policies to ensure efficient land use patterns and efficient use of energy in areas of land use change. The impact is less than significant.

Geology, Soils, and Mineral Resources

- ▶ Impact 4.8-1. Expose People or Structures to Potential Substantial Adverse Affects Involving the Rupture of a Known Earthquake Fault. Riverbank is not located within an earthquake fault zone and surface rupture from faulting is not expected to occur in the city. This impact would be less than significant.
- ▶ Impact 4.8-2. Expose People or Structures to Potential Substantial Adverse Affects Involving Strong Seismic Ground Shaking. The City of Riverbank is located in an area considered by the California Geological Survey to experience lower levels of shaking less frequently. Ground shaking, as a result of seismic activity from nearby or distant earthquake faults, could cause seismic-related ground failure. The water-saturated alluvial soils located in the city are considered to possess low strength and could potentially liquefy during a seismic event. Development of homes and other structures has the potential to expose people to substantial adverse effects from seismic hazards, including ground shaking and liquefaction. However, the City of Riverbank General Plan and municipal code include measures that lessen the possible exposure of people and structures to ground shaking or ground failure. Ground shaking may pose a risk to increased numbers of people and

property resulting from the proposed General Plan, and can elevate risk if buildings are not properly designed for seismic safety. Development in the city must comply with the California Uniform Building Code (UBC), which outlines standards for seismic design, foundations and drainage. Compliance with the UBC is already required by City ordinance and would also be required for development anticipated under the General Plan. Lands located in Stanislaus County have not been mapped by the California Department of Mines and Geology Seismic Hazard Zone Mapping System. This program maps areas potentially susceptible to liquefaction and landslides. Because of the relatively flat topography of the city the possibility of landslides is less than significant. Review of soil types located in the city found that subsidence is not a characteristic. However, earthquakes from regional fault systems have affected Stanislaus County in the past and, therefore, the possibility of ground shaking occurring in the city sometime in the future is likely. In addition, the relatively high water table found in Riverbank could result in impacts related to liquefaction., the City of Riverbank General Plan Safety Element includes goals, policies, and implementation measures designed to lessen the possible exposure of people and structures to ground shaking or ground failure, including liquefaction (see pages 4.8-11 through 4.8-12 of the EIR). With implementation of these goals, policies, and implementation measures of the City of Riverbank General Plan, the potential for exposing people or structures in the city to substantial adverse affects involving strong seismic ground shaking would be reduced to a less-than-significant level.

- ▶ Impact 4.8-3. Result in Substantial Soil Erosion or the Loss of Topsoil. Excavation and grading of soil could result in localized erosion during construction activities occurring in the city. Further, dewatering may be required during some excavation activities as a result of high groundwater levels, which could increase the potential for soil erosion. The Riverbank General Plan includes goals, policies, and implementation measures to lessen the potential for soil erosion and loss of topsoil. This would be a less-than-significant impact.
- ▶ Impact 4.8-4. Expose People or Structures to Hazards Involving Expansive Soils. Soils located in areas of the city are moderately to highly susceptible to expansive soil behavior. Expansive soils may cause differential and cyclical foundation movements that can cause damage and/or distress to overlying structures. In addition, the groundwater table is shallow which enhances the potential for shrink and swell. However, the City of Riverbank General Plan includes goals, policies, and implementation measures to lessen the possible exposure of people and structures to hazards involving expansive soils. This impact would be less than significant.
- ▶ Impact 4.8-5. Placement of Septic Tanks or Alternative Wastewater Systems in Soils Incapable of Supporting Their Use. The entire City of Riverbank is served by the city's public sewer system. Implementation of the General Plan would result in no impact.

Hazards and Hazardous Materials

- ▶ Impact 4.9-1. Create a Safety Hazard to the General Public from Transportation of Hazardous Materials. Development within the Planning Area would result in an increase in the routine transportation of hazardous materials on Planning Area roadways. Implementation of proposed General Plan policies, in combination with existing federal and State regulations, would reduce the potential impacts from the routine transportation of hazardous materials to a less-than-significant level.
- ▶ Impact 4.9-2. Create a Safety Hazard to the General Public from Potential Release and Exposure to Hazardous Materials. Development of the General Plan would result in land uses that could result in an increased risk of exposure to hazardous materials. Implementation of proposed General Plan policies, in combination with existing federal, State, and local regulations, would reduce impacts from the potential public health and safety impacts from the accidental release of and exposure to hazardous materials to a less-than-significant level.
- ▶ Impact 4.9-4. Safety Hazards Associated with the Peterson Airport. Implementation of the proposed General Plan could locate development within the vicinity of a private airstrip, potentially resulting in a safety hazard for people residing or working in the area. Because any new development adjacent to the Peterson Airport would be required to comply with the Stanislaus County CLUP standards and with existing FAA regulations, safety hazards associated with the Peterson Airport would be less than significant.
- ▶ Impact 4.9-5. Interfere with Adopted Emergency Response Plans. Development within the Planning Area would add additional traffic and residences requiring evacuation in case of an emergency. Implementation of proposed General Plan policies would ensure conformance with local emergency response programs and continued cooperation with emergency response service providers. This impact would be less than significant.
- ▶ Impact 4.9-6. Exposure of People or Structures to Urban and Wildland Fires. The Planning Area is not located in a designated wildland fire area, a High Fire Hazard Severity Zone, or a SRA area. Compliance with the California Building Code regulations, California Fire Code with adopted Fire District amendments, and other state and local fire safety requirements would minimize wildland fire risks. In addition, proposed General Plan policies would ensure people and structures would not be exposed to significant risk of loss of injury involving wildland fires. This impact would be less than significant.

Hydrology and Water Quality

- ▶ Impact 4.10-1. Place Housing or Structures within a 100-year Flood Zone. As discussed above, the current Riverbank city limits are outside of the 100-year floodplain, and thus would not be at risk from flooding hazards. However, areas in the northwestern portion of the Riverbank Planning Area are within a designated

100-year flood zone. The proposed General Plan does anticipate some development within this 100-year floodplain area as it is currently designated. However, with the goals and policies included as part of the proposed Project, this impact is less than significant.

- ▶ Impact 4.10-2. Expose people or Structures to a Significant Risk due to Dam Failure. A dam failure can occur as the result of an earthquake, structural instability, or heavy rains causing inundation of the Riverbank. Proposed policies address human health and safety issues related to dam failure, but the risk is small and the impact is considered less than significant.
- ▶ Impact 4.10-3. Temporary Construction-Related Effects. Buildout of the General Plan would involve earth disturbance typical of construction activities. Proposed policies and existing regulations would ensure a less-than-significant impact.
- ▶ Impact 4.10-4. Substantially Alter Drainage Patterns and Surface Water Alignments. Construction of projects accommodated under the General Plan is not anticipated to involve substantial alterations in drainage patterns or surface water alignments. The impact is less than significant.
- ▶ Impact 4.10-5. Impact Surface Water or Groundwater Quality. Development facilitated by the General Plan will add impervious surfaces and increase runoff. General Plan policies address runoff issues in a way that specifically protects surface and groundwater quality, as noted elsewhere in this section. The impact is less than significant.
- ▶ Impact 4.10-6. Substantially Deplete Groundwater Supply or Impede Recharge. If significant recharge areas are developed or groundwater extraction occurred without recharge, this could adversely affect supply. Proposed General Plan policies address this issue and as a result, the impact is considered less than significant.

Land Use

- ▶ Impact 4.11-1. Disrupt or Divide an Established Community. The General Plan includes a revised Land Use Diagram, identification of transportation improvements, and other changes that would primarily change currently undeveloped areas, but that also could affect existing developed parts of the City. However, goals, policies, and implementation measures included throughout the General Plan prevent against disruption of existing communities and no aspect of the General Plan would divide an existing community. This impact would be less than significant.
- ▶ Impact 4.11-1 Conflict with any applicable habitat conservation plan or natural community conservation plan. There is no habitat conservation plan or natural community conservation plan in effect for the Planning Area.

The Conservation and Open Space Element discusses biotic resources, including some of those addressed by neighboring San Joaquin County's habitat conservation planning efforts. These habitat conservation planning efforts do not apply to areas of the Riverbank Planning Area where land use change is anticipated. The City will require compliance with this conservation plan, where applicable. This impact would be less than significant.

Noise

- ▶ Impact 4.12-3. Expose Noise Sensitive Receptors to Stationary and Area-Source Noise Levels Exceeding City of Riverbank Standards. Long-term General Plan buildout of stationary- and area- source noise levels would not exceed applicable standards assuming measures in the proposed General Plan and the City Noise Ordinance are enforced. As a result, this impact would be less than significant.

Population and Housing

- ▶ Impact 4.13-1. Growth Inducement. The General Plan involves a large amount of land use change. The General Plan is comprehensive and policies included in the General Plan update indicate that Riverbank will be a full-service city and not extend infrastructure in way that induces growth. The impact is less than significant.

Public Services, including Recreation

- ▶ Impact 4.14-1. Result in substantial adverse impacts associated with the provision of fire protection services. Development and operation of fire protection are addressed by various plans, and policies. Impacts would be kept to a less-than-significant level by adhering to the plans and policies contained in the General Plan.
- ▶ Impact 4.14-2. Result in substantial adverse impacts associated with the provision of law enforcement services. Policies from the General Plan would apply to potential impacts associated with the construction and operation of police facilities. This would be a less-than-significant impact.
- ▶ Impact 4.14-3. Result in substantial adverse impacts associated with the provision of school services. Specific school expansion or improvement projects have been identified in certain areas, and additional project specific environmental analysis would be completed as demand requires. This would be a less-than-significant impact.
- ▶ Impact 4.14-4. Result in substantial adverse impacts associated with library resources. The proposed General Plan update includes goals and policies that would ensure that future build-out would provide the City of Riverbank with sufficient library resources. This would be a less-than-significant impact.

- ▶ Impact 4.14-5. Result in substantial adverse impacts associated with the provision of parks and recreation services. The proposed General Plan update includes goals and policies that would ensure that future build-out would provide the City of Riverbank with sufficient parks and recreation services. This would be a less-than-significant impact.

Transportation/Traffic

- ▶ Impact 4.15-9. Development anticipated as a part of the Riverbank General Plan update will result in increased traffic volumes on existing local and collector streets with adjacent homes. As the community of Riverbank grows, the volume of traffic on most roads in the community will increase. Streets such as Morrill Road which are designated as collectors but which have fronting homes will carry increasing traffic volumes. While the forecast traffic volumes on existing streets are unlikely to reach the LOS D threshold, it is likely that current residents will perceive the “quality of life” impacts associated with increased traffic through neighborhoods. Noise impacts are evaluated in detail in the Noise section of this EIR (4.12). This EIR evaluates adverse physical environmental impacts, as required under CEQA. Increased traffic volumes below LOS standards and below levels that would exceed significance thresholds for air quality, noise, or other impact areas represent a less-than-significant impact for the purposes of this EIR. Nonetheless, the following mitigation is recommended.

Mitigation Measure 4.15-9

- Because the General Plan must deal with both new growth areas and the existing developed area of the community, the City of Riverbank will need to establish guidelines for permissible traffic volumes on streets with fronting development. These guidelines may either be part of the specific plan process or as part of the City’s street improvement standards.
- ▶ Impact 4.15-10. Development under the Riverbank General Plan will result in increased traffic at new commercial areas and traffic conditions in excess of the minimum LOS D standard may result. The General Plan update Land Use Diagram identifies the location of commercial development areas where access will be an important issue. While it is beyond the scope of a general plan to design the access to individual parcels, it is important to identify the design parameters that will need to be considered as plans for development of these areas proceeds through the specific plan process. This information is provided in the material that follows.
 - Northwest corner of Oakdale Road / Claribel Road Intersection. The General Plan update designates a 94 + acre site for community commercial development. Areas with this designation are anticipated to be developed for retail, employment, and/or commercial services. These areas

are located along major roadways on the periphery of planned and existing neighborhoods. The maximum FAR is 0.3. Access to this site is constrained by the need to facilitate regional circulation via both Claribel Road and Oakdale Road and by the location of existing intersections on Oakdale Road. The site in question has approximately ½ mile of frontage along the north side of Claribel Road and ¼ mile of frontage long Oakdale Road. The level of access permitted to Claribel Road is an issue that will affect Riverbank and its neighbors. The City of Modesto General Plan identifies Claribel Road as a limited access expressway, and under the policies of that city, access to Claribel Road is limited to a single mid-block right-turn only connection midway between Oakdale Road and Coffee Road. While the exact nature of the Claribel Road access will need to be determined as part of future anticipated specific plan processing, it is important to note that the volume of traffic at such an access is dependent on the level of access available via other routes. The General Plan update requires, and the General Plan update EIR traffic analysis assumes that the commercial site will be linked to adjoining neighborhoods to the north by multiple collector road canal crossings, as well as full access to Oakdale Road. However, with that level of access, the connection to Claribel Road is anticipated to handle 18,000 vehicles per day. The General Plan update EIR traffic analysis assumes one signalized access only on Claribel Road located on the west side of this commercial site, and that this would be the only signalized connection between Oakdale Road and Coffee Road. Access to Oakdale Road will use opportunities created by the access to the existing retail center on the east side of Oakdale Road. That center has a signalized access on Oakdale Road approximately 600 feet north of Claribel Road. This intersection is approximately 2,000 feet south of the Crawford Road signal. While the design of access to the future retail site will need to be confirmed as part of the specific plan process, the General Plan update EIR traffic analysis assumes that it will be necessary to develop signalized access onto Oakdale Road opposite the existing signal and at another location midway between that signal and the Crawford Road intersection.

- Northwest corner of Roselle Avenue / Claribel Road and Northeast corner of Roselle Avenue / Claribel Road. The General Plan update Land Use Diagram establishes the Mixed Use (MU) land use designation for these sites. This designation includes neighborhood-scale retail uses, offices, personal and commercial services, and similar land uses. This is the primary category for Riverbank to accommodate neighborhood serving retail, services, offices, and similar needs during the buildout of this General Plan. As such, this land use classification is anticipated to be mainly non-residential. However, the Mixed Use designation also explicitly allows for higher-density residential development in a vertical or horizontal mixed-use setting. The exact nature of access in this area will need to be confirmed. Creative site planning and access strategies might

be required to provide adequate access to these sites while avoiding access onto Claribel Road. While direct access via Claribel Road may be convenient to certain travelers, there is no reason to believe that restricting access to Roselle Avenue would create substantial hazards or create exceedance of local level of service standards.

- City review of access associated with site planning for these sites, which is routine, and implementation of street improvement standards, which is also routinely required, the impact is considered less than significant.
- ▶ Impact 4.15-11. Development under the Riverbank General Plan could increase safety hazards if improperly planned and designed. The City, through its roadway design standards, can directly influence the level of safety on public roadways. The proposed General Plan has policies in the Circulation Element to ensure safety for all available local modes of travel. The Circulation Element also has an implementation strategy for the City to update its street standards to be consistent with the proposed General Plan update. See pages 4.15-38 through 4.15-39 of the EIR, which summarize relevant goals and policies. Policies in the proposed General Plan update show that the City will emphasize safety for all travel modes as a part of updates to the street standards and implementation of the General Plan. The proposed General Plan update does not include any design features or incompatibilities that would create a safety issue. Therefore, the impact is less than significant.
- ▶ Impact 4.15-13. Development under the Riverbank General Plan would result in additional homes and destinations. Some travel would occur by private vehicle. The General Plan would increase the local parking demand. To the extent that this is not met with enough parking supply to avoid a safety hazard, this could create an impact. The City has parking standards adopted as a part of the Municipal Code that specify the amounts of off-street parking that are required for each proposed land use type. The proposed General Plan update includes goals and policies relating to parking. The primary objective of such policies is to provide adequate parking while also ensuring that excessive surface parking does not create impediments to quality of life in Riverbank. Examples of relevant policies are summarized on page 4.15-41 of the EIR. The proposed General Plan update also includes an Implementation Measure to develop and implement a parking master plan. The Master Plan will include strategies and implementation measures for addressing the City's parking supply and parking requirements and design standards. The plan will include strategies to optimize the parking supply. Future development will be required to comply with General Plan policy regarding travel safety, including the design and location of parking such that a safety hazard does not result. There is no change in the parking standards of Riverbank included as a part of the General Plan. There is no reason to believe that any action accommodated under the General Plan would result in parking supply that is so inadequate as to cause a safety hazard. There is no impact.

- ▶ Impact 4.15-14. The Riverbank General Plan would accommodate construction of a variety of land uses. The Riverbank General Plan would accommodate travel by private vehicle. If this development is not properly designed, this could conflict with policies, plans, or programs supporting alternative transportation. The Riverbank General Plan itself is the relevant source of policies, plans, and programs supporting “alternative” transportation. “Alternative” transportation modes are normally thought of as being secondary to vehicular transportation. This typically includes walking, bicycling, and public transit. The proposed General Plan instead accommodates each locally available mode on equal footing. Examples of relevant goals and policies are provided on pages 4.15-42 through 4.15-44 of the EIR. The proposed Riverbank General Plan update has beneficial impacts relative to existing goals and policies in the pre-update General Plan for “alternative” transportation. The various aspects of a land use array that supports walking, bicycling, and transit, roadway requirements, parking, and other direct and indirect elements are all addressed by the proposed General Plan update. The existing (pre-update) General Plan does not as adequately address all relevant aspects. There is no adverse impact.

- ▶ Impact 4.15-15. The Riverbank General Plan would accommodate construction of a variety of land uses in the eastern portion of the Planning Area near an existing small airport. If General Plan implementation created changes in air travel patterns or substantial conflicts with flight patterns or airport safety, there could be an impact. The Peterson Airport is a privately owned airport located at 5800 Langworth Road in the City of Oakdale. The airport is located approximately three miles southeast of downtown Riverbank and approximately 0.5 mile east of the eastern edge of the Riverbank Planning Area. Any development adjacent to the Peterson Airport would be required to adhere to the Stanislaus County CLUP standards and FAA regulations (14 CFR 77). Implementation of the proposed General Plan could locate development within the vicinity of a private airstrip, potentially resulting in a safety hazard for people residing or working in the area. This development would not include any tall structures or substantial wildlife preservation areas that could create problems for this small airport.

Public Utilities

- ▶ Impact 4.16-1. Have sufficient water supply available to serve the city at buildout of the proposed General Plan. The City would need to provide an additional 8 million gallons per day of water to meet the projected buildout of the General Plan. Implementation of the proposed infrastructure included in the Updated Water Master Plan would ensure that the City would meet its water demands projected in the proposed General Plan, and this impact would be less than significant.

- ▶ Impact 4.16-3. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board. Proposed wastewater treatment upgrades included in the Updated Sewer Collection System Master

Plan are expected to comply with Regional Water Quality Board requirements as well as State standards, and therefore would have a less-than-significant impact.

- ▶ Impact 4.16-6. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs. Since the GSW site is currently at 50% capacity, and projected to be open until 2023, at which point the City's franchised waste hauler would be required to accommodate any increase in the need for residential and commercial waste management services. This impact would be less than significant.

IMPACTS WHERE A CONCLUSION IS NOT POSSIBLE OR WOULD BE SPECULATIVE

The City Council agrees with the characterization in the Final EIR with respect to two impacts where a significant conclusion would be speculative or impossible and finds that these impacts have been described accurately in the Final EIR (Section 15145 of the State CEQA Guidelines). This finding applies to the following numbered impacts:

Impact 4.13-2. Housing and Population Replacement. The majority of growth proposed in the General Plan would occur on vacant and agricultural land, which has few existing housing units. Some urban revitalization on vacant and underutilized properties in downtown and west Riverbank is encouraged by General Plan policy. If policies of the General Plan to improve existing developed portions of the city are successful, some amount of land use change will occur. The General Plan does not substantially alter land uses in existing developed areas, as detailed in the Land Use section of the EIR (Section 4.11). The General Plan does not propose projects for areas currently developed with residential uses. The extent to which housing units would be replaced is unknown at this time. Future project-level environmental analysis would be required where discretionary actions of the City are involved and potentially significant impacts could occur. At this time, a significance conclusion on this topic would be speculative.

Impact 4.4-7. Increases in Greenhouse Gas Emissions. Long-term operation of the new growth anticipated under the General Plan would generate emissions of greenhouse gases (GHGs) from area- and mobile-sources. Mobile-source emissions of GHGs would include vehicle trips associated with employee commute, errand, recreation, and other trips in passenger vehicles of future residents of and visitors to the Planning Area, as well as commercial trucking activity associated with goods movement related to proposed commercial and industrial uses. Area-source emissions would be associated with activities such as landscaping and maintenance of proposed land uses, natural gas distribution for home and water heating, waste disposal, and other sources. Increases in stationary-source emissions could occur at off-site utility providers associated with energy supply to the proposed uses within the Planning Area.

GHG emissions would predominantly be in the form of carbon dioxide (CO₂). In comparison to criteria air pollutants, such as ozone and particulate matter less than or equal to 10 microns in diameter (PM₁₀), CO₂ emissions persist in the atmosphere for a much longer period of time. While emissions of other GHGs, such as methane, are important with respect to global climate change, emission levels of other GHGs are less dependent on the land use and circulation patterns associated with the proposed General Plan than are levels of CO₂.

Because the General Plan mostly addresses physical development patterns throughout the city, mobile sources (vehicle trips) would be the primary emission source of GHGs associated with the project. Transportation is also the largest source of GHG emissions in California and represents approximately 60% of annual CO₂ emissions generated in the state (CEC 2006).

Vehicle miles traveled (VMT) is the most direct indicator of CO₂ emissions for most land use plans and development projects, and this General Plan is no exception. CO₂ emissions are the best indicator of total GHG emissions. Buildout of the new General Plan is estimated to add approximately 192,000 new vehicle trips per day to the Planning Area, and would be the primary source of GHG emissions associated with Plan implementation.

Operation of the new General Plan would generate 275,470 tons (0.3 Megatons [Mt]) of CO₂ emissions annually for the lifetime of the General Plan (Table 4.4-7). New growth anticipated under the General Plan would generate a finite quantity of approximately 378,564 tons (0.4 Mt) of CO₂ for the duration of construction activities (Table 4.4-7). Construction would contribute emissions of GHGs to a much lesser extent than operation of the General Plan.

It is important to consider the context of GHGs. Emissions of GHGs are dispersed throughout the atmosphere worldwide, and the effects of climate change are borne globally, unlike emissions of criteria air pollutants, which have regional and/or local impacts on air quality. The extent to which emissions of GHGs attributable to the General Plan can be treated as “a net increase” is uncertain. For example, if a proposed dwelling unit becomes occupied by a family that relocates from the City of Modesto, and the residents’ employers remain located in Modesto, it is probable that a net increase in GHGs could be attributed to this family’s decision to move to the Planning Area. Alternatively, if a proposed dwelling unit becomes occupied by a family moving to California from Wyoming (where CO₂ emissions/capita is approximately 138 tons per year (TPY)/person [CEC 2006b]), it is likely that this household would experience a net decrease in emissions of GHGs.

The legislation dealing with climate change in California (as well as international treaties and agreements on the subject) identifies goals for the rate of emissions of GHGs, relative to specific benchmark years. In the case of California, AB 32 requires 1990 GHG emission levels to be achieved by the year 2020, or about a 25% reduction from current emissions levels (ARB 2006). Neither State legislation nor executive order suggests that California

intends to limit population growth in order to reduce the state's GHG emission levels. Therefore, the intent is to accommodate population growth in California, but achieve a lower rate of GHGs despite this larger population. The statewide average per-capita rate of GHGs would need to be reduced substantially to comply with the targets established by AB 32. Generally, the level of mass emissions of GHGs generated by any single project is nominal when compared to the global inventory, or even the state inventory of emissions of GHGs. If a project is very large and has a comparatively high magnitude of associated emissions of GHGs emissions by mass, but generates a low per-capita rate, the project helps California achieve its GHG emission reduction goals. On the other hand, many small projects that exceed 1990 per capita GHG emission rates would collectively impede California's efforts to address climate change.

The proposed General Plan would enable Riverbank to accommodate 31,293 new residents. If the operational CO₂ emissions were distributed evenly on a per capita basis, the proposed new population of Riverbank would generate CO₂ at an average rate of approximately 9 tons CO₂/person/year. The General Plan's land use designations and policies would accommodate a larger share of non-vehicular trips for future and existing residents of the Planning Area. Various land use, community design, air quality, and circulation policies would reduce per capita GHG contribution. The precise effect of these policies is unknown as of the writing of this document. It is unknown at this time what effect buildout of the new growth area of the General Plan would have on existing residents.

According to the CEC's *Inventory of California Greenhouse Gas Emissions and Sinks: 1990 to 2004*, the statewide average CO₂ emissions associated with fossil fuel combustion are approximately 12 tons CO₂/person/year (CEC 2006b). In order to achieve the goal stated in AB 32 of 1990 emission levels by the year 2020 while accounting for population growth between now and 2020, Californians would need to reduce emissions by about 25%. In other words, the per-capita rate of emissions needed to be consistent with AB 32 goals is approximately 9 tons CO₂/person/year. Therefore, the average GHG emissions rate for residents of the proposed Riverbank General Plan is anticipated to be approximately in line with AB 32 goals.

Implementation of General Plan policies and Mitigation Measure 4.4-3, which require design and operational measures to reduce operational emissions of criteria air pollutants, would further reduce CO₂ emissions from the Plan's operation.

Although transportation is the most important source of GHG emissions in California, emissions from other sectors (e.g., energy, industry, agriculture) should not be entirely overlooked. Stationary- and mobile-source measures and regulations on the horizon would assist in further lowering General Plan GHG emissions. It is not known at this time what reductions are achievable from other emission sources through measures such as the AB 32 Early Action Measures (adopted in July 2007). Also not known at this time is whether additional GHG

reductions for mobile sources might be available through legislation such as AB 1493, which would create more stringent vehicle emission standards for GHGs. It is not yet clear what the net GHG emissions of the General Plan would actually be under the buildout scenario, given the uncertainty of future legislative actions. Finally, market factors could affect the density of land uses actually constructed under the buildout scenario, which are unknown at this time. Therefore, actual CO₂ emission rates computed on a project-by-project basis could vary. Many factors that would be used to calculate the net change in GHG emissions attributable to individual projects within the General Plan are either unknown at this time or outside the control of the City of Riverbank.

The proposed General Plan update also includes the following implementation measure, which may place additional requirements on development projects proposed within Riverbank regarding transportation-related GHG analysis and mitigation:

Implementation Strategy AIR-2: The City will also develop a local greenhouse gas reduction program. The City will set a definitive goal for greenhouse gas reduction, on either a per-capita or mass level, with the minimum goal expected to be a 25 percent reduction by the year 2020. This program will begin with an analysis of baseline greenhouse gas emission levels and forecasting the growth in emissions that would occur if the status quo continued. The City will assemble a set of local actions, including regulatory changes, infrastructure investment strategies, incentives and disincentives, and other measures that could apply both to new and existing developed areas. The City will monitor progress toward the overall goal and periodically revise the local action plan, as appropriate. Implementation of Riverbank's greenhouse gas reduction program will require the cooperation of other agencies, private businesses, and residents, and will be implemented over a period of several years. It is likely that, during the design and monitoring period of this program, State guidance, case law, and other information will become available, making revisions to the reduction program appropriate. The City will monitor changes in the regulatory environment, as well as grant and other funding programs that could be made available to help Riverbank in implementing this program.

Section 15145 of the State CEQA Guidelines provides that, if after a thorough investigation a lead agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impacts. Due to uncertainty of future market and regulatory factors and lack of available information regarding behavioral factors of future Riverbank residents, it would be speculative to determine if a net increase or decrease in GHG emissions would occur as a result of General Plan implementation. Therefore, no impact conclusion related to GHG emissions can be made based on research of this issue.

1.7.4 SIGNIFICANT EFFECTS AND MITIGATION MEASURES

The Final EIR identified several significant environmental effects (or “impacts”) that would result from the City’s approval and implementation of the 2025 General Plan. Many significant effects were avoided altogether because the General Plan contains goals, policies, and/or implementation strategies that prevent the occurrence of significant effects in the first place. For other effects, additional mitigation is identified in the Final EIR. In some instances, the impacts have been reduced through implementation of the Riverbank City General Plan Land Use Diagram, Figure LAND-4. Some significant impacts of the 2025 General Plan, however, cannot be avoided by the adoption of feasible mitigation measures or feasible alternatives; these effects are outweighed by overriding considerations set forth in Section 1.7.8. Where these findings conclude that no additional mitigation is available, that conclusion includes the finding that there is no additional mitigation available that would be consistent with the General Plan as a whole and most of the objectives of the Riverbank 2025 Vision and be otherwise feasible. This Section presents in greater detail the City Council’s findings with respect to the potentially significant and significant environmental effects of the Riverbank 2025 General Plan.

AESTHETICS

- ▶ **Impact 4.2-1. Have a Substantial Adverse Effect on a Scenic Vista, or Substantially Degrade the Visual Character or Quality of the Site and Its Surroundings.** The General Plan update contains goals and policies designed to protect areas of scenic interest; however, development permitted under the proposed General Plan will result in a significant impact to the existing visual identity and character of Riverbank, including areas potentially considered scenic vistas. The impact is considered potentially significant.

(a) Mitigation

Aesthetic changes in the existing environment are the unavoidable consequence of implementation of Riverbank’s General Plan. There is no available feasible mitigation measure beyond the policies included as a part of the Open Space and Conservation, Land Use, and Community Character and Design elements (See Draft EIR, pp. 4.2-5 through 4.2-12).

(b) Implementation

The referenced policies from the Open Space and Conservation, Land Use, and Community Character and Design elements will be implemented through discretionary review, project conditions, and General Plan consistency findings of projects developed under the updated General Plan.

(c) Findings

The 2025 General Plan includes goals and policies that would mitigate this impact. (See Draft EIR, pp. 4.2-5 through 4.2-12). Although the Plan’s goals and policies may work to reduce some portion of the impact associated with changes in the aesthetic environment, they would not reduce these impacts to below a level of significance. No feasible additional mitigation is available to substantially reduce or avoid this significant impact. For this reason, the impact would remain **significant and unavoidable**.

As is fully explained in the Statement of Overriding Considerations in Section 1.7.8, the environmental, economic, social, and other benefits of the Project outweigh and override the remaining significant adverse impacts relating to the Project’s changes to the aesthetic environment.

AGRICULTURAL RESOURCES

- ▶ **Impact 4.3-1. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to Non-Agricultural Use.** Approximately 5,351 acres (62%) of the Riverbank Planning Area consists of important farmland, of which approximately 3,431 acres (40%) is Prime Farmland. Build-out of the proposed General Plan would result in conversion of important farmland resources. This impact would be **significant and unavoidable**.

(a) Mitigation Measures

Goals, policies, and implementation measures are included in the General Plan, including the Errata to the General Plan, that seek to reduce the impact to agriculture (see Draft EIR, pp. 4.3-11 through 4.3-13).

(b) Implementation

The referenced policies from the Open Space and Conservation and Land Use elements will be implemented through the Final EIR, including the Errata to the Final EIR, discretionary review, project conditions, and General Plan consistency findings of projects developed under the updated General Plan, including the Errata to the General Plan.

(c) Findings

The 2025 General Plan includes goals, policies, and implementation measures that seek to mitigate this impact. (See Draft EIR, pp. 4.3-11 through 4.3-13). Although the Plan’s goals, policies, and implementation measures may work to reduce some portion of the impact associated with conversion of agricultural lands, they would not reduce these impacts to below a level of significance.

Earlier versions of the proposed General Plan include several alternative policies for the conservation of agricultural resources; specifically: (1) a version of Policy CONS-3.1 that would have imposed a strict requirement that conversion of Important Farmland be offset by conservation easements at a ratio of 1 acre of conserved farmland within Stanislaus County or 1.5 acres of conserved farmland outside of Stanislaus County per acre of converted Important Farmland; and (2) a version of Policy CONS-3.2 that would have imposed an absolute 300-foot buffer between new urban uses and ongoing agricultural operations. These prior versions of Policy CONS-3.1 and Policy CONS-3.2 are infeasible, because they would place Riverbank at a competitive disadvantage relative to nearby communities with regard to attracting residential and commercial development necessary to implement the Riverbank 2025 Vision and the General Plan, based on information received from representatives of the building industry, property rights groups, and landowners. No feasible additional mitigation is available to substantially reduce or avoid this significant impact. For this reason, the impact would remain **significant and unavoidable**.

As is fully explained in the Statement of Overriding Considerations in Section 1.7.8, the environmental, economic, social, and other benefits of the Project outweigh and override the remaining significant adverse impacts relating to the Project's conversion of Important Agricultural Lands.

► **Impact 4.3-2. Conflict with Existing Zoning for Agricultural Use, or a Williamson Act Contract.**

Approximately 2,826 acres (32%) of the land within the Planning Area is currently in a Williamson Act contract. Build-out of the Planning Area would result in a **significant and unavoidable impact**.

(a) Mitigation

Although policies seek to mitigate impacts by preserving other agricultural lands or limiting urban expansion compared to what might occur without the City's General Plan policies and implementation measures, the direct impacts cannot be adequately addressed through mitigation, as the loss of agricultural land to urbanization is considered permanent. No feasible mitigation is available.

(b) Implementation

No mitigation is identified.

(c) Findings

The City's General Plan designates much of the land within the Planning Area for future urban use. The General Plan anticipates urban development of large areas east and west of the existing developed city. However, the General Plan also designates approximately 1,300 acres of the land (the majority of which is in an active

Williamson Act contract) as Agricultural Resource Conservation Areas, which will be preserved for future agricultural use and other uses compatible with ongoing agricultural use.

Development permitted under the proposed General Plan would involve lands currently held in active Williamson Act contracts in the Planning Area. Therefore, a **potentially-significant** impact as a result of a conflict with Williamson Act contracts could occur. However, Williamson Act contracts are strictly voluntary, and the proposed General Plan does not obligate any land owner within the Planning Area to file for non-renewal or early cancellation of Williamson Act contracts, although land owners may have an incentive to do so in anticipation of urban growth. There are specific requirements for non-renewal and cancellation of Williamson Act contracts.

Proposed General Plan goals, policies, and implementation programs seek to address the impact of new development and their infringement upon existing agricultural resources in the City's proposed Planning Area, as noted under Impact 4.3-1. Enforcement of the 2025 General Plan goals, policies, and land use designations, and pursuit of Implementation Strategies will assist the City in meeting the goal for reducing the City's encroachment on agricultural properties. However, urban development of large areas of land with Williamson Act contracts and agricultural zoning, as anticipated under the General Plan, represents a **significant** impact.

Although policies seek to mitigate impacts by preserving other agricultural lands or limiting urban expansion compared to what might occur without the City's General Plan policies and implementation measures, the direct impacts cannot be adequately addressed through mitigation, as the loss of agricultural land to urbanization is considered permanent. No feasible additional mitigation is available to substantially reduce or avoid this significant impact. For this reason, the impact would remain **significant and unavoidable**.

As is fully explained in the Statement of Overriding Considerations in Section 1.7.8, the environmental, economic, social, and other benefits of the Project outweigh and override the remaining significant adverse impacts relating to the Project's conflicts with agricultural zoning and Williamson Act contracts.

- ▶ **Impact 4.3-3. Involve Other Changes in the Existing Environment Which, Due to Their Location or Nature, Could Result in Conversion of Farmland, to Non-Agricultural Use.** The City's Planning Area includes a large amount of agricultural land, with urban land use designations. Future urban development within this area would result in the conversion adjacent farmland properties. This impact would be **significant and unavoidable**.

(a) Mitigation

Goals, policies, and implementation measures that are included in the General Plan, including the Errata to the General Plan, seek to reduce indirect impacts that could result in the conversion of farmland (see Draft EIR, pp. 4.3-15 through 4.3-16).

(b) Implementation

The referenced policies from the Open Space and Conservation and Land Use elements will be implemented through the Final EIR, including the Errata, discretionary review, project conditions, and General Plan consistency findings of projects developed under the updated General Plan, including the Errata to the General Plan.

(c) Findings

The 2025 General Plan includes goals, policies, and implementation measures that seek to mitigate this impact. (see Draft EIR, pp. 4.3-15 through 4.3-16). Although the Plan’s goals, policies, and implementation measures may work to reduce some portion of the impact associated with indirect impacts that could result in the conversion of farmland, they would not reduce these impacts to below a level of significance.

An earlier version of the proposed General Plan included several alternative policies for the conservation of agricultural resources; specifically: (1) a version of Policy CONS-3.1 that would have imposed a strict requirement that conversion of Important Farmland be offset by conservation easements at a ratio of 1 acre of conserved farmland within Stanislaus County or 1.5 acres of conserved farmland outside of Stanislaus County per acre of converted Important Farmland; and (2) a version of Policy CONS-3.2 that would have imposed an absolute 300-foot buffer between new urban uses and ongoing agricultural operations. These prior versions of Policy CONS-3.1 and Policy CONS-3.2 are infeasible, because they would place Riverbank at a competitive disadvantage relative to nearby communities with regard to attracting residential and commercial development necessary to implement the Riverbank 2025 Vision and the General Plan, based on information received from representatives of the building industry, property rights groups, and landowners. No feasible additional mitigation is available to substantially reduce or avoid this significant impact. For this reason, the impact would remain **significant and unavoidable**.

As is fully explained in the Statement of Overriding Considerations in Section 1.7.8, the environmental, economic, social, and other benefits of the Project outweigh and override the remaining significant adverse impacts relating to the Project’s indirect impacts that could result in the conversion of farmland.

AIR QUALITY

- ▶ **Impact 4.4-1. Generation of Short-Term Construction-Related Emissions of Criteria Air Pollutants and Precursors.** Project-generated, construction-related emissions of reactive organic gasses (ROG) and oxides of nitrogen (NO_x) would exceed SJVAPCD's significance threshold of 10 TPY. In addition, with respect to construction-related emissions of PM₁₀, SJVAPCD-recommended control measures beyond compliance with Regulation VIII-Fugitive Dust Prohibition are not incorporated. Thus, construction-related emissions of criteria air pollutants and precursors could violate or contribute substantially to an existing or projected air quality violation, and/or expose sensitive receptors to substantial pollutant concentrations, especially considering the nonattainment status of Stanislaus County. As a result, this impact would be **significant**.

(a) Mitigation

Mitigation Measures 4.4-1a: In addition to the measures required by the SJVAPCD ISR rule, each project applicant shall implement the following measures to further reduce construction-related equipment exhaust emissions:

- ▶ provide commercial electric power to the project site in adequate capacity to avoid or minimize the use of portable electric generators and the equipment;
- ▶ where feasible, replace/substitute fossil-fueled (e.g., diesel) equipment with electrically driven equivalents (provided they are not run via a portable generator set);
- ▶ to the extent feasible, use alternate fuels and emission controls to further reduce NO_x and PM₁₀ exhaust emissions above the minimum requirements set for in the ISR rule;
- ▶ when not in use, on-site equipment shall not be left idling;
- ▶ limit the hours of operation of heavy duty equipment and/or the amount of equipment in use at any one time;
- ▶ curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways or on Spare the Air Days;
- ▶ staging areas for heavy-duty construction equipment shall be located as far as possible from sensitive receptors; and
- ▶ before construction contracts are issued, the project applicants shall perform a review of new technology, in consultation with SJVAPCD, as it relates to heavy-duty equipment, to determine what (if any) advances in emissions reductions are available for use and are economically feasible. Construction contract and bid

specifications shall require contractors to utilize the available and economically feasible technology on an established percentage of the equipment fleet. It is anticipated that in the near future, both NO_x and PM₁₀ control equipment will be available.

Mitigation Measure 4.4-1b: The following SJVAPCD-recommended enhanced and additional control measures shall be implemented by each project applicant to further reduce fugitive PM₁₀ dust emissions.

- ▶ install sandbags or other erosion control measures to prevent silt runoff to public roadways from adjacent project areas with a slope greater than 1%
- ▶ suspend excavation and grading activity when winds exceed 20 mph
- ▶ limit area subject to excavation, grading, and other construction activity at any one time

(b) Implementation

The identified mitigation measures will be included in the Mitigation Monitoring and Reporting Program adopted for the Project and incorporated in the General Plan.

(c) Findings

Implementation of Mitigation Measures 4.4-1a and 4.4-1b would reduce short-term, construction-related emissions to the maximum extent feasible, beyond compliance with Rule 9510 as required by law, but not to a less-than-significant level. As such, this impact would still exceed significance thresholds. No other feasible mitigation is available to further substantially reduce or avoid this significant impact. As a result, this impact would remain **significant and unavoidable**.

As is fully explained in the Statement of Overriding Considerations in Section 1.7.8, the environmental, economic, social, and other benefits of the Project outweigh and override the remaining significant adverse impacts relating to the Project's short-term air quality impacts.

- ▶ **Impact 4.4-2. Consistency with Air Quality Planning Efforts.** Future development in Riverbank would generate emissions of ozone precursor pollutants and PM₁₀, both of which affect regional air quality. Development anticipated under the proposed General Plan would be greater than that allowed under the current General Plan. This increased development could lead to greater operational (mobile- and area-source) emissions. This impact is considered **significant**.

(a) Mitigation

The 2025 General Plan includes an Air Quality Element with numerous land use and circulation policies that seek to reduce air pollution and minimize the air quality impacts of new development. Similar policies, which intend to reduce per-capita VMT and accommodate more sustainable travel options, are included throughout the General Plan update, and in particular, the Land Use Element, Community Character and Design Element (see pages 4.4-29 through 4.4-33 of the EIR). The proposed General Plan includes goals, policies, and implementation strategies that encourage pedestrian, bicycle, and transit-friendly development in order to reduce dependence on automobiles. The General Plan includes policies to take advantage of existing and future transit opportunities. In addition, the General Plan focuses on mixed-use land uses that would promote alternative modes of transportation and contains policies and programs that, if adopted and implemented, would act to help reduce motor vehicle use from new development. Other policies prioritize infill of existing neighborhoods, and encourage urban development to occur adjacent to existing urbanized areas. Together these policies would reduce the rate of vehicle miles traveled from trips generated in Riverbank.

(b) Implementation

The referenced policies from the Land Use, Circulation, and Air Quality elements will be implemented through discretionary review, project conditions, and General Plan consistency findings of projects developed under the updated General Plan.

(c) Findings

While the various policies and actions outlined above would reduce air pollutant emissions that affect both Riverbank and the region, the impact from the proposed General Plan would be considered significant, simply due to the fact that it would result in higher operational emissions than the current General Plan and assumptions used by Stanislaus Council of Governments (StanCOG) and SJVAPCD used for relevant clean air plans. Buildout of the proposed General Plan would conflict with current air quality planning efforts. No feasible additional mitigation is available that would substantially reduce or avoid this significant impact, and this impact would remain **significant and unavoidable**.

As is fully explained in the Statement of Overriding Considerations in Section 1.7.8, the environmental, economic, social, and other benefits of the Project outweigh and override the remaining significant adverse impacts relating to the Project's conflicts with attainment planning efforts for air quality.

- ▶ **Impact 4.4-3. Generation of Long-Term Operation-Related (Regional) Emissions of Criteria Air Pollutants and Precursors.** Long-term operation-related activities would result in emissions of ROG and NO_x that exceed SJVAPCD's significance threshold of 10 TPY. Thus, operation-related emissions of criteria

air pollutants and precursors could violate or contribute substantially to an existing or projected air quality violation, and/or expose sensitive receptors to substantial pollutant concentrations, especially considering the nonattainment status of Stanislaus County. As a result, this impact would be **significant**.

(a) Mitigation

As noted previously, the Air Quality Element of the General Plan (in addition to other elements) includes several goals, policies, and implementation measures designed to minimize adverse effects related to long-term operational emissions that will be implemented as specific development projects and plans are proposed and considered by the City (see 4.4-29 through 4.4-33 of the EIR).

Mitigation Measure 4.4-3: The following SJVAPCD-recommended mitigation measure shall be applied, as appropriate, at the project level as the City considers development applications under the General Plan update:

- ▶ Area Source: Provide electric maintenance equipment, use solar, low-emissions, or central water heaters (residential and commercial), increase wall and attic insulation beyond Title 24 requirements (residential and commercial), and orient buildings to take advantage of solar heating and natural cooling and use passive solar designs (residential, commercial, and industrial), and eliminate or limit the amount of traditional fireplaces installed (e.g., natural gas fireplaces/inserts or at least U.S. Environmental Protection Agency certified wood stoves or inserts instead of open hearth fireplaces), energy efficient windows (double pane and/or Low-E), highly reflective roofing materials, cool paving, radiant heat barrier, install photovoltaic cells, programmable thermostats for all heating and cooling systems, awnings or other shading mechanisms for windows, porch, patio, and walkway overhangs, ceiling and whole house fans, utilize passive solar cooling and heating designs, utilize day lighting systems such as skylights, light shelves, interior transom windows, and electrical outlets around the exterior of the units to encourage use of electric landscape maintenance equipment.
- ▶ Projects shall include as many clean alternative energy features as possible to promote energy self-sufficiency (e.g., photovoltaic cells, solar thermal electricity systems, small wind turbines).
- ▶ The project shall require that all diesel engines be shut off when not in use on the premises to reduce idling emissions.

(b) Implementation

The identified mitigation measures will be included in the Mitigation Monitoring and Reporting Program adopted for the Project and incorporated in the General Plan. The referenced policies from the Land Use, Circulation, and Air Quality elements will be implemented through discretionary review, project conditions, and General Plan consistency findings of projects developed under the updated General Plan.

(c) Findings

The City's application of the referenced policies would reduce operation-related emissions of ROG, NO_x, and PM₁₀, beyond compliance with Air District Rule 9510. Implementation of additional mitigation, as recommended by the SJVAPCD would further reduce impacts. But, the City cannot show that these policies, in addition to compliance with existing regulations, would reduce impacts to a less-than-significant level. No feasible additional mitigation is available that would substantially reduce or avoid this significant impact. This impact would remain **significant and unavoidable**.

As is fully explained in the Statement of Overriding Considerations in Section 1.7.8, the environmental, economic, social, and other benefits of the Project outweigh and override the remaining significant adverse impacts relating to the Project's long-term operational air quality impacts.

- ▶ **Impact 4.4-5. Exposure of Sensitive Receptors to Emissions of Toxic Air Contaminants (TAC).** Due to potential siting of commercial trucking operations and loading dock activities near sensitive receptors, exposure of sensitive receptors to substantial concentrations of TACs from mobile-sources could occur. As a result, this impact would be **potentially significant**.

(a) Mitigation

Goals and policies of the 2025 General Plan Air Quality Element would reduce future land use incompatibilities of sources that could potentially emit TACs and exposure of sensitive uses to harmful air pollutants (see 4.4-37 through 4.4-38 of the EIR).

Mitigation Measure 4.4-5. The only measure available to completely mitigate the impact—completely separating emission sources (diesel vehicles associated with commercial trucking activities at commercial and industrial land uses) from all sensitive receptors—is not feasible. The best available alternatives to reduce the impact are the following:

- ▶ orient loading dock activities as far away and downwind from existing or proposed sensitive receptors as feasible, and
- ▶ incorporate idle reduction strategies that reduce the main propulsion engine idling time through alternative technologies such as, IdleAire, electrification of truck parking, and alternative energy sources for TRUs to allow diesel engines to be completely turned off.

(b) Implementation

The identified mitigation measures will be included in the Mitigation Monitoring and Reporting Program adopted for the Project and incorporated in the General Plan. The referenced policies from the Air Quality Element will be implemented through discretionary review, project conditions, and General Plan consistency findings of projects developed under the updated General Plan.

(c) Findings

General Plan goals, policies, and implementation measures would reduce potential for exposure to TACs, but there is no feasible mitigation available to substantially reduce or avoid the significant impact. Thus, buildout of the proposed General Plan could result in a **significant and unavoidable** adverse impact with respect to mobile-source TACs.

As is fully explained in the Statement of Overriding Considerations in Section 1.7.8, the environmental, economic, social, and other benefits of the Project outweigh and override the remaining significant adverse impacts relating to the Project's exposure of sensitive receptors to substantial pollutant concentrations.

- ▶ **Impact 4.4-6. Exposure of Sensitive Receptors to Emissions of Odors.** Operation of the proposed project could result in the frequent exposure of on-site receptors to substantial objectionable odor emissions. As a result, this impact would be **potentially significant**.

(a) Mitigation

Mitigation Measure 4.4-6: The following mitigation measures shall be implemented by the applicant at the project level during General Plan buildout:

- ▶ The deeds to all properties of proposed sensitive uses located within two miles of the wastewater treatment facility (WWTF) within the Planning Area shall include a disclosure clause (odor easement), prepared by an attorney with expertise in the field, and approved by the City of Riverbank, advising buyers and tenants of the potential adverse odor impacts from the WWTF and surrounding agricultural operations.
- ▶ Odor control devices shall be installed at the emitter to reduce the exposure of receptors to objectionable odorous emissions if an odor-emitting facility is to occupy space in a proposed commercial land use area.
- ▶ The odor-producing potential of land uses shall be considered when the exact type of facility that would occupy commercial areas is determined.

(b) Implementation

The identified mitigation measures will be included in the Mitigation Monitoring and Reporting Program adopted for the Project and incorporated in the General Plan.

(c) Findings

Implementation of Mitigation Measure, 4.4-5 would reduce the exposure of sensitive receptors to odorous emissions, but not to a less-than-significant level. Because the sources of the odors cannot be eliminated, the potential exposure of sensitive receptors to odorous emissions in proximity to the sources would remain. The odor easement would not result in any reduction in odor impacts, nor would it provide the odor-producing sources with any protection against potential future nuisance complaints. Full physical mitigation of potential odor impacts would require the implementation of odor control measures, and neither the City of Riverbank nor future project applicants have the direct ability to impose such controls. Whether SJVAPCD or the City, reacting to complaints, sees fit in the future to order modifications to the WWTP operation is uncertain. Any predictions regarding future enforcement actions would be speculative. No feasible mitigation is available that would substantially reduce or avoid this significant impact. The impact would remain **significant and unavoidable**.

As is fully explained in the Statement of Overriding Considerations in Section 1.7.8, the environmental, economic, social, and other benefits of the Project outweigh and override the remaining significant adverse impacts relating to the Project's odor related impacts.

HAZARDS AND HAZARDOUS MATERIALS

- ▶ **Impact 4.9-3. Exposure to Health Risk Associated with Mosquito Vectors.** Development within the Planning Area may require stormwater detention structures, which, if not properly designed and maintained, have the potential to become breeding grounds for mosquitoes of public health concerns. This impact would be considered **potentially significant**.

(a) Mitigation

Mitigation Measure 4.9-3: Establish a Vector Prevention and Control Program. The City shall develop a Vector Prevention and Control Program. This program shall be coordinated with and reviewed by the East Side Mosquito Abatement District. This plan shall include applicable prevention and control measures, and address created (e.g., storm drainage features) mosquito vector habitat. Prevention and control measures within the program may include, but not be limited to, one or more of the following: the use of biological controls (natural predators) in wetlands and other standing water features, provide outreach and education information on vectors to homeowners, and utilize storm drainage features that are self-draining.

(b) Implementation

The identified mitigation measure will be included in the Mitigation Monitoring and Reporting Program adopted for the Project and incorporated in the General Plan.

(c) Findings

Implementation of Mitigation Measure 4.9-3 would minimize the health risks associated with exposure to mosquito vectors to a **less-than-significant** level by ensuring that a vector prevention and control program is prepared and implemented by the City.

NOISE

- ▶ **Impact 4.12-2. Expose Noise Sensitive Receptors to Construction Noise Levels Exceeding City of Riverbank Standards.** Short-term construction source noise levels could exceed the applicable City standards at nearby noise-sensitive receptors. In addition, if construction activities were to occur during more noise-sensitive hours, construction source noise levels could also result in annoyance and/or sleep disruption to occupants of existing and proposed noise-sensitive land uses and create a substantial temporary increase in ambient noise levels. This impact would be **potentially significant**.

(a) Mitigation

Policy NOISE-2.3 and Table N-3 from the 2025 General Plan Noise Element require project specific mitigation of construction noise in the vicinity of noise sensitive land uses. Additionally, City Ordinance 93.07 (C) requires that construction does not take place between 6:30 p.m. and 6:00 a.m. on weekdays or 5:00 p.m. and 8:00 a.m. on weekends and legal holidays.

Mitigation Measure 4.12-2: The City shall require all construction projects to implement the following mitigation measure to reduce short-term construction noise levels.

- ▶ All construction equipment shall be properly maintained and equipped with noise control, such as mufflers, in accordance with manufacturers' specifications.

(b) Implementation

The identified mitigation measure will be included in the Mitigation Monitoring and Reporting Program adopted for the Project and incorporated in the General Plan. The referenced policies from the Noise Element will be implemented through discretionary review, project conditions, and General Plan consistency findings of projects developed under the updated General Plan. The referenced City ordinance is enforced on an ongoing basis.

(c) Findings

Implementation of Mitigation Measure 4.12-2 with the City Ordinance and proposed General Plan would reduce the proposed General Plan buildout generated construction noise levels by approximately 3-15 dBA. With the implementation of existing City regulations and 2025 General Plan policy, the impact is considered **less than significant**.

- ▶ **Impact 4.12-4. Vibration Levels.** Short-term project-generated construction source vibration levels and vibration from train pass-bys could exceed Caltrans' recommended standard of 0.2 in/sec peak particle velocity (PPV) with respect to the prevention of structural damage for normal buildings and the FTA maximum acceptable vibration standard of 80 vibration decibels (VdB) with respect to human response for residential uses (i.e., annoyance) at vibration-sensitive land uses. As a result, this impact would be **significant**.

(a) Mitigation

The proposed General Plan states in Policy Noise-2.3 that any new project must mitigate vibration from construction as a condition of approval. When implemented, Noise-2.3 would reduce vibration levels from construction to a level considered **less than significant**. Railroads in Riverbank are also a source of ground-borne vibration. Although vibration levels were not measured as part of the General Plan process, the FTA recommends that any potential receptor within 100 feet of a freight line receive a detailed vibration analysis to determine whether vibration generated by trains will cause an impact on the land use (greater than 80 VdB). Therefore, mitigation is required.

Mitigation Measure 4.12-4 (City of Riverbank): Require, as a condition of approval, that any project that places sensitive receptors within 100 feet of a railroad analyze and mitigate for any potential vibration impacts.

(b) Implementation

The identified mitigation measure will be included in the Mitigation Monitoring and Reporting Program adopted for the Project and incorporated in the General Plan. The referenced policy from the Noise Element will be implemented through discretionary review, project conditions, and General Plan consistency findings of projects developed under the updated General Plan.

(c) Findings

Implementing Mitigation Measure 4.12-4 will minimize vibration impacts on the General Plan build out and reduce this impact to a level considered **less than significant**.

TRAFFIC AND TRANSPORTATION

- ▶ **Impact 4.15-1. Implementation of the Riverbank General Plan will add vehicle trips to the Planning Area.** This addition in vehicle trips will contribute to LOS F conditions on the Claribel Road corridor, based on LOS estimates derived from future daily traffic volumes. This is a **significant and unavoidable** impact.

(a) Mitigation

- ▶ Implementation Measure CIRC-8: The City will work with surrounding jurisdictions, the County, and StanCOG to develop regional solutions to regional vehicular transportation issues. The City will evaluate and make use of City approved regional traffic modeling tools, and use such tools for impact assessment and traffic mitigation for development projects.

Mitigation Measure 4.15-1

- ▶ The City will continue to participate with other regional jurisdictions in the Stanislaus County North County Corridor Joint Powers Authority, according to the terms of this Joint Powers arrangement. The Joint Powers Arrangement is intended to result in the planning and implementation of a new regional east-west expressway serving northern Stanislaus County.

(b) Implementation

The identified mitigation measure will be included in the Mitigation Monitoring and Reporting Program adopted for the Project and incorporated in the General Plan. The referenced implementation measure from the Circulation Element will be implemented proactively by the City following General Plan adoption.

(c) Findings

Despite Riverbank's ongoing commitment to the regional expressway planning, this facility is not yet designed and programmed as of the writing of this document, and the level of service (LOS) to be provided by this facility has not yet been determined. Riverbank's current financial resources and budget preclude the City from planning and implementing the regional expressway independent of the Stanislaus County North County Corridor Joint Powers Authority. There is no feasible mitigation available that would substantially reduce or avoid this significant impact. The impact is considered **significant and unavoidable**.

As is fully explained in the Statement of Overriding Considerations in Section 1.7.8, the environmental, economic, social, and other benefits of the Project outweigh and override the remaining significant adverse impacts relating to the Project's addition of vehicle trips to area roadways in exceedance of level of service standards.

- ▶ **Impact 4.15-2. Development anticipated as a part of the Riverbank General Plan update will result in traffic volumes on the SR 108 corridor that exceed the current LOS C standard and the proposed LOS D threshold on the two-lane portions of the highway. This is a significant and unavoidable impact.**

(a) Mitigation

Mitigation Measure 4.15-2

- ▶ Widen State Route (SR) 108 to four lanes as new development occurs and include applicable improvements as a part of the City’s traffic impact fee program.

(b) Implementation

The identified mitigation measure will be included in the Mitigation Monitoring and Reporting Program adopted for the Project and incorporated in the General Plan.

(c) Findings

With the incorporation of the above mitigation, the impact would be considered less than significant with one exception. The SR 108 segment between 1st Street and Topeka Street, as described above, would exceed the LOS C standard because widening this segment to four lanes is considered infeasible. Development of a regional expressway would relieve traffic from this corridor. Since the design of, and funding for a future regional expressway is not known as of the writing of this document, the LOS that would be provided on other east-west roadways is difficult to determine, including this segment of SR 108. Since the North County Regional Expressway is not yet programmed, and there is no feasible mitigation available that would substantially reduce or avoid this significant impact, for the purposes of analysis, the impact for SR 108 between 1st Street and Topeka Street is considered **significant and unavoidable**.

As is fully explained in the Statement of Overriding Considerations in Section 1.7.8, the environmental, economic, social, and other benefits of the Project outweigh and override the remaining significant adverse impacts relating to the Project’s impact to level of service along Highway 108.

- ▶ **Impact 4.15-3. Development anticipated as a part of the Riverbank General Plan update will result in traffic volumes in excess of the historic LOS C threshold, as well as the proposed LOS D standard on Morrill Road west of Oakdale Road. This is a significant and unavoidable impact.**

(a) Mitigation

Mitigation Measure 4.15-3

- ▶ Any future specific plans proposed in the western half of the Riverbank Planning Area shall provide analysis of future traffic volumes using refined land use plans and a project-specific level of detail for traffic generation and distribution. A high degree of east-west (as well as north-south) connectivity shall be provided with the goal of achieving the City's prevailing level of service standard using City-approved roadway segment level of service analysis methodology.
- ▶ Landowners and developers with property interests described in City specific plans shall fund roadway facilities, according to City direction, including Morrill Road and the other roadways, and shall contribute on a fair-share basis to roadways and intersections outside specific plan areas affected by future specific plan development.

(b) Implementation

The identified mitigation measure will be included in the Mitigation Monitoring and Reporting Program adopted for the Project and incorporated in the General Plan.

(c) Findings

Incorporation of this mitigation measure as a part of specific planning for the western portion of the Riverbank Planning Area can address traffic congestion along Morrill Road and other routes. The traffic analysis prepared for anticipated future specific plans would be based on the more refined land use array proposed therein. This will be more accurate than would this long-term analysis at the General Plan level.

Future specific plans will be required to be consistent with the various relevant policies of the proposed General Plan, including those that deal with accessibility, connectivity, and other elements of transportation. Since Morrill Road is anticipated to be located within planned neighborhoods, policies in the General Plan dictate that walkability, bicycle accessibility, and other quality of life issues are considered, as well as strict traffic engineering standards. It is possible that specific plan analysis would show that Morrill Road would continue to exceed the City's LOS standard, even after providing many alternative through connections, both east-west and north-south. It is possible that the City, after balancing the LOS standard with overall quality of life issues, may keep this roadway segment at two lanes. No feasible mitigation is available that would substantially reduce or avoid this significant impact. Therefore, this impact is considered **significant and unavoidable**.

As is fully explained in the Statement of Overriding Considerations in Section 1.7.8, the environmental, economic, social, and other benefits of the Project outweigh and override the remaining significant adverse impacts relating to the Project's addition of traffic to Morrill Road beyond level of service standards.

- ▶ **Impact 4.15-4. Development under the Riverbank General Plan will result in traffic volumes that necessitate improving Riverbank’s streets and intersections in order to provide LOS C, under the current standard, or LOS D, under the proposed standard, or better conditions.** This is a **significant** impact.

(a) Mitigation

Mitigation Measure 4.15-4

- ▶ The City will plan, analyze, and mitigate vehicular transportation using LOS D as the minimum acceptable standard.

(b) Implementation

The identified mitigation measure will be included in the Mitigation Monitoring and Reporting Program adopted for the Project and incorporated in the General Plan.

(c) Findings

Level of Service projected based on daily traffic volumes, as provided above, is simply a surrogate methodology for determining LOS on a peak-hour basis. Thus, the LOS presented as daily volumes are in fact designed to be representative of afternoon peak-hour conditions. The LOS, then, is not experienced throughout the day, but only during peak travel times. Traffic volumes on Riverbank’s streets will vary throughout the day, with off-peak volumes being substantially lower than the volumes occurring during the afternoon peak hour. For this reason, the City’s decision to analyze and plan transportation systems according to a LOS D standard instead of LOS C will not appreciably change traffic congestion as experienced throughout the day.

During the P.M. peak hour, the difference in traffic congestion between LOS C and LOS D is most obvious at major signalized intersections. As noted in Table 4.15-1, the average delays could increase by 10 to 15 seconds per vehicle under LOS D, as compared with LOS C. For a motorist at such an intersection, this would increase the probability of having to wait through more than one signal cycle to clear a given intersection. By definition, motorists often have to wait through more than one signal cycle when an intersection operates at LOS E. At LOS D, there may be infrequent occasions when motorists on selected approaches have to wait through more than one cycle. At LOS C, motorists would nearly always clear the signal in the first cycle.

Building roadways and intersections to the higher vehicular traffic LOS C standard would increase crossing distances for pedestrians and bicyclists. Building roadways and intersections to this higher standard would have higher construction and maintenance costs. For further discussion of the City’s decision, please refer to the Circulation Element of the updated General Plan. Although it may be possible to widen roadways to maintain

many of the City's roadways to maintain the historic LOS C standard, the City will instead implement the referenced mitigation and apply the LOS D standard. The impact relative to the historic LOS C standard, therefore, is considered **less than significant**.

- ▶ **Impact 4.15-5. Development under the Riverbank General Plan will result in traffic volumes that necessitate improving Riverbank's streets in areas where development is unlikely to occur in order to provide LOS C, under the current standard, or LOS D, under the proposed standard, or better conditions.** This is a **significant** impact.

(a) Mitigation

Mitigation Measure 4.15-5

- ▶ The City of Riverbank will update its traffic impact mitigation fee program as part of a Streets Master Plan to identify the locations where improvements are needed and spread those costs among benefiting parties.

(b) Implementation

The identified mitigation measure will be included in the Mitigation Monitoring and Reporting Program adopted for the Project and incorporated in the General Plan.

(c) Findings

Implementing the Circulation Element of the General Plan will require the combined resources of new development, the City of Riverbank, and other government agencies. While adjacent development will continue to be directly responsible for implementing the Circulation Element as frontage improvements are made, there will be locations where roadways need to be improved, but new development is unlikely. The precise location of such improvements is not knowable as of the writing of this document. However, with updating of the City's traffic impact fee program as a part of a comprehensive Streets Master Plan, the impact is considered **less than significant**.

- ▶ **Impact 4.15-6. Development anticipated as part of the Riverbank General Plan update will add traffic to streets beyond the City's Planning Area, such as Coffee Road, Oakdale Road, Roselle Avenue, Terminal Avenue, and Claus Road in the area south of Claribel Road, to Claribel Road west and east of Riverbank, and Santa Fe Road and McHenry Avenue north of the City.** This is a **potentially significant** impact.

(a) Mitigation

The City has included an Implementation Strategy in the 2025 General Plan Circulation Element to address multi-jurisdictional issues:

- ▶ **Implementation Measure CIRC-8:** The City will work with surrounding jurisdictions, the County, and StanCOG to develop regional solutions to regional vehicular transportation issues. The City will evaluate and make use of City approved regional traffic modeling tools, and use such tools for impact assessment and traffic mitigation for development projects.

In addition, the City has elected to implement the following mitigation:

Mitigation Measure 4.15-6

- ▶ The City will participate in an areawide roadway mitigation fee program, in coordination with the City of Oakdale, Stanislaus County, the City of Modesto, and other agencies with shared transportation planning issues.
- ▶ The City will evaluate inter-city and city-county components of Stanislaus County’s public facilities fees and will update the reciprocal fee collection agreement. This agreement would be designed to collect impact fees when development occurs within the City in the amount necessary to fund roadway improvements outside of the City limits, on a pro-rata, or fair-share basis.

(b) Implementation

The identified mitigation measure will be included in the Mitigation Monitoring and Reporting Program adopted for the Project and incorporated in the General Plan. The referenced implementation measure from the Circulation Element will be implemented proactively by the City following General Plan adoption.

(c) Findings

It is impossible to know at this point whether such multi-jurisdictional programs would be sufficient to provide LOS according to locally adopted standards along affected roadways. The City lacks jurisdiction to unilaterally require roadway improvements beyond the City’s Planning Area, and there is no additional feasible mitigation available that would substantially reduce or avoid this significant impact. Therefore, despite all feasible mitigation, the impact is considered **significant and unavoidable**.

As is fully explained in the Statement of Overriding Considerations in Section 1.7.8, the environmental, economic, social, and other benefits of the Project outweigh and override the remaining significant adverse impacts relating to the Project's contribution of traffic volumes to streets beyond the City's Planning Area.

- ▶ **Impact 4.15-7. Development anticipated as a part of the Riverbank General Plan update will result in intersection Levels of Service in excess of the current LOS C standard.** This is a **potentially significant** impact.

(a) Mitigation

Mitigation Measure 4.15-7

The City will update the Traffic Impact Fee Program to be consistent with the following improvements. Approved specific plans shall provide the following improvements within proposed specific plan areas or shall fund on a pro-rata basis the following improvements, or those shown to achieve prevailing City level of service standards (following adoption of the LOS D standard, for example) and approved by the City following project level traffic impact analysis.

- ▶ SR 108 / Coffee Road: Add separate right turn lanes on SR 108 and dual northbound left turn lanes. This level of improvement is expected to yield LOS C.
- ▶ Oakdale Road / Morrill Road: Add a separate eastbound right turn lane and a dual northbound left turn lane. This level of improvement is expected to yield LOS C.
- ▶ Claribel Road / Oakdale Road: Add separate right turn lanes on all approaches; widen Claribel Road to provide three through lanes in each direction and widen Claribel Road to provide dual left turn lanes in both directions. This level of improvement is expected to yield LOS D on a six-lane Claribel Road. To reduce this impact to a less-than-significant level according to the current LOS standard, it would be necessary to widen Oakdale Road to provide three through lanes in each direction. With the adoption of the LOS D standard, the impact would be less than significant without the need for a six-lane Oakdale Road.
- ▶ Patterson Road / Claus Road. Expected improvements are consistent with two lanes in each direction on Claus Road and on Patterson Road, and this level of improvement yields LOS D. To reduce this impact to a less-than-significant level using the current LOS C standard, it would be necessary to add a northbound right turn lane on Claus Road along Riverbank High School. With the adoption of the LOS D standard, the impact would be less than significant without the need for this northbound right turn lane on Claus Road along Riverbank High School.

- ▶ Claribel Road / Roselle Avenue: Widen Claribel Road to provide three through lanes in each direction and add separate right turn lanes on each approach. This level of improvement is expected to yield LOS C.
- ▶ Claribel Road / Terminal Avenue: Widen Claribel Road to provide three through lanes in each direction and add separate right turn lanes on the southbound, eastbound, and westbound approaches. This level of improvement is expected to yield LOS C.
- ▶ Claribel Road / Claus Road: Widen Claribel Road to provide three through lanes in each direction; add separate right turn lanes on each approach and add dual left turn lanes on both Claribel Road approaches. This level of improvement is expected to yield LOS D. To reduce this impact to a less than significant level under the current LOS C threshold it would be necessary to either add a second northbound left turn lane, OR widen Claus Road to provide three through lanes in each direction. With the adoption of the LOS D standard, the impact would be less than significant without the need for the second northbound left turn lane and a six-lane Claus Road.
- ▶ Claribel Road / Coffee Road: Widen Claribel Road to provide three through lanes in each direction; add separate right turn lanes on each approach and add dual left turn lanes on all approaches. This level of improvement would yield LOS C.
- ▶ Coffee Road / Morrill Road: Add northbound and westbound right turn lanes. This level of improvement would yield LOS C.

(b) Implementation

The identified mitigation measure will be included in the Mitigation Monitoring and Reporting Program adopted for the Project and incorporated in the General Plan.

(c) Findings

With incorporation of the above described mitigation and Mitigation Measure 4.15-5, the impact is considered **less than significant**.

- ▶ **Impact 4.15-8. Development anticipated under the Riverbank General Plan update will result in additional automobile and pedestrian traffic across the at-grade Burlington Northern-Santa Fe Railroad (BN&SF) crossings on Claribel Road and Patterson Road, which could increase the potential occurrence of accidents at these locations.** This is a **significant and unavoidable** impact.

(a) Mitigation

Mitigation Measure 4.15-8

- ▶ The City will proactively coordinate with BN&SF Railroad and the PUC to identify applicable strategies and funding for improved at-grade crossings or new grade separation.
- ▶ The City will pursue realignment of Terminal Avenue, where determined necessary, to provide proper spacing relative to the railroad and cross streets.

(b) Implementation

The identified mitigation measure will be included in the Mitigation Monitoring and Reporting Program adopted for the Project and incorporated in the General Plan.

(c) Findings

The volume of automobile traffic across the BN&SF Railroad is forecast to increase substantially in the future. The traffic volume forecast for Claribel Road is clearly indicative of the need for a grade separation, and the volume forecast at the Patterson Road crossing is indicative of the need to widen Patterson Road to four lanes across the railroad. The feasibility of a grade separation on Claribel Road is linked to plans for a regional expressway approximately along this corridor. While the regional expressway is preliminarily expected to include a grade separation across the BN&SF Railroad, an appreciable traffic volume will remain on the current Claribel Road alignment, even after such a future expressway is implemented. As noted previously, the schedule and funding for implementing the expressway is uncertain, but is likely to be a long-term set of improvements. The existing Claribel Road alignment is likely to carry traffic volumes that will require widening the crossing before the expressway is built. The City of Riverbank and other affected agencies will need to consider the level of improvement needed at the existing Claribel Road crossing. Construction of a grade separation on the current alignment is one option. Construction of a state-of-the-art at-grade crossing as Claribel Road is incrementally widened is another option. The extent of existing development at the Patterson Road crossing precludes development of a grade separation at that location. Construction of a state-of-the-art at-grade crossing as Patterson Road is widened to four lanes will be required.

Because the regional expressway planning is uncertain, and because installing state-of-the-art grade crossings or grade separation at existing grade crossings in the City would be infeasible if the cost (which is currently unknown) exceeds the City’s available financial resources at the time, and because no additional feasible mitigation is available that would substantially reduce or avoid this significant impact, and because increased

traffic attributable to the General Plan update could potentially lead to an increase in the number of traffic accidents along the railroad, this impact is considered **significant and unavoidable**.

As is fully explained in the Statement of Overriding Considerations in Section 1.7.8, the environmental, economic, social, and other benefits of the Project outweigh and override the remaining significant adverse impacts relating to the Project's addition of traffic across the railroad line.

- ▶ **Impact 4.15-12. Development under the Riverbank General Plan could result in inadequate emergency access if improperly planned and designed.** This is a **potentially significant** impact.

(a) Mitigation

The proposed General Plan update does not include urban development of any inherently inaccessible areas. The proposed General Plan also has explicit connectivity requirements and other requirements for emergency access. With implementation of General Plan policies, including those that require appropriate emergency access meeting City and Stanislaus Consolidated Fire Protection District standards, impacts can be mitigated. With high levels of connectivity guaranteed by the General Plan, and proactive policy dealing with emergency access, impacts related to emergency access are fully addressed (see pages 4.15-39 through 4.15-41 of the EIR).

(b) Implementation

The referenced goals and policies will be implemented through discretionary review, project conditions, and General Plan consistency findings of projects developed under the updated General Plan.

(c) Findings

With the various policies included as a part of the General Plan update, implementation of the Plan would have a **less-than-significant** impact.

PUBLIC UTILITIES

- ▶ **Impact 4.16-2. Require or result in the construction of new water supply and distribution facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects.** Expansion and extension of water supply and distribution facilities is required for buildout of the General Plan Update. Although Goals and Policies have been identified to reduce impacts, construction of these facilities could result in significant effects to the environment. The impact is considered **significant and unavoidable**.

(a) Mitigation

The Updated Water Master Plan (Nolte 2007) identifies measures for meeting the projected water demand including installation of several groundwater wells, storage tanks, and a grid system of water mains, which would include both existing and new pipelines. Please refer to the updated Water Supply Study and Water Master Plan, on file with the City of Riverbank Community Development Department. Proposed General Plan goals, objectives, policies and actions call for the provision of an adequate supply of water; the maintenance of water infrastructure; the coordination between land use planning and water facilities and service; and the promotion of water conservation measures. These goals, objectives, policies and actions, combined with the improvements in the City's Updated Water Master Plan would ensure that the City would have the capacity to meet its future water demands according to the projected buildout of the proposed General Plan. Refer to pages 4.16-25 through 4.16-26 of the EIR. No further mitigation beyond General Plan policies is required to ensure that the City would have capacity to meet the future water demands.

(b) Implementation

The Water Master Plan will be implemented by the City and through City review and conditioning of projects proposed under the updated General Plan. The City's water conservation and related policies will be implemented through review and conditioning of projects to achieve consistency with the General Plan.

(c) Findings

Adherence to General Plan goals and policies would provide the City with the means to implement the required water infrastructure determined in the Updated Water Master Plan, which would ensure that the expansion of additional water storage and distribution infrastructure would occur. Because of the level of urban development anticipated under the General Plan, the construction of additional facilities could generate significant impacts. Although proposed General Plan policy requires infrastructure and facilities to be provided in a way that reduces environmental impacts, the extent of infrastructure required to serve future demand would create significant impacts. The impacts of infrastructure required to serve General Plan buildout is analyzed along with the direct effects of construction and operation of General Plan land uses throughout the EIR. No feasible mitigation is available that would substantially reduce or avoid this significant impact. The impact is considered **significant and unavoidable**.

As is fully explained in the Statement of Overriding Considerations in Section 1.7.8, the environmental, economic, social, and other benefits of the Project outweigh and override the remaining significant adverse impacts relating to the Project's impacts related to water infrastructure improvements.

► **Impact 4.16-4. Require or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.** The City would need to provide an additional 4,774,175 gpd of wastewater treatment capacity to meet the projected buildout of the City’s General Plan. Implementation of proposed General Plan policies and City master plans would ensure that the City would have the capacity to meet its wastewater demands according to the projected buildout of the proposed General Plan and would reduce adverse environmental impacts associated with development of this infrastructure. However, construction of wastewater collection and conveyance facilities for urban development of the scope anticipated under the General Plan could have significant impacts. The impact is considered **significant and unavoidable**.

(a) Mitigation

Proposed General Plan goals, objectives, policies and actions call for the provision of an adequate supply of water; the maintenance of water infrastructure; the coordination between land use planning and water facilities and service; and the promotion of water conservation measures. These goals, objectives, policies and actions, combined with the improvements in the City’s Updated Sewer Collection System Master Plan would ensure that the City would have the capacity to meet its wastewater demands according to the projected buildout of the proposed General Plan (see pages 4.16-28 through 4.16-29 of the EIR).

(b) Implementation

The Sewer Collection Master Plan will be implemented by the City and through City review and conditioning of projects proposed under the updated General Plan. The City’s wastewater related policies will be implemented through review and conditioning of projects to achieve consistency with the General Plan.

(c) Findings

Adherence to the above goals and policies would provide the City with the means to implement the required wastewater infrastructure determined in the Updated Sewer Collection System Master Plan, which would ensure that the expansion and improvements to infrastructure would occur. Because of the level of urban development anticipated under the General Plan, the construction of additional facilities could generate significant impacts. The environmental impacts of infrastructure required to serve General Plan buildout is analyzed along with the direct effects of construction and operation of General Plan land uses throughout the EIR. No feasible mitigation is available that would substantially reduce or avoid this significant impact. The impact is considered **significant and unavoidable**.

As is fully explained in the Statement of Overriding Considerations in Section 1.7.8, the environmental, economic, social, and other benefits of the Project outweigh and override the remaining significant adverse impacts relating to the Project’s wastewater infrastructure related impacts.

- ▶ **Impact 4.16-5. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.** The City would need to provide stormwater collection, conveyance, treatment (if appropriate), detention/retention, and disposal facilities (as appropriate) to accommodate additional stormwater runoff generated by urban development anticipated under the General Plan. Implementation of proposed General Plan policies and the City’s Stormwater Master Plan will ensure the City has adequate facilities to handle additional runoff. However, based on the scale of development anticipated under the General Plan update, it is possible that construction and installation of required infrastructure, such as drainage infrastructure require to serve General Plan buildout could, itself, have significant impacts. The impact is considered **significant and unavoidable**.

(a) Mitigation

The City’s Stormwater Master Plan identifies a variety of recommendations to address existing and future stormwater drainage. Proposed General Plan goals, objectives, policies and actions call for the provision of an adequate drainage infrastructure, in order to protect public safety, preserve natural resources, and prevent erosion and flood potential (see pages 4.16-31 through 4.16-32 of the EIR).

Instituting the goals, objectives, policies and actions included in the General Plan, as well as the improvements determined to be necessary in the City’s Draft Storm Drain System Master Plan would ensure that the City would have the capacity to meet its storm water drainage demands through expansion of the City’s existing drainage infrastructure, according to the projected buildout of the proposed General Plan.

(b) Implementation

The Stormwater Master Plan will be implemented by the City and through City review and conditioning of projects proposed under the updated General Plan. The City’s drainage related policies will be implemented through review and conditioning of projects to achieve consistency with the General Plan.

(c) Findings

Because of the level of urban development anticipated under the General Plan, the construction of additional facilities could generate significant impacts. The environmental impacts of infrastructure required to serve General Plan buildout is analyzed along with the direct effects of construction and operation of General Plan land

uses throughout the EIR. No feasible mitigation is available that would substantially reduce or avoid this significant impact. The impact is considered **significant and unavoidable**.

As is fully explained in the Statement of Overriding Considerations in Section 1.7.8, the environmental, economic, social, and other benefits of the Project outweigh and override the remaining significant adverse impacts relating to the Project's impacts related to stormwater improvements.

- ▶ **Growth Inducing Impacts.** The General Plan does not propose any specific development projects. In a sense, then, the General Plan update, therefore would not have direct growth-inducing impacts. Indirect growth-inducing impacts would occur, however, due in part to changes in the Land Use Diagram and the goals and policies, of the General Plan. With the substantial amount of new development accommodated under the General Plan, it is possible that, through expansion of job opportunities in Riverbank or other aspects of the General Plan, growth elsewhere could be facilitated. In this way, the General Plan is **considered growth inducing**.

(a) Mitigation Measures

Whether or not growth obstacles are eliminated relates to the extent to which the proposed General Plan would increase infrastructure capacity or change the regulatory structure such that additional development in the Planning Area would be allowed. A physical obstacle to growth typically involves the lack of public service infrastructure or insufficient infrastructure capacity. The extension of public service infrastructure (e.g., roadways, water and sewer lines) into areas that are not currently provided with these services would be expected to support new development. Similarly, the elimination or change to a regulatory obstacle, including existing growth and development policies, could result in new growth. To the extent that infrastructure is sized to accommodate already approved and expected growth based on the population projections of the General Plan, growth inducement would not occur. However, if infrastructure and facilities are oversized, or extended to areas outside of the Planning Area, this could induce growth by providing capacity to areas not intended for development. As detailed in the General Plan, the EIR, and ongoing master planning work by the City, infrastructure and public services are planned and implemented according to the needs of Riverbank. The City does not provide urban services to areas in the unincorporated County in a way that would induce or facilitate urban development. In fact, the proposed General Plan update includes policy language that specifically prohibits such public service and infrastructure related growth inducement (see Policy PUBLIC-2.5 and Policy PUBLIC-3.3, for example).

(b) Implementation

The City's policies that prevent against growth inducement will be implemented through review and conditioning of projects to achieve consistency with the General Plan.

(c) Findings

Based on Government Code Section 65300, the proposed General Plan is required to serve as a comprehensive, long-term plan for physical development of the City of Riverbank. By definition, the General Plan is intended to provide for, and address future development and conservation throughout the City's Planning Area. The General Plan does not propose any specific development projects. In a sense, then, the General Plan update, therefore would not have direct growth-inducing impacts. Indirect growth-inducing impacts would occur, however, due in part to changes in the Land Use Diagram and the goals and policies, of the General Plan. These changes are required in order to address long-range land use planning needs of the community. The goals, policies, and implementation strategies of the updated General Plan provide a framework to accommodate future growth. Promotion of economic and population growth represents the extent to which the proposed General Plan would increase economic activity and population in the City and region. Anticipated population growth is indirect in nature because the proposed General Plan does not directly propose development, but only provides the framework for development planning and implementation to proceed. The proposed General Plan could accommodate more than 10,000 additional housing units, more than 30,000 additional residents, and more than 3 million square feet of nonresidential building construction. The actual level of buildout and the timing of construction and development activities would be subject to market conditions and other factors beyond the City's control or knowledge. However, with the substantial amount of new development accommodated under the General Plan, it is possible that, through expansion of job opportunities in Riverbank or other aspects of the General Plan, growth elsewhere could be facilitated. No feasible mitigation is available to reduce or avoid this impact. The General Plan **is considered growth inducing**.

As is fully explained in the Statement of Overriding Considerations in Section 1.7.8, the environmental, economic, social, and other benefits of the Project outweigh and override the remaining adverse growth inducing impacts of the General Plan.

1.7.5 CUMULATIVE IMPACTS

In addition to the direct and indirect significant impacts caused by the Project discussed above, the City Council finds that the Project will result in the following significant and unavoidable cumulative impacts:

AESTHETICS

The continued urbanization of orchards and other open spaces throughout Stanislaus and San Joaquin County would have a significant cumulative effect on the visual resources of this area due to the substantial change in landscape from one with a more rural, pastoral character to one of urban and suburban development. This change is already in process and the change in visual character is significant. The agricultural lands of Stanislaus and San Joaquin counties represent important scenic resources to residents of the area and visitors alike. As most urban development in this part of the San Joaquin Valley occurs through greenfield development of former unincorporated agricultural lands brought into cities through annexation, this results in substantial changes in the visual character of this historically agricultural area. Conversion of the rural landscape to a suburban appearance would result in the reduction of the natural aesthetic qualities of the area. This is considered a **significant cumulative impact**.

While visual impacts would be reduced by policies proposed in the draft General Plan and cross referenced in Section 4.12 of the EIR, there is no additional feasible mitigation available that would substantially reduce or avoid the significant impact. The project's contribution to the cumulative reduction in the natural aesthetic qualities of the region is cumulatively considerable and **significant**. The impact is **significant and unavoidable**.

As is fully explained in the Statement of Overriding Considerations in Section 1.7.8, the environmental, economic, social, and other benefits of the Project outweigh and override the significant adverse cumulative impacts related to change of the aesthetic environment.

AGRICULTURE

The proposed project could lead to the development of hundreds of acres of high-quality agricultural land, much of which is currently in agricultural production. As a cumulative effect, this impact may be placed into the context of agricultural land conversion within Stanislaus and San Joaquin counties. Table 6-1 shows the changes in land use recorded by the California Department of Conservation, Farmland Mapping and Monitoring Program between 2002 and 2004. As shown, more than 3,000 acres in Stanislaus County and more than 1,400 acres in San Joaquin County were converted to urban and built-up land from Prime Farmland between 2002 and 2004. Current plans for cities in these counties involve many more acres of Prime and other Important Farmland.

Land is being converted from the Prime Farmland, Farmland of Statewide Importance, and Other Land categories to the Farmland of Local Importance and Urban and Built-up Land categories. Valuable agricultural land, which is finite and important environmental and economic resource, is being brought out of production. This is considered a **significant cumulative impact**.

The proposed project will contribute to the long term loss of high-value farmland in the region by accommodating urban development outside current City limits. Substantial portions of the converted agricultural land are currently designated as Prime Farmland and Farmland of Statewide Importance. Although policies in the draft General Plan would reduce this impact, there is no additional feasible mitigation that would substantially reduce or avoid the significant impact. Therefore, implementation of the General Plan would have a **cumulatively considerable and significant and unavoidable** impact.

As is fully explained in the Statement of Overriding Considerations in Section 1.7.8, the environmental, economic, social, and other benefits of the Project outweigh and override the significant adverse cumulative impacts on agriculture.

AIR QUALITY

The Riverbank portion of the San Joaquin Valley Air Basin is in nonattainment for ozone and particulate matter (both PM₁₀ and PM_{2.5}). Future urban development would add to this air quality problem by adding vehicle trips, accommodating construction, and through other means. This is a **significant cumulative impact**.

Given that compliance with applicable rules and regulations would be required for the control of stationary-source TAC emissions, both on-site and off-site, the General Plan contribution to long-term cumulative increases in stationary-source TAC concentrations would be less than cumulatively considerable, as discussed above. Background diesel PM concentrations within the Planning Area are not considered to be relatively high, nor are any major non-permitted sources of TAC emissions proposed. Exposure to TAC emissions from mobile sources, specifically diesel exhaust PM, is of growing concern within the SJVAB. The Planning Area does not involve any major transportation corridors (experiencing greater than 100,000 vehicles per day). For these reasons, cumulative impacts in the SJVAB are considered **less than cumulatively considerable and less than significant**.

As described under Impact 4.4-4, implementation of the new General Plan would result in less-than-significant CO-related air quality impacts from local mobile sources, with mitigation proposed in the Transportation and Circulation Chapter (4.9) incorporated. Since the model used in the traffic analysis is a regional transportation model that includes development forecast in Stanislaus County through 2025, this is representative of the cumulative condition. Thus, the impact would also be **less than cumulatively considerable and less than significant**.

The contributions to short- and long-term criteria pollutant emissions are considered significant and unavoidable. Although policies in the General Plan would reduce this impact, there are no other feasible mitigation measures to substantially lessen or reduce the impact to a less than significant level, and the cumulative impacts from short- and long-term criteria pollutants generated from the proposed General Plan, combined with related projects within

this portion of the San Joaquin Valley Air Basin are considered **cumulatively considerable and significant and unavoidable**.

Finally, the General Plan contribution to long-term GHG emissions could not be characterized because it would be too speculative to conclude that the General Plan would result in a net increase or decrease in GHG emissions at the plan-level. **No impact determination** can be made on a cumulative basis.

As is fully explained in the Statement of Overriding Considerations in Section 1.7.8, the environmental, economic, social, and other benefits of the Project outweigh and override the significant adverse cumulative impacts on air quality.

BIOLOGICAL RESOURCES

The proposed General Plan would involve construction and occupation of many different urban land uses, as well as preservation and conservation of certain lands. These changes could affect special-status species or the habitats they depend on. The loss of habitat or special-status species would contribute to the loss of species at the regional level outside Riverbank as other former open spaces experience urban and suburban development. However, detailed policies in the General Plan ensure that impacts are less than significant. General Plan policies are specifically crafted to avoid significant impacts. Refer to Section 4.5 of the EIR for more information. The impact is considered **less than cumulatively considerable and less than significant**.

The proposed General Plan would involve construction and occupation of many different urban land uses, as well as preservation and conservation of certain lands. These changes could affect directly or indirectly affect Waters of the United States and other important resources. The Stanislaus River corridor serves as an important corridor for fish and terrestrial wildlife species and could serve as a nursery site. General Plan policies are designed to avoid potential loss and other adverse effects to the Stanislaus River corridor and other areas of protected habitat within the Planning Area. The policies also require evaluation of potential effects and development and implementation of plans to fully mitigate unavoidable effects in a manner acceptable to the resource agencies. Successful implementation of these conservation policies would avoid, minimize, and/or compensate for potential adverse effects to protected habitats. Therefore, the impact is **less than cumulatively considerable and less than significant**.

As is fully explained in the Statement of Overriding Considerations in Section 1.7.8, the environmental, economic, social, and other benefits of the Project outweigh and override the significant adverse cumulative impacts on biological resources.

CULTURAL RESOURCES

The General Plan encourages infill development and revitalization of areas of the city where there may be older buildings. The General Plan anticipates growth in areas historically used for farming. It is possible that changes in policies included as a part of the General Plan could cause an adverse change relative to historic resources. These historic resources could be similar in period or could convey similar information as those potentially lost through redevelopment and revitalization efforts throughout this portion of the San Joaquin Valley.

However, the proposed Riverbank General Plan update includes policies to reduce such impacts. The impact is **less than cumulatively considerable and less than significant**, as a result.

There is a strong possibility that previously unidentified unique archaeological remains and there is the possibility that Native American remains may be discovered in subsurface contexts prior to or during General Plan implementation. It is possible that a unique archaeological resource or Native American remains could be adversely affected by General Plan implementation. These resources could be similar in period or could convey similar information as those potentially lost through urbanization throughout this portion of the San Joaquin Valley.

However, the proposed General Plan update includes policies and existing State law provides requirements that reduce such impacts. The impact is **less than cumulatively considerable and less than significant**, as a result.

HYDROLOGY AND WATER QUALITY

Construction activities throughout the Middle San Joaquin-Lower Merced-Lower Stanislaus watershed have the potential to release pollutants into surface water bodies, potentially violating water quality standards or harming biological resources. Because construction activities would occur over such a large area the substantial construction-related alteration of drainages could result in soil erosion and stormwater discharges of suspended solids, increased turbidity, and potential mobilization of other pollutants from project construction sites as contaminated runoff to on-site and ultimately off-site drainage channels and the Stanislaus River. Impervious surfaces would be added through urban development of the watershed and additional effluent from wastewater treatment plants could also affect water quality, if not properly implemented. Additional water demand could result in overdraft of aquifers.

Construction activities in the proposed City of Riverbank General Plan Update areas could add to the potential for soil erosion and sedimentation in the watershed, as well as impervious surfaces and additional wastewater treatment demand locally. Construction processes may also involve the potential for releases of other pollutants to surface waters and/or the storm drain system, including oil and gas, chemical substances used in the construction process, accidental discharges, waste concrete and wash water.

However, for most proposed construction activities, there are regulatory requirements designed to ensure ongoing water quality, such as Section 401 water quality certification, NPDES stormwater permit for general construction activity, and any other necessary site-specific WDRs or waivers under the Porter-Cologne Act. These existing regulatory requirements would apply to various development projects throughout the watershed, as well as to development projects accommodated under the Riverbank General Plan. The Riverbank General Plan also includes policies in the Conservation and Open Space Element to address ongoing water quality in the Planning Area (as noted in the Hydrology section of the EIR – please see Section 4.10 for more information). As noted in the Hydrology and Water Quality section of the EIR (Section 4.10), the City can serve projected peak demands without depletion of the aquifer. Proposed General Plan policies also address conservation measures, further reducing the potential impact. The impact is **less than cumulatively considerable and less than significant**.

POPULATION AND HOUSING

The Riverbank General Plan includes goals, policies, and implementation strategies that will guide land use change in the City, including policies that avoid dividing communities, requiring replacement housing, and other land use related impacts. The General Plan provides generalized buildout estimates that are used, in part, in the analyses presented throughout the EIR that disclose the environmental impacts associated with this growth. As such, there is no significant cumulative impact outside what is analyzed and disclosed throughout the EIR relative to population and housing growth in Riverbank. The General Plan includes policies that prevent against any infrastructure or public service extensions that could induce additional unplanned population growth. The impact is considered **less than cumulatively considerable and less than significant**.

PUBLIC SERVICES, INCLUDING RECREATION

Law Enforcement

Future regional growth would result in a need for expanded law enforcement services throughout the County. Growth in Riverbank would result in the need for additional law enforcement facilities in the long term, and it is possible that growth elsewhere in areas served by the Stanislaus County Sheriff’s Department would create the need for additional facilities. The construction of additional law enforcement facilities could cause adverse environmental impacts.

However, the General Plan update identifies goals and standards for law enforcement service provision. The City has adopted General Plan policies that require the planning, phasing, and financing of public services and facilities consistent with City and other service provider standards along with new growth. The planning, phasing, and financing of public services and facilities will occur as interested landowners and developers fund Master Service Elements for annexation proposals that are more fully described in Specific Plans. These Specific Plans will be prepared by the City consistent with the General Plan, and will be paid for by representatives of interested

developers and landowners. As specific development projects are proposed, additional project-specific environmental analysis would be completed. With implementation of General Plan policy, cumulative impact related to law enforcement is considered **less than cumulatively considerable** and **less than significant**.

Fire Protection

Future regional growth would result in increased demand for fire services throughout the County. According to the Fire District, future growth within the current City of Riverbank service area would not result in cumulative impacts related to the addition of Fire District facilities or other actions of the Fire District. However, urban development in the Riverbank new growth areas (outside current City limits), “all growth within the Fire District will impact [the Fire District’s] ability to provide services and result in the need for additional facilities. The Fire District and City, however, will cooperate as new growth areas to be annexed to the City to ensure the “needs of both entities are met.” To this end, the City has prepared for adoption and the Fire District concurs with the Land Use Element Policy LAND-5.2:

“Infill development will be given priority to remaining capacity for water supply and delivery, wastewater treatment and conveyance, stormwater collection and conveyance, and other services and infrastructure currently in place. Development impact fees shall reflect the existing capacity to serve infill development areas. Any urban development of new growth areas shall plan and finance necessary infrastructure and service expansion to serve those areas.”

New growth areas will be developed in accordance with Specific Plans, which shall be drafted consistent with this General Plan Update and EIR. Specific Plans are to be drafted in coordination with requirements of the Fire District and other public service providers. Fire stations could be sited in locations such as those shown in the City’s Land Use Diagram and designated CIVIC (C) (see Figure LAND-4). Landowners and developers interested in developing new growth areas will fund Master Services Elements, per Stanislaus Local Agency Formation Commission (LAFCO) policy, in conjunction with Specific Plans that illustrate the type and location of new public facilities required to serve the needs of new growth. The public facilities planning and financing will be according to the City’s public service standards as described throughout this General Plan, the City’s development codes, and master utilities planning. With the implementation of this General Plan and implementing actions consistent with the General Plan, cumulative impacts related to fire response, repression, and emergency response is **less than cumulatively considerable** and **less than significant**.

Schools

Regional growth would result in increased demand for schools throughout the County. However, the City is planning to accommodate local school needs locally. Goals and policies in the proposed General Plan (Public Facilities and Services Element) detail the City's perspective on school services.

It is not possible to know exactly where additional school facilities will be constructed to serve the needs generated by growth within the Riverbank Planning Area at any given time. It is possible that temporary classrooms might be added at an existing school within the Sylvan Unified School District or the Riverbank Unified School District until such time as a permanent new school is constructed somewhere in the Planning Area to serve additional demand.

Landowners and interested developers in the City's new growth areas will fund planning documentation, provide financing for, and dedicate land for future public facilities, as directed by the City. As noted throughout the General Plan, the City will coordinate with local school districts to ensure appropriate level of service standards in new growth areas are achieved. The City has established standards and criteria in general terms throughout the General Plan update. More detailed information will be provided in Master Service Elements, which are to be funded by interested developers and landowners through the Specific Plan process. These Master Service Elements will serve as mechanisms to ensure that policies of local school districts are implemented along with new growth. The environmental analysis throughout the EIR takes into account service and facility expansion and the corresponding potential for environmental impacts, including that of public school provision. As specific school facility expansion or improvement projects are identified, additional project-specific environmental analysis would be completed. With implementation of General Plan policy, cumulative impact related to public school provision is considered **less than cumulatively considerable** and **less than significant**.

Parks and Recreational Facilities

The proposed General Plan update indicates the City's goals and policies for parkland provision relative to new growth areas and the existing developed City alike. The City has established policies for parkland and open space provision to provide existing and future residents with a full range of passive and active recreational opportunities locally. By providing for recreational needs for the existing and future population, the City has ensured against the deterioration of local and regional facilities.

Landowners and interested developers in the City's new growth areas will fund planning documentation, provide financing for, and dedicate land for future public facilities, as directed by the City. The City has established standards and criteria in general terms throughout the General Plan update. More detailed information will be provided in Master Service Elements, which are to be funded by interested developers and landowners through

the Specific Plan process. These Master Service Elements will serve as mechanisms to ensure that Stanislaus LAFCO policies and those of the City's related to parks and recreation are also implemented along with new growth. The environmental analysis throughout the EIR takes into account service and facility expansion and the corresponding potential for environmental impacts, including local and regional parks and recreation services and facilities. As specific development proposals are identified, additional project-specific environmental analysis would be completed to ensure General Plan standards are implemented. With implementation of General Plan policy, cumulative impacts related to parks and recreational services are considered **less than cumulatively considerable** and **less than significant**.

TRANSPORTATION/TRAFFIC

The traffic analysis included in Section 4.15 also addresses cumulative impacts to the regional transportation system since a regional traffic model was used to analyze impacts of the proposed General Plan at buildout, along with projected regional growth. While the proposed General Plan includes various policies to reduce traffic demand and mitigation for roadway segments and intersections, traffic along the Claribel Road alignment would exceed level of service standards. As discussed in these findings regarding Impact 4.15-1, Mitigation Measure 4.15-1 may reduce the impact on Claribel Road. However, because the effectiveness of Mitigation Measure 4.15-1 is uncertain, and because there is no additional feasible mitigation available that would substantially reduce or avoid this significant impact, this impact remains a **significant cumulative impact**.

Landowners and interested developers in the City's new growth areas will fund planning documentation, provide financing for, and dedicate land for future public facilities, as directed by the City. The City has established standards and criteria in general terms throughout the General Plan update. More detailed information will be provided in Master Service Elements, which are to be funded by interested developers and landowners through the Specific Plan process. These Master Service Elements will serve as mechanisms to ensure that Stanislaus LAFCO policies, those of the City's, and those of the County and Caltrans related to transportation are also implemented along with new growth. The environmental analysis throughout the EIR takes into account roadway expansion and other improvements required to serve new growth, and the corresponding potential for environmental impacts. As Specific Plans and other development proposals are identified, additional project-specific environmental analysis would be completed to ensure General Plan standards are implemented. With implementation of General Plan policy, cumulative impacts are analyzed, addressed, and mitigated. However, even with policy compliance and mitigation, potential level of service impacts could result and there are no additional feasible mitigation measures. The transportation impacts are significant. The contribution of the Riverbank General Plan update is **cumulatively considerable** and **significant**. The impact is **significant and unavoidable**.

As is fully explained in the Statement of Overriding Considerations in Section 1.7.8, the environmental, economic, social, and other benefits of the Project outweigh and override the significant adverse cumulative impacts related to transportation and traffic.

UTILITIES

Water Services

Future urban growth in the County will increase demand for municipal water service. Much of this increased demand would be met through the use of groundwater from the same aquifer as would be used to meet future needs in Riverbank. New development throughout the County and in other locations that could affect the groundwater aquifer would also be subject to State legislation that requires water supply assessments that address ongoing water supply adequacy for property subdivision proposals (SB 610 and SB 221). State law requires adequate water supplies be identified prior to approval of large projects. As noted earlier, the City has recently studied future groundwater needs. As noted in the Hydrology and Water Quality section of the EIR (Section 4.10), the City can serve projected peak demands without depletion of the aquifer. Please also refer to ongoing master planning work on water supply and groundwater source efficiency on file with the Community Development Department. The proposed General Plan update includes City goals and policies for water supply and conservation for new growth areas and the existing developed City alike.

Wastewater Services

The City will require wastewater treatment plant expansion and sewer collection and conveyance facilities to meet the proposed buildout of the proposed General Plan. The existing City WWTP has existing permits, successful operations, and can be upgraded to meet needs within current City limits. The Sewer Collection System Master Plan recommended several improvements to the sewer collection systems to ensure that the City would have the capacity to meet its wastewater demands according to the projected buildout of the proposed General Plan.

Stormwater Management

Development under the General Plan has the potential to cause significant impacts by increasing stormwater runoff associated with construction activities and increasing impermeable surfaces, thereby placing greater demands on the stormwater handling system. Runoff from developed surfaces, building roofs, parking lots and roads also contain impurities and has the potential to increase flooding. The City's Storm Drain System Master Plan identifies existing deficiencies and recommendations for their improvements in order to serve the growth projected in the General Plan update. Proposed General Plan goals, objectives, policies and actions call for the provision of an adequate drainage infrastructure, in order to protect public safety, preserve natural resources, and prevent erosion and flood potential. Instituting the goals, objectives, policies and actions included in the General

Plan, as well as the improvements determined to be necessary in the City’s Draft Storm Drain System Master Plan would ensure that the City would have the capacity to meet its storm water drainage demands through expansion of the City’s existing drainage infrastructure, according to the projected buildout of the proposed General Plan.

Solid Waste Management

Growth in the region will contribute to the need for adequate solid waste disposal facilities. As noted in Section 4.12 of the EIR (Utilities), Riverbank is served by Gilton Solid Waste (GSW). As the franchise waste hauler, Gilton is contractually obligated to accommodate any increase in the need for residential and commercial waste management services. Solid waste hauled by GSW from Riverbank is deposited in two landfills and a waste-to-energy facility. These are the Forward, Inc. landfill in San Joaquin County, the Fink Road Landfill in Stanislaus County (administered by the County Public Works Department), and the Covanta Waste-to-Energy Facility in Stanislaus County (administered by County Department of Environmental Resources). The Covanta Facility was built with an official manufacturer’s capacity of 243,000 tons, and the service area is contractually required to send at least this amount to the facility per year. Recently the facility has handled 250–260,000 tons per year. The Fink Road Landfill is currently at approximately 50 percent capacity with a projected closing date of 2023 and an overall capacity of 12 million cubic feet.

Utilities Impact Conclusion

Landowners and interested developers in the City’s new growth areas will fund planning documentation, provide financing for, and dedicate land for future public facilities, as directed by the City. The City has established standards and criteria in general terms throughout the General Plan update, including standards and criteria for water supply and conservation; wastewater collection, conveyance, treatment, and disposal; stormwater management; and solid waste management. More detailed information will be provided in Master Service Elements, which are to be funded by interested developers and landowners through the Specific Plan process. These Master Service Elements will serve as mechanisms to ensure that development occurs consistent with policies of relevant service providers, including the City. The environmental analysis throughout the EIR takes into account utility expansions required to serve new growth and the corresponding potential for environmental impacts of these expansions. As Specific Plans and other development proposals are identified, additional project-level environmental analysis would be completed to ensure General Plan standards are implemented. With implementation of General Plan policy, cumulative impacts related to utilities are considered **less than cumulatively considerable** and **less than significant**.

1.7.6 PARTLY RECIRCULATED DRAFT EIR

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the draft EIR but before certification of the Final EIR. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines to implement. The CEQA Guidelines provide the following examples of significant new information under this standard:

- ▶ A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- ▶ A substantial increase in the severity of an environmental impact would result unless mitigation are adopted that reduce the impact to a level of insignificance.
- ▶ A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
- ▶ The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043).

(CEQA Guidelines, Section 15088.5, subd. (a).)

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. (CEQA Guidelines, Section 15088.5, subd. (b).)

An original Draft Program EIR was circulated for public review between February 15th and April 1, 2008. There were 11 comment letters received on the original Draft EIR addressing a variety of topics. Based on these comments, the level of interest in the General Plan and its environmental documentation, the City elected to revise the General Plan and EIR and recirculate sections of the EIR with clarifying information for public review.

Under CEQA Guidelines Section 15088.5(c), if a revision to an EIR is limited to a few chapters or portion of the EIR, the City need only circulate the chapters or portions that have been modified. Specifically, the following EIR sections were included in the partly recirculated EIR:

	Executive Summary
2	Introduction
3	Project Information
4.0	Environmental Analysis
4.1	Organization and Presentation of Environmental Impact Analysis
4.2	Aesthetics
4.3	Agriculture
4.9	Hazards and Hazardous Materials
4.10	Hydrology and Water Quality
4.14	Public Facilities
4.15	Transportation
6	Other CEQA Required Analysis
7	References
8	Report Preparers
9	Acronyms

Changes in the Revised General Plan and Recirculated EIR relate to a few specific issues. The traffic analysis was revised to ensure that effects of other development projects and plans in other jurisdictions are appropriately considered. Up-to-date information related to the North County Corridor Expressway planning is included. The impacts of the General Plan Update are analyzed both relative to existing (pre-update) level of service standards, as well as proposed level of service standards. The revised EIR includes additional regulatory information submitted by the California Department of Water Resources regarding State-designated floodways. Updated information provided by the Stanislaus Consolidated Fire Protection District is included. The revised EIR contains additional explanation on the purpose and content of a program EIR (as compared with the more typical project level analysis). The Reserve overlay designation, which restricts development according to several important environmental and planning criteria, is more clearly described in the revised General Plan and Recirculated EIR. The Clustered Rural Residential land use designation is more clearly described in the revised draft General Plan and Recirculated EIR. The agricultural mitigation policy in the Conservation and Open Space Element has been revised to include reference to the creation of agricultural resource conservation programs.

Clarifying information has been added to the Draft General Plan Update.

The City requested, pursuant to the CEQA Guidelines Section 15088.5(f)(2), that reviewers of the partly recirculated draft EIR document limit their comments to the material included in the partly recirculated EIR, and not make new comments on matters not included in that document. The City's written responses address (1)

comments received on sections of the February 2008 Draft EIR that are not being recirculated, and (2) comments received during the public review period on sections of the Draft EIR being recirculated.

NO FURTHER RECIRCULATION

No further recirculation of the EIR is required, because there has been no significant new information regarding the project following the partial recirculation of the EIR. Policy CONS-3.1 (regarding agricultural mitigation), Policy CONS-3.2 (regarding agricultural buffers), and Implementation Strategy CONS-1 (regarding agricultural mitigation) have been changed and clarified through the Errata to the Final EIR. The City Council has considered these changes and concluded that such changes would not cause a new significant impact, substantially increase the severity of an environmental impact, make a new feasible project alternative or mitigation measure available that would substantially lessen or avoid a significant impact of the project, or otherwise preclude meaningful public review and comment on the draft EIR. The other proposed changes to the draft EIR, as reflected in the Final EIR, including the Errata, merely clarify or amplify or make insignificant modifications in an adequate EIR.

1.7.7 BASIS TO APPROVE THE PROJECT RATHER THAN AN ALTERNATIVE TO THE PROJECT

Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, whether there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA. As noted under the head “Findings Required under CEQA” above, an alternative may be “infeasible” if it fails to fully promote the lead agency’s underlying goals and objectives with respect to the project. Thus, “‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” of a project. (*City of Del Mar, supra*, 133 Cal.App.3d at p. 417; see also *Sequoyah Hills, supra*, 23 Cal.App.4th at p. 715.)

SUMMARY OF DISCUSSION OF ALTERNATIVES IN THE FINAL EIR

The Draft EIR evaluates a range of potential alternatives to the Project. The Draft EIR examines the environmental impacts of each alternative in comparison with those of the Project and the relative ability of each alternative to satisfy the project objectives. The Draft EIR also compares the environmental impacts of the Project and each of the alternatives. The Draft EIR also summarizes the process of selecting the alternatives evaluated in the Draft EIR as well as alternatives rejected for further evaluation and the bases for their rejection.

SUMMARY OF FINDINGS RELATING TO THE ALTERNATIVES EVALUATED IN THE DRAFT EIR

The City considered approximately six different land use and circulation alternatives as a part of the General Plan update process. These alternatives had a larger and smaller overall development footprint, increased or decreased density compared to one another, as well as creating variation among other attributes. While there may be similarities between the previously considered alternatives and the array presented in this section, the alternatives were specifically reconstituted for the purposes of the EIR analysis. The City determined that a simple repeat of the earlier range of alternatives would not serve the decision makers or public as well as the present range. For example, alternatives previously considered in some instances had larger development footprints compared to the proposed General Plan update, with additional lower-density residential land on the outskirts of the Planning Area. This is not helpful for comparison in an EIR since the purpose of alternatives analysis here is to reduce environmental impacts for potentially significant impacts compared to the proposed project. The larger development footprint alternative with additional lower-density housing at the fringe would increase environmental impacts compared to the proposed General Plan update.

The Final EIR evaluated three alternatives to the Project. The feasibility of each of these alternatives is determined below.

Alternative 1. No Project: Buildout of the Existing General Plan.

This alternative assumes that the Riverbank General Plan update would not be implemented, and that the Planning Area would build out as indicated by the existing (pre-update) General Plan.

This no project alternative is not the same as the “no build” alternative, which is used in some CEQA alternatives analyses. The existing General Plan land use diagram provided by the City shows large, undeveloped areas with the designation “Neighborhood.” This was a flexible land use designation applied to lands west of the existing developed City. This designation, however, is not described in the narrative of the existing (pre-update) General Plan, and therefore it is unclear what types of land uses and what intensity of development might be anticipated.

Feasibility/Ability to Meet Project Objectives

Under the No Project Alternative, the City would continue to implement its existing (pre-update) General Plan, which would remain as the adopted long-range planning policy document for the City. Failure to update the City’s existing General Plan will not result in a comprehensive update to the City’s existing goals and policies to help incorporate current planning, environmental, and regulatory trends and objectives. The updated General Plan also better reflects existing, on-the-ground conditions than the City’s existing General Plan. The No Project Alternative would also not establish long-term policies and guidance to direct Riverbank City’s growing population through the year 2025.

Further, the failure to adopt new economic strategies, such as those outlined in the Economic Development Element and the failure to update the City's land use designations make this alternative inconsistent with objectives to support economic development. Without changes in the City's land use policies, the City could not achieve objectives related to non-vehicular transportation, resource conservation, and increased City quality of life.

Additionally, the 2025 General Plan explicitly recognizes the importance of coordinating with the County and nearby cities. The County, regional government, and nearby cities are essential to the success of the General Plan's policies and programs. Of particular relevance for regional coordination are the City's policies on regional transportation and agricultural mitigation.

The proposed General Plan is focused on the pressing community planning issues suggested by the public, Planning Commission, and City Council during the extensive outreach that accompanied the General Plan update process. The 2025 General Plan has comprehensive policies designed to effectively address the loss of fertile agricultural land and support for the local agricultural economy, whereas the current General Plan does not. The 2025 General Plan addresses air quality, whereas the existing General Plan does not. The 2025 General Plan addresses climate change, whereas the existing General Plan does not. In many other ways, the current General Plan does not address, or does not adequately address the full range of key social, economic, and environmental issues that will confront Riverbank between now and 2025. The current General Plan does not address redevelopment and revitalization of Downtown Riverbank and the Patterson Road corridor.

For these reasons, the City Council rejects the No Project Alternative as infeasible within the meaning of CEQA and CEQA case law.

Alternative 2. Reduced Footprint, Increased Density

This alternative assumes that the overall urban development footprint would be reduced to avoid specific environmental resource areas. The footprint would be reduced to avoid sensitive biological areas, avoid high-quality agricultural lands, reduce the amount of land subject to earth disturbance, preserve the aesthetic value of more open land surrounding the city, and avoid steep slopes and the river bluff areas northwest of the city.

This alternative, like the proposed 2025 General Plan, would also employ certain ideas that are also fundamental to the proposed General Plan update, such as placing different land uses in proximity to one another with a compact design to facilitate other than automobile travel. At buildout, this alternative would have roughly the same level of development compared with the proposed General Plan update, as measured in dwelling units and nonresidential building square footage.

Feasibility/Ability to Meet Project Objectives

The concept of “feasibility” encompasses the question of whether a particular alternative or mitigation measure promotes existing City policies, as well as the underlying goals and objectives of a project. In sum, Alternative 2 would not achieve the Project objectives to the same degree that the 2025 General Plan would.

A diverse and desirable balance of land uses can help to support the City’s fiscal viability and promote a desirable community in which people work, shop, live, visit, and recreate. A diversity of land uses also has positive effects on community livability and quality of life. With the substantially increased residential densities in Alternative 2, the array of housing types would be somewhat narrowed, compared to the 2025 General Plan. Whereas the 2025 General Plan encourages more compact development patterns than present today in Riverbank and elsewhere in growing central valley communities, Alternative 2 would envision very substantial changes in residential density. While the 2025 General Plan provides a balance of housing opportunities with somewhat increased densities, Alternative 2 would not provide new opportunities for lower-density housing. With the relatively more narrow range of housing opportunity provided under Alternative 2, it is likely the absorption rate for new development would be slower. It is also possible that Alternative 2 would accommodate a more narrow range of household types and incomes compared to the 2025 General Plan. Alternative 2 would not achieve the City’s project objectives related to choice and diversity to the same extent that the 2025 General Plan does. Alternative 2 would not provide the same variety of housing types. With slower absorption rates and a more narrow range of household types and incomes, Alternative 2 may not enable the City to encourage infill and redevelopment of the Downtown and the Patterson Road corridor to the same degree as with the 2025 General Plan. The City’s goal of environmentally sensitive opening of the river corridor to public access and views would not be accomplished to the same extent with the incorporation of Alternative 2.

The City’s Vision Statement and Guiding Principles address the City’s Identity in 2025. The community envisions Riverbank’s unique qualities enhanced through a balance between the built environment, the natural environment, and the working agricultural landscape. This includes opening public access to the Stanislaus River, making better use of this community asset. The community supports increasing public access and access to views along the river corridor, so long as the natural beauty and function of the river is protected. When urban development anywhere in Riverbank, the General Plan calls for preserving important open green spaces around the City, including important natural habitat, and creating distinct buffers between urban and agricultural lands. Alternative 2 does not open access to the river corridor to the extent that the 2025 General Plan does.

For these reasons, the City Council rejects Alternative 3 as infeasible within the meaning of CEQA and CEQA case law.

Alternative 3. Reduced Footprint, Similar Density

This alternative assumes that the overall extent of urban development would be reduced substantially compared to the proposed General Plan update. Instead of proposing urban development for the majority of the Planning Area, areas in the western and northeastern portions would be designated for agricultural and resource conservation lands. Preservation would avoid sensitive biological areas, avoid conversion of high-quality agricultural lands, reduce the amount of land subject to earth disturbance, preserve the aesthetic value of more open land surrounding the city, and avoid steep slopes and the river bluff areas northwest of the city.

Feasibility/Ability to Meet Project Objectives

The concept of “feasibility” encompasses the question of whether a particular alternative or mitigation measure promotes existing City policies, as well as the underlying goals and objectives of a project. In sum, Alternative 3 would not accomplish the City’s project objectives to the same extent that the proposed 2025 General Plan would.

The City’s Vision Statement and Guiding Principles address the City’s Identity in 2025. The community envisions Riverbank’s unique qualities enhanced through a balance between the built environment, the natural environment, and the working agricultural landscape. This includes opening public access to the Stanislaus River, making better use of this community asset. Currently many in the community believe that the City is not taking appropriate advantage of this natural asset, in terms of public access to the river corridor itself, as well as views of the river. The community supports increasing public access and access to views along the river corridor, so long as the natural beauty and function of the river is protected. Alternative 2 does not open access to the river corridor to the extent that the 2025 General Plan does.

In addition, since the overall development footprint of Alternative 3 is substantially reduced (compared with the proposed 2025 General Plan), development under this scenario would involve greatly reduced population and employment growth. In the City’s judgment, development allowed under a scenario such as Alternative 3 would not adequately address growth needs through 2025. It is not possible to know exactly what the demand for housing and business growth would be between present and 2025. However, the City has prepared this General Plan update with that timeline, and intends for the land use array described in the General Plan to accommodate future growth needs during this time horizon, in a way that is consistent with the City’s Vision Statement and Guiding Principles. Since Alternative 3 may not accommodate growth needs through 2025, this alternative does not suit the underlying project objectives to the same extent that that proposed 2025 General Plan does.

For these reasons, the City Council rejects Alternative 3 as infeasible within the meaning of CEQA and CEQA case law.

CONCLUSION REGARDING PROJECT ALTERNATIVES

Based on the foregoing analysis and pursuant to CEQA Guidelines Section 15126.6, the City has considered a range of reasonable alternatives to the proposed Project, which could feasibly attain most of the basic objectives of the project but would avoid or substantially lessen certain significant effects of the project. The City has evaluated the comparative merits of the various alternatives and identified and analyzed potential environmentally superior alternatives in addition to the No Project alternative.

For the purposes of the EIR, Alternatives 2 and 3 are environmentally superior because these alternatives would reduce impacts in the most topic areas compared to the proposed 2025 General Plan.

Based on this analysis and substantial evidence in the record, the City finds and determines that components of Alternatives 2 and 3 are economically, legally, socially, technologically and environmentally feasible. However, the General Plan update must be adopted and implemented as a whole, and the components must be internally consistent. As explained more fully above, none of the alternatives, in its pure form, is feasible within the meaning of CEQA and therefore each alternative is rejected in favor of the 2025 General Plan.

1.7.8 OVERRIDING CONSIDERATIONS JUSTIFYING PROJECT APPROVAL

In accordance with CEQA Guidelines Section 15093, the City Council has, in determining whether or not to approve the Project, balanced the economic, social, technological, and other benefits of the Project against its unavoidable environmental risks, and has found that the benefits of the Project outweigh the significant adverse environmental effects that are not mitigated to less-than-significant levels, for the reasons set forth below. The following statements identify the reasons why, in the City Council's judgment, the benefits of the Project outweigh its unavoidable significant effects.

Any one of the reasons for approval cited below is sufficient to justify approval of the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the City Council will stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings and in the documents found in the Record of Proceedings, as defined in Section 1.5.

FRAMEWORK FOR ACHIEVING THE COMMUNITY'S VISION

The Project is a guide for both land use change and resource conservation in Riverbank through 2025. It contains the policy framework necessary to fulfill the community's Vision Statement for the 2025 General Plan:

Riverbank in 2025 has a small-town character where residents can live, work, and play locally. The City has a thriving downtown that offers a variety of retail opportunities and services and functions as the social and cultural heart of the community. Riverbank has a healthy and diversified industrial base served by its railroad, safe and walkable / bikable neighborhoods, and a wide range of employment and housing opportunities for its diverse population. Although we welcome automobiles, Riverbank is a place for PEOPLE. Those who choose not to drive can easily and safely walk, bicycle, or use public transit to get to work, school, shopping, or a local park. Riverbankers' strong sense of community identity is reflected in its public gathering places and activities, architectural variety, and the ways in which the City's riverfront location, railroad-oriented history, agricultural heritage, and other unique qualities are celebrated in the built environment. Riverbank in 2025 has succeeded in creating a BALANCE between housing and jobs for its residents, commerce and industries that support the local economy, and the protection of agriculture and natural resources.

This theme of balance is carried throughout the Plan in its goals, policies, and programs. The balance the City is considering in its updated policies involves:

- ▶ a balance between the needs of the built environment, the natural environment, and the working agricultural landscape;
- ▶ a balance among types of jobs and housing to meet local needs, civic activities, transportation choices, and the needs of the young and needs of the old;
- ▶ a balance between housing, commerce, industry, circulation, and open spaces for agriculture and nature;
- ▶ a balance between the needs of existing Riverbank residents and future residents;
- ▶ a balance of policies that can create both economic and fiscal sustainability

In the context of this General Plan, the City's proposed policies provide for viable solutions today while seeking also to provide a high quality of life for future residents. The City's Vision Statement emphasizes quality of life for Riverbankers, regardless of their age, needs, physical or developmental abilities, preferences, backgrounds, and incomes.

The City's Vision Statement and Guiding Principles provided the foundation for the entire 2025 Riverbank General Plan, defining the desired future qualities of the City. The City's Vision Statement is a broad, long-range view of the community's consensus on important aspects of the community's future. Special attention must be given to the Vision due to the level of consensus this represents among residents, the Planning Commission, and

the City Council. The Vision Statement and Guiding Principles document was used and frequently referenced in developing the Land Use and Circulation Alternatives considered by the community and decision makers. The Vision Statement and Guiding Principles guided development of General Plan policy. The Vision Statement provides the setting and framework for all of the goals, policies, and implementation measures. The Vision Statement emerged through collaboration between City staff and residents, Planning Commission, and the City Council.

The General Plan reflects the priorities of Riverbank's people. Although certain aspects of the 2025 General Plan are required by State law, the content of Riverbank's General Plan is specific to priorities of Riverbank's residents and public officials.

ECONOMIC DEVELOPMENT

The quality of life experienced by City residents is greatly affected by the local economy and their sense of economic well being. Riverbank City's economy is rooted in agriculture, manufacturing, and other major private and public employment sectors.

However, Riverbank has fallen behind some cities in the region in jobs-housing balance. The City wishes to more closely match the skills and interests of its existing and future residents with local employment opportunities. The City's economic development strategy focuses on exploiting local competitive advantages, diversified businesses and industries, a highly trained and educated workforce, accessibility to multi-modal transportation options, affordable housing, and efficient and environmentally sustainable public infrastructure and services. The quality of life of Riverbank's existing and future residents depends on increasing opportunities to live, work, and recreate locally.

Although not required by State general plan guidelines, the General Plan contains an economic development element. The General Plan's new Economic Development Element provides a comprehensive economic development program, based on an understanding of regional economic trends and opportunities in Riverbank. Economic Development Element goals, policies and implementation measures related to encourage creation of jobs for City residents and promote the City's social, economic, and fiscal sustainability.

SOCIAL EQUITY

The 2008 General Plan emphasizes social equity by promoting a range of local housing choices that best meet residents' needs, regardless of household type, income, needs, and preferences. The General Plan provides policies to ensure the City is, and will be, home to all generations—a community where children can grow, raise families, and stay in the community as they age. Policies will encourage a variety of jobs, activities, travel

options, and public services accessible to all residents. Growth is to be managed as a way maintaining and improving the local quality of life and enhancing social, economic, and physical community connectivity.

LONG-RANGE GUIDE FOR GROWTH MANAGEMENT

The 2025 General Plan provides the City with a guide for day-to-day decision making toward long-term prosperity and sustainability. Together, the General Plan Elements are a comprehensive statement of the goals, policies, standards, and implementation measures for managing growth and conservation within the City.

The General Plan is structured to achieve its goals by the year 2025. The planning process allows periodic updates to address any deviations from the General Plan's goals or political-economic conditions. The General Plan's goals and policies are intended to maintain and enhance the small-town character, while allowing for economic growth and conservation of environmental resources. The updated policies are considered feasible and as such, take into account current land economic conditions and realistic growth assumptions. The growth estimates used in developing the General Plan and analyzing environmental impacts are consistent with emerging land use policies and goals at the regional level. The 2025 General Plan recognizes that regional planning is crucial to addressing today's most pressing planning issues, including reduction of vehicle miles traveled, improving air quality, reducing greenhouse gas emissions, preservation of agriculture, water quality management, and transportation planning and investment.

General Plan Update Reflects Current Environmental and Planning Trends

The City has changed substantially since the last General Plan update, and the region has experienced very substantial change. The General Plan upholds and greatly expands and enhances the decision making guide provided in the previous General Plan. The Plan provides new tools and strategies designed to maintain and enhance long-term quality of life in Riverbank, and in the northern San Joaquin Valley.

The 2025 General Plan contains a variety of policies and implementation measures that incorporate the latest State and federal regulations on wetlands and habitat preservation, air quality management, water quality protection, cultural resources, hazards and hazardous materials, and other key topics. The 2025 General Plan reflects the existing, on-the-ground land use context, which has changed locally regionally since the last General Plan update.

The 2025 General Plan intends to protect both important natural resources and people; directing development away from hazard areas; preserving agriculture; maintaining and improving air quality; protecting public health; avoiding damage to important habitat areas; reduce greenhouse gas emissions; and promote energy conservation.

Any one of the above listed reasons is sufficient, in and of itself, to support the approval of the Project, notwithstanding the significant and unavoidable environmental impacts described in this document.

1.8 MITIGATION MONITORING AND REPORTING PROGRAM

In accordance with CEQA and the CEQA Guidelines, the City Council must adopt a mitigation monitoring and reporting program (MMRP) to ensure that the mitigation measures adopted herein are implemented in the implementation of the Riverbank 2025 General Plan.

The Mitigation Monitoring and Reporting Program must identify the entity responsible for monitoring and implementation and the timing of such activities. The City will use the MMRP to track compliance with project mitigation measures. The MMRP will remain available for public review during the compliance period.

Further, with respect to the 2025 General Plan's goals, policies, and implementation measures intended to serve as mitigation, consistent with the CEQA Guidelines (Section 15097 (b)), the City's annual report on the status of the General Plan will serve as the basis for its mitigation monitoring and report program. As such, the City will not require a separate mitigation monitoring and reporting program for the General Plan goals, policies, and implementation measures, even those specifically drafted to address environmental impacts.

1.9 REFERENCES

California Geological Survey. 2005. *Seismic Shaking Hazards in California, Based on the USGS/CGS Probabilistic Seismic Hazards Assessment (PSHA) Model, 2002* (revised April 2003). Available: <<http://www.consrv.ca.gov/CGS/rghm/pshamap/pshamap.asp>>. Last revised March 20, 2006. Accessed October 23, 2006.

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Nolte. 2007 (November). *City of Riverbank Water Supply Study and Updated Water Master Plan*.

ERRATA

Final Environmental Impact Report for the Riverbank General Plan 2005-2025

Approved and Incorporated by the City Council on April 22, 2009

1. In the Final EIR, the text of Policy CONS-3.1, beginning on 4.3-13, is hereby amended to read as follows:

Policy CONS-3.1: The City will prepare a comprehensive Sustainable Agricultural Strategy intended to conserve agricultural production in the Stanislaus River Watershed, herein defined as the area within Stanislaus County and San Joaquin County between the Tuolumne and Calaveras Rivers, attributable to implementation of the 2025 General Plan. This strategy should provide flexibility so that it can be tied to land-use and regional agricultural preservation policies, and is intended to be funded on a fair-share basis by those projects that have a significant impact on the conversion of Important Farmlands, a non-renewable resource, to urban use. In determining a level of significance, it is the intent of the City to use quantifiable, measurable inputs and if a project has a significant impact on Farmland resources, then the project will mitigate for this impact.

2. In the Final EIR, the text of Implementation Strategy CONS-1, beginning on 4.3-13 is hereby amended to read as follows:

Implementation Strategy CONS-1: Development projects and subdivisions will be consistent with, and implement land use planning and greenhouse gas emission reduction measures developed pursuant to the regional Sustainable Community Strategy (per SB 375 of 2008), and consistent with Countywide and regional agricultural preservation planning, to the maximum extent feasible. In determining feasibility, there is a recognized need to balance the importance of agricultural resource conservation with other needs of Riverbank, such as State defined affordable housing, air quality, noise, water usage, and other public resources and services.

It is the City's intent to gather and consider the best practically available scientific information regarding resource areas and farmland in the region and develop conservation measures that will ensure the viability of agriculture within the Stanislaus River Watershed. Riverbank's planning effort will include provisions for the conservation of Important Farmland (as defined by the State Department of Conservation). It is a goal of the City to promote advances in crop yields, marketability of locally produced agricultural products, and advances in labor productivity through education.

The information gathered will be used as inputs within Land Evaluation and Site Assessment (LESA) system. LESA is a point-based approach that is generally used for rating the relative value of agricultural land resources. In basic terms, a given LESA

model is created by defining and measuring two separate sets of factors. The first set, Land Evaluation, includes factors that measure the inherent soil based qualities of land as they relate to agricultural suitability.

The second set, Site Assessment, includes factors that are intended to measure social, economic, and geographic attributes that also contribute to the overall value of agricultural land. While this dual rating approach is common to all LESA models, the individual land evaluation and site assessment factors that are ultimately utilized and measured can vary considerably, and can be selected to meet the needs and conditions of the Stanislaus River Watershed. In short, the LESA methodology lends itself well to adaptation and customization by the City in determining the level of significance of a project within the Stanislaus River Watershed.

It is the City's intent to use and potentially modify the Land Evaluation and Site Assessment (LESA), as amended, developed by the State Department of Conservation, when considering if a project will have a significant impact upon farmland resources. The LESA Model is used to assess the relative quality of agricultural land based upon specific measurable features. The formulation of the LESA Model is the result of Senate Bill 850 (Chapter 812/1993), which charges the Resources Agency, in consultation with the Governor's Office of Planning and Research, with developing an amendment to Appendix G of the California Environmental Quality Act (CEQA) Guidelines concerning agricultural lands. Such an amendment is intended "to provide lead agencies with an optional methodology to ensure that significant effects on the environment of agricultural land conversions are quantitatively and consistently considered in the environmental review process" (Public Resources Code Section 21095).

The California Agricultural LESA Model is composed of six different factors. Two Land Evaluation factors are based upon measures of soil resource quality. Four Site Assessment factors provide measures of a given project's size, water resource availability, surrounding agricultural lands, and surrounding protected resource lands. For a given project, each of these factors is separately rated on a 100 point scale. The factors are then weighted relative to one another and combined, resulting in a single numeric score for a given project, with a maximum attainable score of 100 points. It is this project score that becomes the basis for making a determination of a project's potential significance, based upon a range of established scoring thresholds. If a project is deemed to have significant impact, then a project shall be responsible for mitigating this impact via applicable components of the Sustainable Agricultural Strategy. ~~It is the intent of the City that projects that will lead to the conversion of agricultural land to urban uses, to the extent that it is considered a significant impact, will fund either a single component or a combination of the following described components on a reasonable fair-share basis. The goal and structure of this program will be to minimize the net loss of agricultural production within the Stanislaus River Watershed, to the maximum extent feasible. Projects that will lead to the conversion of agricultural land to urban uses, to the extent that it is considered a significant impact, will fund either a single component or a combination of the following described components on a reasonable fair-share basis. The program will seek to minimize the~~

net loss of agricultural production within the Stanislaus River Watershed in the most feasible manner, which shall be defined as the annual dollar value of the agricultural commodity taken out of production.

The City shall develop a Sustainable Agricultural Strategy, ~~with the intent to minimize the agricultural production lost to urban development through annexation to Riverbank so that, on a regional level, there is no significant net loss of agricultural production within the Stanislaus River Watershed, to the maximum extent feasible. In determining feasibility, the strategy is not intended to be a sole reason why a project that is otherwise desired by the community is not achieved, but rather a reasonable strategy that balances economic, social, and environmental benefits of a project with the need to conserve the agricultural production of the Stanislaus Watershed.~~

The preparation and update of the Sustainable Agricultural Strategy shall be overseen by a City Council selected committee. The City's Sustainable Agriculture Committee will cooperate with nearby cities, the County, and UC Extension, the Farm Bureau, and other experts and stakeholders. The Riverbank Sustainable Agricultural Strategy should be adaptable with the region's Sustainable Community Strategy, pursuant to SB 375, to the maximum extent feasible, and ensure that there is no significant net loss of agricultural production within the Stanislaus River Watershed.

The City's Sustainable Agriculture Committee shall be charged with developing the following components of the Sustainable Agricultural Strategy:

~~1) Priority Agricultural Land Inventory Component. This component is intended to be an inventory of the productivity of land within the Stanislaus River Watershed, conferring with experts in the field. This inventory should use as a reference Department of Conservation (DOC) or other updatable spatially referenced information (such as DOC Important Farmlands GIS). It is intended that the committee will give direction on the type of information to gather based on any potential local modifications to the LESA model deemed appropriate. The Priority Agricultural Land Inventory Component is targeted for completion by April 2009.~~

~~2) Agricultural Land Conversion Component. This component is intended to identify the pattern and trends of agricultural lands converted to urban use and lands put into agricultural production within the Stanislaus River Watershed and the acreage and type of agricultural land conversion, as well as the value of this production. The Agricultural Land Conversion Component is targeted for completion by July 2009.~~

~~3) Agricultural Resource Conservation Component. This component is intended to tie the findings of the Priority Agricultural Land Inventory and Agricultural Land Conversion components with the intent to avoid urban/rural land use conflicts to the maximum extent feasible. The component is expected to include for Planning Commission and City Council consideration such conservation policies as right to farm and other ordinances, resolutions, and policies—such as Measure “E”—that minimize urban/rural land use conflicts. Development of this component shall be coordinated with Stanislaus~~

County, as the County controls land use change outside City limits. The Agricultural Resource Conservation Component is targeted for completion by November 2009.

4) Agricultural Loss Mitigation Component. This component is intended to establish a systematic approach for mitigating impacts from the loss of farmland, in accordance with the California Environmental Quality Act. The component is also intended to use or modify the Land Evaluation and Site Assessment (LESA) model, to determine if the loss of farmland is significant. Potential modifications to the LESA model could include minimizing the "stair step" effect of the rating system; deemphasizing the significance of site size; emphasizing the importance of existing agricultural operations in the area and/or other modifications seen fit by the committee. In cases when the loss of farmland is considered significant, this strategy will investigate methodology for sustained mitigation measures, including potential funding mechanisms that could correlate to land use efficiency benchmarks.

It is envisioned that a matrix utilizing both the LESA score and other development benchmarks could be set for all development types utilizing quantifiable measurements such as dwelling units per acre, floor-to-area ratios, and jobs-to-area ratios. The purpose of such a matrix will be to set appropriate standards for graduated land use efficiency measures coupled with the productivity of converted farmland that will result a fair and reasonable methodology for mitigating the loss of farmland and crop yield, while balancing the corresponding benefits of affordable housing, improved air quality, proximity to transportation infrastructure and transit, community services, workforce development and job creation.

It is the City's intent to avoid unnecessary loss of agricultural lands, in part, by encouraging more compact, efficient developments that accommodate population and employment growth through logical and efficient use of land. The matrix for this Agricultural Loss Mitigation Component should be tied to the City's land use planning policies, rewarding projects developing on the least productive soils at the upper end of the City's density and development intensity standards. Any resulting farmland conversion impact fees (subject to AB 1600 nexus and approval process) applied as a part of this study are intended to be used as a funding mechanism to fund the Agricultural Easement Implementation, Agricultural Preservation, and Educational Outreach components. The Agricultural Loss Mitigation Component is targeted for completion by January 2010.

5) Agricultural Easement Implementation Component. This component is intended to result in the consideration of an ordinance for adoption by the City Council. The ordinance for consideration will make the necessary findings and set standards and methodology to determine appropriate acreage, location, and administration of agricultural easements put in place to mitigate for loss of agricultural land annexed to the City of Riverbank, if the impact created is considered significant and the securing of agricultural easements is deemed appropriate by the City Council. The agricultural easement implementation ordinance is intended to be consistent and adaptable to regional efforts, such as the Valley Blueprint and the regional Sustainable

~~Communities Plan (required under 2008 Session SB 375), to the maximum extent feasible.~~

~~Where, pursuant to the ordinance, the City requires that agricultural easements be put in place to mitigate for the loss of agricultural land that is subject to a Land Conservation Contract, any agricultural conservation easement put in place as a condition of cancellation of that Land Conservation Contract would count towards the agricultural easement requirement imposed by the City pursuant to the ordinance, so long as it meets the standards of being with the Stanislaus River Watershed and suitability.~~

~~The agricultural easement ordinance is intended to allow the City Council to balance the impact to agricultural resources with other community needs such as affordable workforce housing in the community, reduced Vehicle Miles Traveled, mass transit opportunities, economic development potential and other needs, upon consideration by the Planning Commission and City Council. The Agricultural Easement Implementation Component is targeted to result in consideration of an ordinance by the City Council by January 2010.~~

~~6) Agricultural Marketing Component. This component is intended to set policies and recommendations for actions that preserve and enhance the long-term economic sustainability of agricultural production within the Stanislaus River Watershed. Such actions may include, but are not limited to, farmers markets, point-of-sale marketing campaigns, community subscription farming programs, and other measures that increase the competitive advantage of agriculture within the Stanislaus River Watershed. This Component should also examine opportunities within the Watershed to maximize agricultural value and sustainability by supporting expansion of value-added-income-earning activities and uses of land. This policy is targeted for completion by January 2010.~~

~~7) Educational Outreach Component. This component is intended to establish priorities for funding research and development to increase crop production within the Stanislaus Watershed, and supportive agricultural education programs. This Component should involve cooperation with agencies such as University of California and California State University Agricultural Extensions, Soil Conservation Service, and school districts. The City should also reach out to agricultural educational-oriented, private non-profit organizations, such as Future Farmers and 4-H. The Educational Outreach Component is targeted for completion by January 2010.~~

~~If the City chooses to initiate a Specific Plan pursuant to Section 65450 of the State Government Code, prior to completion of all components of the Sustainable Agricultural Strategy, then the City Council should give direction upon initiation of the Specific Plan policy direction on how to include and address the intent of each of the above Components as part of such a Specific Plan.~~

~~The Committees' final report shall be finished by April 1, 2010. The City Council will consider the strategy and shall take action on the strategy after completion of the report.~~

If the City chooses to initiate a Specific Plan pursuant to Section 65450 of the State Government Code, prior to completion of all components of the Sustainable Agricultural Strategy, then the City Council should give direction upon initiation of the Specific Plan policy direction on how to include and address the intent of each of the above Components as part of such a Specific Plan.

City of Riverbank

Resolution No. 2009-_____

A Resolution of the City Council of the City of Riverbank, California, Certifying the Final Environmental Impact Report Prepared for Riverbank General Plan 2005–2025

Whereas, the City of Riverbank is considering adoption of Riverbank General Plan 2005–2025; and

Whereas, the Planning Commission and the City Council have held 19 separate public workshops and meetings on setting community expectations and to update the General Plan of the City; and

Whereas, the Planning Commission held a public hearing on the matter on July 18, 2006, where the Commission duly considered alternatives to the General Plan; and

Whereas, the Planning Commission did recommend a preferred land use alternative that the Commission found best reflects the City’s vision statement and guiding principles, subject to certain stipulations; and

Whereas, on August 14, 2006, at a regularly scheduled public hearing the City Council did affirm the Planning Commission recommendation and selected a preferred land use alternative for Riverbank General Plan 2005–2025; and

Whereas, since the selection of Land Use Alternative 5, the preferred land use alternative, and adoption of the City of Riverbank Vision Statement, staff has diligently prepared a General Plan that reflects the preferred land use alternative and Vision Statement and the Planning Commission has held three workshops on the various elements of the General Plan; and

Whereas, Riverbank General Plan 2005–2025 is a project subject to environmental review under the California Environmental Quality Act (Pub. Res. Code §§21000 et seq.) (“CEQA”); and

Whereas, a Notice of Preparation was filed for a Draft Program Level Environmental Impact Report (“EIR”) on September 18, 2006; and

Whereas, a Draft Program Level EIR was prepared for the General Plan Update; and

Whereas, the Environmental Review Committee issued a Notice of Availability and the Draft EIR was made available to the public on January 15, 2008; and

Whereas, the State Clearinghouse commenced review on February 14, 2008, and ended review on April 1, 2008; and

Whereas, in response to concerns voiced at the April 17, 2008, Environmental Review Committee meeting responding to comments regarding the Draft EIR, the Environmental Review Committee decided to recirculate certain sections of the Draft EIR; and

Whereas, a Notice of Availability was issued for the partial recirculation of the Draft EIR on July 7, 2008; and

Whereas, staff has prepared written responses to all comments received during the public comment periods for the Draft EIR required by CEQA; and

Whereas, staff has prepared a Final EIR, incorporated herein by this reference as Exhibit "A" hereto, consisting of a revision of the original Draft EIR and the partly recirculated Draft EIR; the comments and responses to comments; a list of persons, organizations, and public agencies submitting comments received by the City prior to the end of the public review period; revisions to the Draft EIR as reflected in the responses to comments and the revised Draft EIR; and the Errata for the Final EIR; and

Whereas, notice of a public hearing of the Planning Commission of the City of Riverbank on the matter of Riverbank General Plan 2005–2025 and the Final EIR was given in accordance with applicable law; and

Whereas, on October 8, 2008, the Planning Commission of the City of Riverbank, in accordance with Government Code Section 65353 and CEQA Guidelines Section 15202(b), held a public hearing on the matter of the proposed Riverbank General Plan 2005–2025 and the Final EIR, and at the public hearing the Planning Commission of the City of Riverbank considered all of the information, testimony, and evidence presented; and

Whereas, on October 8, 2008, following closure of the public hearing held by the Planning Commission of the City of Riverbank, the Planning Commission of the City of Riverbank adopted Planning Commission Resolution No. 2008-014, recommending that the City Council certify the EIR and approve and adopt Riverbank General Plan 2005–2025, and such resolution was transmitted to the City Council as provided therein; and

Whereas, written proposed responses were provided in November 2008 to all public agencies that submitted comments on Riverbank General Plan 2005–2025 and the EIR; and

Whereas, no significant new information has been added to the EIR after public notice was given of the availability of the partly recirculated Draft EIR for public review; and

Whereas, notice of a public hearing of the City Council of the City of Riverbank on January 26, 2009, on the matter of Riverbank General Plan 2005–2025 and the Final EIR was given in accordance with applicable law; and

Whereas, on January 26, 2009, the City Council of the City of Riverbank, in accordance with Government Code Section 65355 and CEQA Guidelines Section 15202(b), opened a public hearing on the matter of the proposed Riverbank General Plan 2005–2025 and the Final EIR, and at the public hearing the City Council considered all of the information, testimony, and evidence presented; and

Whereas, at the January 26, 2009, hearing, the City Council voted to continue the public hearing to February 4, 2009; and

Whereas, on February 4, 2009, the City Council continued the public hearing on Riverbank General Plan 2005–2025 and the Final EIR, and at the public hearing the City Council considered all of the information, testimony, and evidence presented, and closed the public hearing; and

Whereas, notice of a second public hearing of the City Council of the City of Riverbank on March 4, 2009, on the matter of Riverbank General Plan 2005–2025 and the Final EIR was given in accordance with applicable law; and

Whereas, on March 4, 2009, the City Council of the City of Riverbank, in accordance with Government Code Section 65355 and CEQA Guidelines Section 15202(b), held a public hearing on the matter of the proposed Riverbank General Plan 2005–2025 and the Final EIR and considered all of the information, testimony, and evidence presented, and closed the public hearing; and

Whereas, notice of a third public hearing of the City Council of the City of Riverbank on April 22, 2009, on the matter of Riverbank General Plan 2005–2025 and the Final EIR was given in accordance with applicable law; and

Whereas, on April 22, 2009, the City Council of the City of Riverbank, in accordance with Government Code Section 65355 and CEQA Guidelines Section 15202(b), held a public hearing on the matter of the proposed Riverbank General Plan 2005–2025 and the Final EIR and considered all of the information, testimony, and evidence presented; and

Whereas, all actions required to be taken precedent to the adoption of this Resolution have been duly and regularly taken in accordance with applicable law; and

Whereas, as a result of the circulation and recirculation of the Draft Program Level EIR and the associated Riverbank General Plan 2005–2025, mitigation measures and policies have been refined to insure that Riverbank General Plan 2005–2025 will reflect the community vision, expectations and desires; and

Whereas, Staff has prepared proposed CEQA Findings of Fact and Statement of Overriding Considerations of the City of Riverbank for the Riverbank 2025 General Plan Environmental Impact Report attached hereto as Exhibit “B” and by this reference incorporated herein;

Now Therefore, the City Council of the City of Riverbank does hereby resolve as follows:

Section 1. Recitals Incorporated. The foregoing Recitals to this Resolution are true and correct and are incorporated herein and made a part hereof.

Section 2. Certification of the Final EIR.

A. The City Council finds and determines as follows:

1. The City Council has read and considered the Final EIR, which consists of a revision of the original Draft EIR and the partly recirculated Draft EIR, and appendices thereto; the comments received within the public review period of which notice was given and review provided as required by CEQA; a list of persons, organizations, and public agencies

commenting on the Draft EIR through comments received by the City prior to the end of the public review period; the written responses to comments which were prepared; revisions to the Draft EIR as reflected in the responses to comments and the revised Draft EIR; and the Errata for the Final EIR.

2. The City Council has reviewed and considered the Final EIR, including the Errata for the Final EIR, which is incorporated herein and made a part hereof. The Final EIR considers all potentially significant environmental impacts of Riverbank General Plan 2005–2025, and the Final EIR is complete and adequate and fully complies with CEQA.

3. Because the Final EIR identifies one or more significant environmental effects of the project, the City Council hereby adopts the Findings of Fact set forth in sections 1.1–1.6 and 1.9 of the CEQA Findings of Fact and Statement of Overriding Considerations of the City of Riverbank for the Riverbank 2025 General Plan Environmental Impact Report attached hereto as Exhibit “B”.

4. The City Council has considered all significant impacts, mitigation measures, and project alternatives identified in the Final EIR, including the policies and mitigation measures implemented through the Errata for the Final EIR. The City Council finds that the benefits of adopting Riverbank General Plan 2005–2025 outweigh the unavoidable adverse environmental impacts and adopts the Statement of Overriding Considerations set forth in sections 1.7 and 1.9 of the CEQA Findings of Fact and Statement of Overriding Considerations of the City of Riverbank for the Riverbank 2025 General Plan Environmental Impact Report attached hereto as Exhibit “B”.

5. The City Council hereby adopts the Mitigation Monitoring and Reporting Program set forth in sections 1.8 and 1.9 of the CEQA Findings of Fact and Statement of Overriding Considerations of the City of Riverbank for the Riverbank 2025 General Plan Environmental Impact Report attached hereto as Exhibit “B”.

6. The foregoing findings and determinations, which reflect the independent analysis of the City Council of the matters in the record pertaining thereto and are the independent judgment of the City Council, are based on the information in the record, including but not limited to the findings set forth in Exhibit “B”. The City Council further finds that substantial evidence exists in the record for each and every finding made in Exhibit “B”.

B. The City Council hereby approves and certifies the Final EIR.

C. The City Council hereby identifies that the location of record with respect to the Final EIR and other documents and material constituting the record of proceedings with respect to the certification of the Final EIR is as specified in section 1.5 of Exhibit “B” hereto. Pursuant to the requirements of State law, within one working day of the date of adoption of this Resolution, the City Clerk shall make available at City Hall for public review a copy of Riverbank General Plan 2005–2025 and Final EIR.

D. The City Council directs the Community Development Department to prepare a Notice of Determination for the Final EIR that is consistent with State CEQA Guidelines Section 15094(b) and to promptly file the Notice of Determination with the County Clerk of the County of Stanislaus and the State Clearinghouse, including making any payment required under Fish & Game Code Section 711.4.

PASSED, APPROVED, AND ADOPTED this 22nd day of April 2009.

Mayor

STATE OF CALIFORNIA)
COUNTY OF STANISLAUS) ss
CITY OF RIVERBANK)

I, Linda Abid-Cummings, City Clerk of the City of Riverbank, County of Stanislaus, State of California, hereby attest to the above signature and certify that Resolution No. 2009-_____ was adopted by the City Council of the City of Riverbank at a regular meeting held on the 22nd day of April 2009, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

City Clerk Linda Abid-Cummings
City of Riverbank

EXHIBIT "A"

TO RESOLUTION No. 2009-_____

Final EIR for City of Riverbank General Plan 2005–2025

[UNDER SEPARATE COVER]

AVAILABLE FOR REVIEW AT

<http://www.riverbank.org/Depts/CommunityDevelopment/GeneralPlanUpdate/default.aspx>

EXHIBIT "B"

TO RESOLUTION No. 2009-_____

**CEQA Findings of Fact and Statement of Overriding Considerations
of the City of Riverbank for the
Riverbank 2025 General Plan Environmental Impact Report**

ERRATA

The City of Riverbank General Plan 2005-2025

Approved and Incorporated by the City Council on April 22, 2009

1. In the General Plan, the text of Policy CONS-3.1, beginning on CONS-5, is hereby amended to read as follows:

Policy CONS-3.1: The City will prepare a comprehensive Sustainable Agricultural Strategy intended to conserve agricultural production in the Stanislaus River Watershed, herein defined as the area within Stanislaus County and San Joaquin County between the Tuolumne and Calaveras Rivers, attributable to implementation of the 2025 General Plan. This strategy should provide flexibility so that it can be tied to land-use and regional agricultural preservation policies, and is intended to be funded on a fair-share basis by those projects that have a significant impact on the conversion of Important Farmlands, a non-renewable resource, to urban use. In determining a level of significance, it is the intent of the City to use quantifiable, measurable inputs and if a project has a significant impact on Farmland resources, then the project will mitigate for this impact.

2. In the General Plan, the text of Implementation Strategy CONS-1, beginning on CONS-11 is hereby amended to read as follows:

Implementation Strategy CONS-1: Development projects and subdivisions will be consistent with, and implement land use planning and greenhouse gas emission reduction measures developed pursuant to the regional Sustainable Community Strategy (per SB 375 of 2008), and consistent with Countywide and regional agricultural preservation planning, to the maximum extent feasible. In determining feasibility, there is a recognized need to balance the importance of agricultural resource conservation with other needs of Riverbank, such as State defined affordable housing, air quality, noise, water usage, and other public resources and services.

It is the City's intent to gather and consider the best practically available scientific information regarding resource areas and farmland in the region and develop conservation measures that will ensure the viability of agriculture within the Stanislaus River Watershed. Riverbank's planning effort will include provisions for the conservation of Important Farmland (as defined by the State Department of Conservation). It is a goal of the City to promote advances in crop yields, marketability of locally produced agricultural products, and advances in labor productivity through education.

The information gathered will be used as inputs within Land Evaluation and Site Assessment (LESA) system. LESA is a point-based approach that is generally used for rating the relative value of agricultural land resources. In basic terms, a given LESA model is created by defining and measuring two separate sets of factors. The first set, Land Evaluation, includes factors that measure the inherent soil based qualities of land

as they relate to agricultural suitability.

The second set, Site Assessment, includes factors that are intended to measure social, economic, and geographic attributes that also contribute to the overall value of agricultural land. While this dual rating approach is common to all LESA models, the individual land evaluation and site assessment factors that are ultimately utilized and measured can vary considerably, and can be selected to meet the needs and conditions of the Stanislaus River Watershed. In short, the LESA methodology lends itself well to adaptation and customization by the City in determining the level of significance of a project within the Stanislaus River Watershed.

It is the City's intent to use and potentially modify the Land Evaluation and Site Assessment (LESA), as amended, developed by the State Department of Conservation, when considering if a project will have a significant impact upon farmland resources. The LESA Model is used to assess the relative quality of agricultural land based upon specific measurable features. The formulation of the LESA Model is the result of Senate Bill 850 (Chapter 812/1993), which charges the Resources Agency, in consultation with the Governor's Office of Planning and Research, with developing an amendment to Appendix G of the California Environmental Quality Act (CEQA) Guidelines concerning agricultural lands. Such an amendment is intended "to provide lead agencies with an optional methodology to ensure that significant effects on the environment of agricultural land conversions are quantitatively and consistently considered in the environmental review process" (Public Resources Code Section 21095).

The California Agricultural LESA Model is composed of six different factors. Two Land Evaluation factors are based upon measures of soil resource quality. Four Site Assessment factors provide measures of a given project's size, water resource availability, surrounding agricultural lands, and surrounding protected resource lands. For a given project, each of these factors is separately rated on a 100 point scale. The factors are then weighted relative to one another and combined, resulting in a single numeric score for a given project, with a maximum attainable score of 100 points. It is this project score that becomes the basis for making a determination of a project's potential significance, based upon a range of established scoring thresholds. If a project is deemed to have significant impact, then a project shall be responsible for mitigating this impact via applicable components of the Sustainable Agricultural Strategy. ~~It is the intent of the City that projects that will lead to the conversion of agricultural land to urban uses, to the extent that it is considered a significant impact, will fund either a single component or a combination of the following described components on a reasonable fair-share basis. The goal and structure of this program will be to minimize the net loss of agricultural production within the Stanislaus River Watershed, to the maximum extent feasible. Projects that will lead to the conversion of agricultural land to urban uses, to the extent that it is considered a significant impact, will fund either a single component or a combination of the following described components on a reasonable fair-share basis. The program will seek to minimize the net loss of agricultural production within the Stanislaus River Watershed in the most feasible manner.~~

The City shall develop a Sustainable Agricultural Strategy, ~~with the intent~~ to minimize the agricultural production lost to urban development through annexation to Riverbank so that, on a regional level, there is no significant net loss of agricultural production within the Stanislaus River Watershed, to the maximum extent feasible. In determining feasibility, the strategy is not intended to be a sole reason why a project that is otherwise desired by the community is not achieved, but rather a reasonable strategy that balances economic, social, and environmental benefits of a project with the need to conserve the agricultural production of the Stanislaus Watershed.

The preparation and update of the Sustainable Agricultural Strategy shall be overseen by a City Council selected committee. The City's Sustainable Agriculture Committee will cooperate with nearby cities, the County, and UC Extension, the Farm Bureau, and other experts and stakeholders. The Riverbank Sustainable Agricultural Strategy should be adaptable with the region's Sustainable Community Strategy, pursuant to SB 375, to the maximum extent feasible, and ensure that there is no significant net loss of agricultural production within the Stanislaus River Watershed, which shall be defined as the annual dollar value of the agricultural commodity taken out of production.

The City's Sustainable Agriculture Committee shall be charged with developing the following components of the Sustainable Agricultural Strategy:

1) Priority Agricultural Land Inventory Component. ~~This component is intended to be an inventory of the productivity of land within the Stanislaus River Watershed, conferring with experts in the field. This inventory should use as a reference Department of Conservation (DOC) or other updatable spatially referenced information (such as DOC Important Farmlands GIS). It is intended that the committee will give direction on the type of information to gather based on any potential local modifications to the LESA model deemed appropriate. The Priority Agricultural Land Inventory Component is targeted for completion by April 2009.~~

2) Agricultural Land Conversion Component. ~~This component is intended to identify the pattern and trends of agricultural lands converted to urban use and lands put into agricultural production within the Stanislaus River Watershed and the acreage and type of agricultural land conversion, as well as the value of this production. The Agricultural Land Conversion Component is targeted for completion by July 2009.~~

3) Agricultural Resource Conservation Component. ~~This component is intended to tie the findings of the Priority Agricultural Land Inventory and Agricultural Land Conversion components with the intent to avoid urban/rural land use conflicts to the maximum extent feasible. The component is expected to include for Planning Commission and City Council consideration such conservation policies as right-to-farm and other ordinances, resolutions, and policies — such as Measure “E” — that minimize urban/rural land use conflicts. Development of this component shall be coordinated with Stanislaus County, as the County controls land use change outside City limits. The Agricultural Resource Conservation Component is targeted for completion by November 2009.~~

4) Agricultural Loss Mitigation Component. This component is intended to establish a systematic approach for mitigating impacts from the loss of farmland, in accordance with the California Environmental Quality Act. The component is also intended to use or modify the Land Evaluation and Site Assessment (LESA) model, to determine if the loss of farmland is significant. Potential modifications to the LESA model could include minimizing the "stair step" effect of the rating system; deemphasizing the significance of site size; emphasizing the importance of existing agricultural operations in the area and/or other modifications seen fit by the committee. In cases when the loss of farmland is considered significant, this strategy will investigate methodology for sustained mitigation measures, including potential funding mechanisms that could correlate to land use efficiency benchmarks.

It is envisioned that a matrix utilizing both the LESA score and other development benchmarks could be set for all development types utilizing quantifiable measurements such as dwelling units per acre, floor-to-area ratios, and jobs-to-area ratios. The purpose of such a matrix will be to set appropriate standards for graduated land use efficiency measures coupled with the productivity of converted farmland that will result a fair and reasonable methodology for mitigating the loss of farmland and crop yield, while balancing the corresponding benefits of affordable housing, improved air quality, proximity to transportation infrastructure and transit, community services, workforce development and job creation.

It is the City's intent to avoid unnecessary loss of agricultural lands, in part, by encouraging more compact, efficient developments that accommodate population and employment growth through logical and efficient use of land. The matrix for this Agricultural Loss Mitigation Component should be tied to the City's land use planning policies, rewarding projects developing on the least productive soils at the upper end of the City's density and development intensity standards. Any resulting farmland conversion impact fees (subject to AB 1600 nexus and approval process) applied as a part of this study are intended to be used as a funding mechanism to fund the Agricultural Easement Implementation, Agricultural Preservation, and Educational Outreach components. The Agricultural Loss Mitigation Component is targeted for completion by January 2010.

5) Agricultural Easement Implementation Component. This component is intended to result in the consideration of an ordinance for adoption by the City Council. The ordinance for consideration will make the necessary findings and set standards and methodology to determine appropriate acreage, location, and administration of agricultural easements put in place to mitigate for loss of agricultural land annexed to the City of Riverbank, if the impact created is considered significant and the securing of agricultural easements is deemed appropriate by the City Council. The agricultural easement implementation ordinance is intended to be consistent and adaptable to regional efforts, such as the Valley Blueprint and the regional Sustainable Communities Plan (required under 2008 Session SB 375), to the maximum extent feasible.

~~Where, pursuant to the ordinance, the City requires that agricultural easements be put in place to mitigate for the loss of agricultural land that is subject to a Land Conservation Contract, any agricultural conservation easement put in place as a condition of cancellation of that Land Conservation Contract would count towards the agricultural easement requirement imposed by the City pursuant to the ordinance, so long as it meets the standards of being with the Stanislaus River Watershed and suitability.~~

~~The agricultural easement ordinance is intended to allow the City Council to balance the impact to agricultural resources with other community needs such as affordable workforce housing in the community, reduced Vehicle Miles Traveled, mass transit opportunities, economic development potential and other needs, upon consideration by the Planning Commission and City Council. The Agricultural Easement Implementation Component is targeted to result in consideration of an ordinance by the City Council by January 2010.~~

~~6) Agricultural Marketing Component. This component is intended to set policies and recommendations for actions that preserve and enhance the long-term economic sustainability of agricultural production within the Stanislaus River Watershed. Such actions may include, but are not limited to, farmers markets, point-of-sale marketing campaigns, community subscription farming programs, and other measures that increase the competitive advantage of agriculture within the Stanislaus River Watershed. This Component should also examine opportunities within the Watershed to maximize agricultural value and sustainability by supporting expansion of value-added-income-earning activities and uses of land. This policy is targeted for completion by January 2010.~~

~~7) Educational Outreach Component. This component is intended to establish priorities for funding research and development to increase crop production within the Stanislaus Watershed, and supportive agricultural education programs. This Component should involve cooperation with agencies such as University of California and California State University Agricultural Extensions, Soil Conservation Service, and school districts. The City should also reach out to agricultural educational-oriented, private non-profit organizations, such as Future Farmers and 4-H. The Educational Outreach Component is targeted for completion by January 2010.~~

~~If the City chooses to initiate a Specific Plan pursuant to Section 65450 of the State Government Code, prior to completion of all components of the Sustainable Agricultural Strategy, then the City Council should give direction upon initiation of the Specific Plan policy direction on how to include and address the intent of each of the above Components as part of such a Specific Plan.~~

~~The Committees' final report shall be finished by April 1, 2010. The City Council will consider the strategy and shall take action on the strategy after completion of the report. If the City chooses to initiate a Specific Plan pursuant to Section 65450 of the State Government Code, prior to completion of all components of the Sustainable Agricultural~~

Strategy, then the City Council should give direction upon initiation of the Specific Plan policy direction on how to include and address the intent of each of the above Components as part of such a Specific Plan.

City of Riverbank

Resolution No. 2009-_____

A Resolution of the City Council of the City of Riverbank, California, Approving and Adopting
Riverbank General Plan 2005–2025

Whereas, Section 65300 of the State of California Government Code states that each planning agency shall prepare and the legislative body of each city shall adopt a comprehensive, long-term general plan for the physical development of the city, and any land outside its boundaries which in the planning agency’s judgment bears relation to its planning; and

Whereas, Goal I of the existing, adopted General Plan of the City of Riverbank states a desire, “To maintain an up-to-date Land Use Element of the General Plan and to ensure compatibility with the Zoning and Subdivision Ordinances”; and

Whereas, Policy 1a of the existing, adopted General Plan states that, “A comprehensive review of the land use element will be made at least every 5 years to ensure that it remains responsive to changing conditions”; and

Whereas, the Implementation Measure for Policy 1a, states that, “A comprehensive review of the land use element will be conducted no later than 1991”; and

Whereas, the City of Riverbank last updated its General Plan Land Use and Circulation elements in 1988, its Conservation Element and Open Space elements in 1988, its Noise Element in 1985 and its Safety Element in 1984 (collectively the “1988 General Plan”); and

Whereas, Section 65040.5 of the State of California Government Code states that the Governor’s Office of Planning and Research shall notify a City with a General Plan that has not been revised within eight years and notify the Attorney General if a General Plan of a City has not been revised within ten years; and

Whereas, the City has been notified by the Governor’s Office of Planning and Research that the current General Plan and has notified the Attorney General of such; and

Whereas, Section 65401 of the State Government Code states that a coordinated Capital Improvement Program shall be prepared and reviewed for conformity to the policies of the General Plan; and

Whereas, the General Plan governs the need for public facilities and directs the public’s investment in the development of the complex urban infrastructure that is necessary to support the physical operation of the City; and

Whereas, the General Plan sets the policies for location, size, timing and financing of major streets, water, sewer, drainage systems, parks and playgrounds, public safety facilities, libraries, school facilities, and public health facilities well in advance of their construction; and

Whereas, the General Plan sets policies that are essential to minimizing costs, optimizing project need and usefulness, and maximizing public benefit and private sector support; and

Whereas, the General Plan identifies forecasted population and improvements needed to meet this forecasted population so that community expectations are met; and

Whereas, the Planning Commission and City Council have held 19 separate public workshops and meetings on setting community expectations and to update the General Plan of the City; and

Whereas, the result has been background reports, vision statement and guiding principles for the preparation of a General Plan update; and

Whereas, the vision statement and guiding principles state a desire to accomplish and implement the vision statement of the City; and

Whereas, the vision of Riverbank is:

Riverbank in 2025 has a small-town character where residents can live, work, and play locally. The City has a thriving downtown that offers a variety of retail opportunities and services and functions as the social and cultural heart of the community. Riverbank has a healthy and diversified industrial base served by its railroad, safe and walkable/bikable neighborhoods, and a wide range of employment and housing opportunities for its diverse population. Although we welcome automobiles, Riverbank is a place for PEOPLE. Those who choose not to drive can easily and safely walk, bicycle, or use public transit to get to work, school, shopping, or a local park. Riverbankers' strong sense of community identity is reflected in its public gathering places and activities, architectural variety, and the ways in which the City's riverfront location, railroad-oriented history, agricultural heritage, and other unique qualities are celebrated in the built environment. Riverbank in 2025 has succeeded in creating a BALANCE between housing and jobs for its residents, commerce and industries that support the local economy, and the protection of agriculture and natural resources.

Whereas, Staff has presented five land use alternatives for consideration of the General Plan update all of which could implement the vision of Riverbank; and

Whereas, after due consideration of the alternatives presented, Land Use Alternative 5 has been selected the preferred Land Use Alternative; and

Whereas, in the development of a General Plan utilizing Land Use Alternative 5, the following guiding principles shall be implemented:

A. Small-Town Character: Riverbank in 2025 will be a pleasant, quiet, friendly community with a distinct small-town character.

1. Public spaces in Riverbank where people can meet and interact with friends and neighbors are essential to our community.

2. Our neighborhoods are best served by attractive, safe, tree-lined, pedestrian-friendly streetscapes.

3. Our children should be able to safely walk or bike to school.
4. Downtown should be the social and cultural heart of our community, and must not be left behind as the City grows.
5. Small, locally-owned businesses are an important part of the unique character of Riverbank and essential to a healthy local economy.
6. Our streets and public spaces should be designed with people in mind, not only for the convenience of cars.
7. Commercial corridors, such as Patterson Road, should be attractive, unique, pedestrian-friendly centers of commerce to enhance the City's character.
8. Our City can grow without being overcome by traffic, noise, air quality, or other impacts that would sacrifice the small-town character.

B. Community Identity: In 2025, Riverbank's unique qualities will be enhanced through a balance between the built environment, the natural environment, and the working agricultural landscape.

1. The Stanislaus River is a wonderful community asset, the natural beauty and function of which we should protect as we increase public access to the River and its views.
2. Agriculture is important to our history, economy, and culture. Riverbank should remain an agricultural center for the region. We should conserve agricultural lands, nurture industries that rely on agriculture, market local agricultural goods, and increase the productivity of local agriculture through research and development.
3. Riverbank's historic roots in agriculture, the railroad, and the River, should be recognized, celebrated, and respected as we create the City's future.
4. Downtown should remain a walkable, pedestrian-scaled commercial center that best reflects our community's unique identity and our desire to maintain our small town image.
5. Riverbank should preserve open green spaces around the City to maintain a distinct identity and create buffers between urban and agricultural uses of land.

C. Choice and Diversity: In 2025, Riverbank will enjoy a variety of entertainment opportunities, retail and commercial services, housing types, job opportunities, and activity destinations that are easily accessible by car, transit, on foot, or bicycle. Choices and opportunities will be available to the greatest extent possible regardless of the physical or developmental abilities, needs, preferences, backgrounds, and incomes of our residents.

1. We value the opportunities to live, shop, work, and recreate locally if we choose.

2. We will design our community so that people can walk, bicycle, or use public transit if they choose not to drive.

3. Existing and future residents should have local housing choices that best meet their needs.

4. The City is, and will be, home to all generations. Riverbank is a community where children can grow, raise families, and stay in the community as they age.

5. We will encourage a diversity of jobs and economic opportunities as the City grows.

6. We value education and skills that provide residents an opportunity for economic advancement. Our schools are vital to the social and economic well being of Riverbank. We will seek employers who can offer living wages and well-paying jobs for our residents.

D. Improved Quality of Life as the City Grows: In 2025, growth and change have been managed to benefit existing and future residents.

1. Our City will benefit from an appropriate balance between housing, commerce, industry, circulation, and open spaces for agriculture and nature.

2. The future health of Riverbank requires that older neighborhoods be improved at the same time that new areas develop.

3. Those who benefit from development should compensate for the public costs of serving such development.

4. A healthy community requires that its citizens feel a sense of connection. Physical, economic, or social barriers that prevent us from living as one community should be removed whenever possible.

5. New development should increase, not impede, our sense of being connected as one community.

6. Our City government, guided by the public interest, should be an active leader in improving the quality of life in Riverbank.

7. Economic and fiscal sustainability are important to Riverbank's future and our citizens' quality of life. Development decisions should contribute to the economic health and fiscal sustainability of the City.

E. Safe, Healthy, and Secure Environment: In 2025, Riverbank's citizens will travel, work, live, and participate in activities confident of their personal and their families' safety and security.

1. Our community should provide for a diversity of safe and lawful economic, social, and civic opportunities for people of all ages to nurture and enhance each others' quality of life.

2. Our City should be safe and healthy for all our residents.

3. Community design should encourage people to look out for one another, to view and monitor public spaces, and to feel ownership and interest in our community's safety and security.

4. Pedestrians and bicyclists should be as confident in their ability to travel safely in Riverbank as do our drivers.

5. The air we breathe and the water we use affect our health and well-being. We want growth and development to maintain the high standards for the quality of our air and water.

6. Maintaining and improving our urban tree canopy is important to our air quality, climate, aesthetic enjoyment, and overall quality of life; and

Whereas, the Planning Commission held a public hearing on the matter on July 18, 2006, where the Commission duly considered alternatives to the General Plan; and

Whereas, the Planning Commission did recommend that Land Use Alternative 5 best reflects the City's vision statement and guiding principles with the following stipulations:

1. The eastern and urbanized areas of the Land Use Alternative shall be co-terminus with the Riverbank Unified School District and Sylvan School District boundaries, respectively.

2. The entire Land Use Alternative area shall be placed within the City of Riverbank Sphere of Influence.

3. The Urban Reserve designation shall be an overlay designation to be placed over underlying land use designations in which specific criteria and benchmarks shall be set prior to the removal of the Urban Reserve overlay.

4. Objective, performance based criteria and benchmarks shall be identified for each area designated Urban Reserve.

5. All areas east of Eleanor Road shall be placed under the Urban Reserve Overlay designation.

6. The Urban Reserve designation that is within the area of the Scenic 108 Corridor Agreement signed by the cities of Riverbank and Oakdale shall not be removed prior to 2011.

7. The western boundary shall be defined by a multi-use transition area edge while the eastern boundary shall be defined by a soft edge of rural cluster land uses; and

Whereas, on August 14, 2006, at a regularly scheduled public hearing the City Council did affirm the Planning Commission recommendation and selected Land Use Alternative 5 as the preferred land use alternative for the General Plan update; and

Whereas, since the selection of Land Use Alternative 5 and adoption of the City of Riverbank Vision Statement, staff has diligently prepared a General Plan that reflects the preferred land use alternative and Vision Statement and the Planning Commission has held three workshops on the various elements of the General Plan; and

Whereas, Section 15097(a) of the California Environmental Quality Act ("CEQA") Guidelines (14 Cal. Code Regs. § 15097(a)), states that a local agency must prepare a mitigation monitoring and reporting program to ensure that the mitigation measures and project revisions identified in the EIR are implemented; and,

Whereas, Section 15097(b) of the CEQA Guidelines, states that in cases of General Plan adoption the monitoring plan shall apply to policies and any other portion of the General Plan that is a mitigation measure of adopted alternative; and,

Whereas, the policies contained in the City of Riverbank General Plan 2005–2025 and the proposed mitigation measures identified in the environmental impact report ("EIR") prepared by the City would mitigate significant environmental impacts to the greatest extent feasible; and,

Whereas, Pursuant to Section 15097(c) of the CEQA Guidelines the City of Riverbank will choose to monitor mitigation, report on mitigation or both as deemed appropriate, depending on the complexity of the impact; and,

Whereas, notice of a public hearing of the Planning Commission of the City of Riverbank on the matter of Riverbank General Plan 2005–2025 and the EIR was given in accordance with applicable law; and

Whereas, on October 8, 2008, the Planning Commission of the City of Riverbank, in accordance with Government Code Section 65353 and CEQA Guidelines Section 15202(b), held a public hearing on the matter of the proposed Riverbank General Plan 2005–2025 and the draft EIR, and at the public hearing the Planning Commission of the City of Riverbank considered all of the information, testimony, and evidence presented; and

Whereas, at the public hearing on October 8, 2008, the Planning Commission considered several alternatives to the proposed agricultural mitigation policy and implementation strategy and the proposed agricultural buffer policy, including alternatives reflected in Policy CONS-3.1, Policy CONS-3.2, and Implementation Strategy CONS-1 as set forth in Riverbank General Plan 2005–2025, including the General Plan Errata.

Whereas, on October 8, 2008, following closure of the public hearing held by the Planning Commission of the City of Riverbank, the Planning Commission of the City of Riverbank adopted Planning Commission Resolution No. 2008-014, recommending that the City Council certify the EIR and approve and adopt Riverbank General Plan 2005–2025, and such resolution was transmitted to the City Council as provided therein; and

Whereas, notice of a public hearing of the City Council of the City of Riverbank on January 26, 2009, on the matter of Riverbank General Plan 2005–2025 and the Final EIR was given in accordance with applicable law; and

Whereas, on January 26, 2009, the City Council of the City of Riverbank, in accordance with Government Code Section 65355 and CEQA Guidelines Section 15202(b), opened a public hearing on the matter of Riverbank General Plan 2005–2025 and the Final EIR, and at the

public hearing the City Council considered all of the information, testimony, and evidence presented; and

Whereas, at the January 26, 2009, hearing, the City Council voted to continue the public hearing to February 4, 2009; and

Whereas, on February 4, 2009, the City Council continued the public hearing on Riverbank General Plan 2005–2025 and the Final EIR, and at the public hearing the City Council considered all of the information, testimony, and evidence presented, and closed the public hearing; and

Whereas, notice of a second public hearing of the City Council of the City of Riverbank on March 4, 2009, on the matter of Riverbank General Plan 2005–2025 and the Final EIR was given in accordance with applicable law; and

Whereas, on March 4, 2009, the City Council of the City of Riverbank, in accordance with Government Code Section 65355 and CEQA Guidelines Section 15202(b), held a public hearing on the matter of the proposed Riverbank General Plan 2005–2025 and the Final EIR and considered all of the information, testimony, and evidence presented, and closed the public hearing; and

Whereas, notice of a third public hearing of the City Council of the City of Riverbank on April 22, 2009, on the matter of Riverbank General Plan 2005–2025 and the Final EIR was given in accordance with applicable law; and

Whereas, on April 22, 2009, the City Council of the City of Riverbank, in accordance with Government Code Section 65355 and CEQA Guidelines Section 15202(b), held a public hearing on the matter of the proposed Riverbank General Plan 2005–2025 and the Final EIR and considered all of the information, testimony, and evidence presented; and

Whereas, all actions required to be taken precedent to the adoption of this Resolution have been duly and regularly taken in accordance with applicable law; and

Whereas, Riverbank General Plan 2005–2025, attached hereto as Exhibit "A" and by this reference incorporated herein, is composed of the following elements: Land Use, Circulation, Conservation and Open Space, Economy, Air Quality, Community Character and Design, Noise; and Public Services and Facilities, thereby complying with Section 65302 of the State of California Government Code; and

Whereas, the City, by and through its Planning Commission and Community Development Department, prepared Riverbank General Plan 2005–2025 as a comprehensive revision to, and updating of the 1988 General Plan; and

Whereas, Riverbank General Plan 2005–2025 was prepared pursuant to Government Code Section 65350 et. seq., and is intended to supersede the 1988 General Plan in its entirety, excepting and incorporating the Housing Element update adopted in December of 2004 (Res. No. 2004-147); and

Whereas, Riverbank General Plan 2005–2025 and the associated EIR have provided Riverbank residents with opportunities to articulate their vision of the future of Riverbank, both qualitative and quantitative; and

Whereas, the Draft General Plan and the associated EIR have identified the fundamental issues and the need for a proactive response to the changes that growth will inevitably bring to Riverbank; and

Whereas, the Draft General Plan and the associated EIR contain policies and mitigation measures that ensure orderly development that best serves the common interests of the people of both Riverbank and neighboring Stanislaus County; and

Whereas, the City will undertake such steps as are necessary and as required to implement Riverbank General Plan 2005–2025, including the designation of a citizens advisory panel to assist in developing implementing ordinances in a process and manner that the Mayor, City Council, and Planning Commission deem appropriate; and

Whereas, the Planning Commission will monitor progress towards full implementation of Riverbank General Plan 2005–2025 and may recommend revisions from time to time to address changing circumstances, priorities or conditions in a manner that is consistent with State law:

Now Therefore, the City Council of the City of Riverbank does hereby resolve as follows:

Section 1. Recitals Incorporated. The foregoing Recitals to this Resolution are true and correct and are incorporated herein and made a part hereof.

Section 2. Approval and Adoption of Riverbank General Plan 2005–2025.

A. The City Council has read and considered Riverbank General Plan 2005–2025, including the General Plan Errata, and all of the documentation comprising the foregoing, as presented to the City Council concurrent with this Resolution, and finds that Riverbank General Plan 2005–2025, which is incorporated herein and made a part hereof as though fully set forth, is consistent with the requirements of State law, specifically Government Code Section 65300 et seq.

B. The City Council hereby approves and adopts Riverbank General Plan 2005–2025 in its entirety, including the General Plan Errata, subject to the mitigation measures specified in sections 1.7.4 and 1.7.5 of the CEQA Findings of Fact and Statement of Overriding Considerations of the City of Riverbank for the Riverbank 2025 General Plan Environmental Impact Report attached as Exhibit “B” to Riverbank City Council Resolution No. 2009-_____ (A Resolution of the City Council of the City of Riverbank, California, Certifying the Final Environmental Impact Report Prepared for Riverbank General Plan 2005–2025); Riverbank General Plan 2005–2025, in conjunction with the Housing Element adopted in December 2004, shall henceforth constitute the General Plan of the City of Riverbank, subject to such amendments as may occur in the future pursuant to the requirements and procedures of applicable law relating to the amendment of general plans.

C. The City Council hereby approves and adopts the Mitigation Monitoring and Reporting Program for Riverbank General Plan 2005–2025, as set forth in Exhibit “C” attached hereto and incorporated herein by this reference.

C. Pursuant to the requirements of State law, within one working day of the date of adoption of this Resolution, the City Clerk shall make available at City Hall for public review a copy of Riverbank General Plan 2005–2025 and Final EIR.

PASSED, APPROVED, AND ADOPTED this 22nd day of April 2009.

Mayor

STATE OF CALIFORNIA)
COUNTY OF STANISLAUS) ss
CITY OF RIVERBANK)

I, Linda Abid-Cummings, City Clerk of the City of Riverbank, County of Stanislaus, State of California, hereby attest to the above signature and certify that Resolution No. 2009-_____ was adopted by the City Council of the City of Riverbank at a regular meeting held on the 22nd day of April 2009, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

City Clerk Linda Abid-Cummings
City of Riverbank

EXHIBIT "A"

TO RESOLUTION No. 2009-_____

Draft City of Riverbank General Plan 2005–2025

[UNDER SEPARATE COVER]

AVAILABLE FOR REVIEW AT

<http://www.riverbank.org/Depts/CommunityDevelopment/GeneralPlanUpdate/default.aspx>

EXHIBIT "B"

TO RESOLUTION No. 2009-_____

Final EIR for City of Riverbank General Plan 2005–2025

[UNDER SEPARATE COVER]

AVAILABLE FOR REVIEW AT

<http://www.riverbank.org/Depts/CommunityDevelopment/GeneralPlanUpdate/default.aspx>

EXHIBIT "C"

TO RESOLUTION No. 2009-_____

Mitigation Monitoring and Reporting Program

1.1 CEQA Requirement

Section 21081.6 of the Public Resources Code requires a Lead Agency that approves or carries out a project, where a CEQA document has identified significant environmental effects, to adopt a "reporting or monitoring program for the changes to the project which it has adopted or made a condition of a project approval in order to mitigate or avoid significant effects on the environment."

This Environmental Mitigation Monitoring and Reporting Program (MMRP) has been prepared to provide for the monitoring of mitigation measures required of the Riverbank 2025 General Plan (the Project), as set forth in the Final Environmental Impact Report (FEIR). The City of Riverbank (City) is the Lead Agency that must adopt the MMRP for development and operation of the Project. This report will be kept on file with the City of Riverbank Community Development Department, 6617 Third Street, Riverbank, CA.

The CEQA statutes and Guidelines provide direction for clarifying and managing the complex relationships between a Lead Agency and other agencies with implementing and monitoring mitigation measures. In accordance with CEQA Guidelines Section 15097(d), "each agency has the discretion to choose its own approach to monitoring or reporting; and each agency has its own special expertise." This discretion will be exercised by implementing agencies at the time they undertake any of portion of the Project, as identified in the EIR.

The Riverbank General Plan contains the seven elements mandated by State law plus optional elements, as accommodated under State law. Together these Elements represent Riverbank's overarching policy and planning document. The General Plan contains the community's long-range objectives for conservation and physical development in the City. The General Plan provides decision makers, City staff, property owners, and the public at large with the City's policy direction for managing land use change. The General Plan is comprehensive in scope, addressing land use, transportation, housing, economic development, public facilities and infrastructure and open space preservation, among many other subjects. The General Plan includes land use designations that represent future development potential. The General Plan also includes narrative policies, many of which would mitigate potential environmental impacts. There is a detailed description of mitigating policies in each section of the EIR. Although these policies would mitigate or avoid impacts, they are not mitigation measures, but rather are parts of the Project, just as land use designations are part of the Project. Therefore, General Plan policies are not included in this MMRP.

1.2 Project Monitoring and Reporting Plan

The matrix presented later in this MMRP includes those mitigation measures for the Project identified in the EIR and the party responsible for verification. The table, which constitutes the monitoring and reporting plan, includes the following:

- ▶ A listing of every mitigation measure contained in the EIR.

- ▶ Timing of implementation for each mitigation measure.
- ▶ Identification of individuals or organizations responsible for monitoring and/or reporting.
- ▶ Identification of individuals or organizations responsible for verifying compliance.

1.3 Changes to Mitigation Measures

Any substantive change in the MMRP shall be reported in writing. Modifications to the mitigation measures may be made by the City subject to one of the following findings, documented by evidence included in the record:

- ▶ The mitigation measure included in the FEIR and the MMRP is no longer required because the significant environmental impact identified in the FEIR has been found not to exist, or to occur at a level which makes the impact less than significant as a result of changes in the Project, changes in conditions of the environment, or other factors.

OR,

- ▶ The modified or substitute mitigation measure provides a level of environmental protection equal to, or greater than that afforded by the mitigation measure included in the FEIR and the MMRP; and,
- ▶ The modified or substitute mitigation measure or measures do not have significant adverse effects on the environment in addition to, or greater than those which were considered by the responsible hearing bodies in their decisions on the FEIR and the proposed Project; and,
- ▶ The modified or substitute mitigation measures are feasible, and the City, through measures included in the MMRP or other City procedures, can ensure implementation.

1.4 Support Documentation

Findings and related documentation supporting the findings involving modifications to mitigation measures shall be maintained in the Project file with the MMRP and shall be made available to the public upon request.

**Table 1-1
Summary of Mitigation Measures, Responsible Parties, and Timing**

Mitigation Measure	Party Responsible for Implementing	Timeframe for Implementation	Party Responsible for Verifying Compliance
<p>Mitigation Measures 4.4-1a: In addition to the measures required by the SJVAPCD ISR rule, each project applicant shall implement the following measures to further reduce construction-related equipment exhaust emissions:</p> <ul style="list-style-type: none"> ▶ Provide commercial electric power to the project site in adequate capacity to avoid or minimize the use of portable electric generators and the equipment. ▶ Where feasible, replace/substitute fossil-fueled (e.g., diesel) equipment with electrically driven equivalents (provided they are not run via a portable generator set). ▶ To the extent feasible, use alternate fuels and emission controls to further reduce NOX and PM10 exhaust emissions above the minimum requirements set for in the ISR rule. ▶ When not in use, on-site equipment shall not be left idling. ▶ Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use at any one time. ▶ Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways or on Spare the Air Days. 	<p>As specific development projects are proposed within the City, project applicants shall implement relevant aspects of Mitigation Measures 4.4-1a and 1b.</p>	<p>During project construction</p>	<p>Community Development Department, San Joaquin Valley Air Pollution Control District</p>

**Table 1-1
Summary of Mitigation Measures, Responsible Parties, and Timing**

Mitigation Measure	Party Responsible for Implementing	Timeframe for Implementation	Party Responsible for Verifying Compliance
<ul style="list-style-type: none"> ▶ Staging areas for heavy-duty construction equipment shall be located as far as possible from sensitive receptors. ▶ Before construction contracts are issued, the project applicants shall perform a review of new technology, in consultation with SJVAPCD, as it relates to heavy-duty equipment, to determine what (if any) advances in emissions reductions are available for use and are economically feasible. Construction contract and bid specifications shall require contractors to utilize the available and economically feasible technology on an established percentage of the equipment fleet. It is anticipated that in the near future, both NOX and PM10 control equipment will be available. <p>Mitigation Measure 4.4-1b: The following SJVAPCD-recommended enhanced and additional control measures shall be implemented by each project applicant to further reduce fugitive PM10 dust emissions.</p> <ul style="list-style-type: none"> ▶ Install sandbags or other erosion control measures to prevent silt runoff to public roadways from adjacent project areas with a slope greater than 1%. ▶ Suspend excavation and grading activity when winds exceed 20 mph. 			

**Table 1-1
Summary of Mitigation Measures, Responsible Parties, and Timing**

Mitigation Measure	Party Responsible for Implementing	Timeframe for Implementation	Party Responsible for Verifying Compliance
<ul style="list-style-type: none"> ▶ Limit area subject to excavation, grading, and other construction activity at any one time. 			
<p>Mitigation Measure 4.4-3: The following SJVAPCD-recommended mitigation measure shall be applied, as appropriate, at the project level as the City considers development applications under the General Plan update:</p> <ul style="list-style-type: none"> ▶ Area Source: Provide electric maintenance equipment, use solar, low-emissions, or central water heaters (residential and commercial), increase wall and attic insulation beyond Title 24 requirements (residential and commercial), and orient buildings to take advantage of solar heating and natural cooling and use passive solar designs (residential, commercial, and industrial), and eliminate or limit the amount of traditional fireplaces installed (e.g., natural gas fireplaces/inserts or at least EPA certified wood stoves or inserts instead of open hearth fireplaces), energy efficient windows (double pane and/or Low-E), highly reflective roofing materials, cool paving, radiant heat barrier, install photovoltaic cells, programmable thermostats for all heating and cooling systems, awnings or other shading mechanisms for windows, porch, patio, and walkway overhangs, ceiling and whole house 	<p>As specific development projects are proposed within the City, project applicants shall implement relevant aspects.</p>	<p>Incorporated into project application materials, project design, improvements planning, conditions of approval, and project construction, as appropriate</p>	<p>Community Development Department,, San Joaquin Valley Air Pollution Control District</p>

**Table 1-1
Summary of Mitigation Measures, Responsible Parties, and Timing**

Mitigation Measure	Party Responsible for Implementing	Timeframe for Implementation	Party Responsible for Verifying Compliance
<p>fans, utilize passive solar cooling and heating designs, utilize day lighting systems such as skylights, light shelves, interior transom windows, and electrical outlets around the exterior of the units to encourage use of electric landscape maintenance equipment.</p> <ul style="list-style-type: none"> ▶ Projects shall include as many clean alternative energy features as possible to promote energy self-sufficiency (e.g., photovoltaic cells, solar thermal electricity systems, small wind turbines). ▶ The project shall require that all diesel engines be shut off when not in use on the premises to reduce idling emissions. 			
<p>Mitigation Measure 4.4-5. The only measure available to completely mitigate the impact—completely separating emission sources (diesel vehicles associated with commercial trucking activities at commercial and industrial land uses) from all sensitive receptors—is not feasible. The best available alternatives to reduce the impact are the following:</p> <ul style="list-style-type: none"> ▶ Orient loading dock activities as far away and downwind from existing or proposed sensitive receptors as feasible. ▶ Incorporate idle reduction strategies that reduce the main propulsion engine idling time 	<p>Specific projects proposed under the General Plan are responsible for implementing mitigation</p>	<p>During project design and construction</p>	<p>Community Development Department</p>

**Table 1-1
Summary of Mitigation Measures, Responsible Parties, and Timing**

Mitigation Measure	Party Responsible for Implementing	Timeframe for Implementation	Party Responsible for Verifying Compliance
through alternative technologies such as, IdleAire, electrification of truck parking, and alternative energy sources for TRUs to allow diesel engines to be completely turned off.			
<p>Mitigation Measure 4.4-6: The following mitigation measures shall be implemented by the applicant at the project level during General Plan buildout:</p> <ul style="list-style-type: none"> ▶ The deeds to all properties of proposed sensitive uses located within two miles of the WWTF within the Planning Area shall include a disclosure clause (odor easement), prepared by an attorney with expertise in the field, and approved by the City of Riverbank, advising buyers and tenants of the potential adverse odor impacts from the WWTF and surrounding agricultural operations. ▶ Odor control devices shall be installed at the emitter to reduce the exposure of receptors to objectionable odorous emissions if an odor-emitting facility is to occupy space in a proposed commercial land use area. ▶ The odor-producing potential of land uses shall be considered when the exact type of facility that would occupy commercial areas is determined. 	Specific projects proposed under the General Plan are responsible for implementation.	During project design and construction	Community Development Department

**Table 1-1
Summary of Mitigation Measures, Responsible Parties, and Timing**

Mitigation Measure	Party Responsible for Implementing	Timeframe for Implementation	Party Responsible for Verifying Compliance
<p>Mitigation Measure 4.7-1</p> <ul style="list-style-type: none"> ▶ The City will coordinate with Modesto Irrigation District, PG&E, and other responsible companies to provide for the continued maintenance, development, and expansion of energy efficient electricity and natural gas systems. ▶ The City will participate in regional siting plans for energy facilities. ▶ The City will use local utilities infrastructure planning and financing strategies to promote energy efficient land use practices. The City's goal for energy conservation strategies will be to reduce energy demand generated by infrastructure to serve new development and offset remaining demand through generation of renewable sources within the development. ▶ The City will identify opportunities and support programs to reduce electricity demand related to the water supply system during peak hours and opportunities to reduce the energy needed to operate water conveyance and treatment systems. 	<p>Community Development and Public Works Departments</p>	<p>Following General Plan adoption, ongoing</p>	<p>Community Development and Public Works Departments</p>
<p>Mitigation Measure 4.9-3: Establish a Vector Prevention and Control Program. The City shall develop a Vector Prevention and Control Program.</p>	<p>City of Riverbank – various</p>	<p>Following General Plan adoption – target: 2011</p>	<p>City and East Side Mosquito Abatement</p>

**Table 1-1
Summary of Mitigation Measures, Responsible Parties, and Timing**

Mitigation Measure	Party Responsible for Implementing	Timeframe for Implementation	Party Responsible for Verifying Compliance
<p>This program shall be coordinated with and reviewed by the East Side Mosquito Abatement District. This plan shall include applicable prevention and control measures, and address created (e.g., storm drainage features) mosquito vector habitat. Prevention and control measures within the program may include, but not be limited to, one or more of the following: the use of biological controls (natural predators) in wetlands and other standing water features, provide outreach and education information on vectors to homeowners, and utilize storm drainage features that are self-draining.</p>	<p>departments could be involved including Community Development and/or Public Works</p>		<p>District, as appropriate</p>
<p>Mitigation Measure 4.12-2: The City shall require all construction projects to implement the following mitigation measure to reduce short-term construction noise levels. All construction equipment shall be properly maintained and equipped with noise control, such as mufflers, in accordance with manufacturers' specifications.</p>	<p>Specific projects proposed under the General Plan are responsible for implementing mitigation</p>	<p>During project design and construction</p>	<p>Community Development Department</p>
<p>Mitigation Measure 4.12-3: Newly constructed commercial and multi-family development projects that involve construction of surface parking lots shall provide at least a 10-foot wide landscaped setback between the edge of the parking lot surface and the edge of the nearest proposed</p>	<p>Specific projects proposed under the General Plan are responsible for</p>	<p>During project design and construction</p>	<p>Community Development Department</p>

**Table 1-1
Summary of Mitigation Measures, Responsible Parties, and Timing**

Mitigation Measure	Party Responsible for Implementing	Timeframe for Implementation	Party Responsible for Verifying Compliance
building.	implementing mitigation		
Mitigation Measure 4.12-4: Require, as a condition of approval, that any project that places sensitive receptors within 100 feet of a railroad analyze and mitigate for any potential vibration impacts.	Specific projects proposed under the General Plan are responsible for implementing mitigation	During project design and construction	Community Development Department

**Table 1-1
Summary of Mitigation Measures, Responsible Parties, and Timing**

Mitigation Measure	Party Responsible for Implementing	Timeframe for Implementation	Party Responsible for Verifying Compliance
<p>Mitigation Measure 4.15-1</p> <ul style="list-style-type: none"> ▶ The City will continue to participate with other regional jurisdictions in the Stanislaus County North County Corridor Joint Powers Authority, according to the terms of this Joint Powers arrangement. The Joint Powers Arrangement is intended to result in the planning and implementation of a new regional east-west expressway serving northern Stanislaus County. 	<p>City of Riverbank Community Development and Public Works Departments</p>	<p>Following General Plan adoption, ongoing</p>	<p>City of Riverbank Community Development and Public Works Departments</p>
<p>Mitigation Measure 4.15-2</p> <ul style="list-style-type: none"> ▶ Widen SR 108 to four lanes as new development occurs and include applicable improvements as a part of the City’s traffic impact fee program. 	<p>City of Riverbank Community Development and Public Works Departments</p>	<p>Following General Plan adoption, ongoing</p>	<p>City of Riverbank Community Development and Public Works Departments</p>
<p>Mitigation Measure 4.15-3</p> <ul style="list-style-type: none"> ▶ Any future specific plans proposed in the western half of the Riverbank Planning Area shall provide analysis of future traffic volumes using refined land use plans and a project-specific level of detail for traffic generation and distribution. A high degree of east-west (as well as north-south) connectivity shall be provided with the goal of achieving the City’s prevailing level of service standard using City-approved roadway segment level of service analysis 	<p>Specific plan proponents involved in western Riverbank are responsible for implementation</p>	<p>Following General Plan adoption, ongoing</p>	<p>City of Riverbank Community Development and Public Works Departments</p>

**Table 1-1
Summary of Mitigation Measures, Responsible Parties, and Timing**

Mitigation Measure	Party Responsible for Implementing	Timeframe for Implementation	Party Responsible for Verifying Compliance
<p>methodology.</p> <ul style="list-style-type: none"> ▶ Landowners and developers with property interests described in City specific plans shall fund roadway facilities, according to City direction, including Morrill Road and the other roadways, and shall contribute on a fair-share basis to roadways and intersections outside specific plan areas affected by future specific plan development. 			

**Table 1-1
Summary of Mitigation Measures, Responsible Parties, and Timing**

Mitigation Measure	Party Responsible for Implementing	Timeframe for Implementation	Party Responsible for Verifying Compliance
<p>Mitigation Measure 4.15-4</p> <ul style="list-style-type: none"> ▶ The City will plan, analyze, and mitigate vehicular transportation using LOS D as the minimum acceptable standard. 	Community Development and Public Works Departments	Following General Plan adoption, ongoing	Community Development and Public Works Departments
<p>Mitigation Measure 4.15-5</p> <ul style="list-style-type: none"> ▶ The City of Riverbank will update its traffic impact mitigation fee program as part of a Streets Master Plan to identify the locations where improvements are needed and spread those costs among benefiting parties. 	Community Development and Public Works Departments	Following General Plan adoption, ongoing	Community Development and Public Works Departments
<p>Mitigation Measure 4.15-6</p> <ul style="list-style-type: none"> ▶ The City will participate in an areawide roadway mitigation fee program, in coordination with the City of Oakdale, Stanislaus County, the City of Modesto, and other agencies with shared transportation planning issues. ▶ The City will evaluate inter-city and city-county components of Stanislaus County’s public facilities fees and will update the reciprocal fee collection agreement. This agreement would be designed to collect impact fees when development occurs within the City in the amount necessary to fund roadway improvements outside of the City limits, on a pro-rata, or fair-share basis. 	Community Development and Public Works Departments	Following General Plan adoption, ongoing	Community Development and Public Works Departments, City of Oakdale, City of Modesto, and Stanislaus County, as appropriate
<p>Mitigation Measure 4.15-7</p>	Community	Following General Plan adoption – target 2011	Community

**Table 1-1
Summary of Mitigation Measures, Responsible Parties, and Timing**

Mitigation Measure	Party Responsible for Implementing	Timeframe for Implementation	Party Responsible for Verifying Compliance
<p>The City will update the Traffic Impact Fee Program to be consistent with the following improvements. Approved specific plans shall provide the following improvements within proposed specific plan areas or shall fund on a pro-rata basis the following improvements, or those shown to achieve prevailing City level of service standards (following adoption of the LOS D standard, for example) and approved by the City following project level traffic impact analysis.</p> <ul style="list-style-type: none"> ▶ SR 108 / Coffee Road: Add separate right turn lanes on SR 108 and dual northbound left turn lanes. This level of improvement is expected to yield LOS C. ▶ Oakdale Road / Morrill Road: Add a separate eastbound right turn lane and a dual northbound left turn lane. This level of improvement is expected to yield LOS C. ▶ Claribel Road / Oakdale Road: Add separate right turn lanes on all approaches; widen Claribel Road to provide three through lanes in each direction and widen Claribel Road to provide dual left turn lanes in both directions. This level of improvement is expected to yield LOS D on a six-lane Claribel Road. To reduce this impact to a less-than-significant level according to the current LOS standard, it would be necessary to widen Oakdale Road to provide three through lanes in each 	<p>Development and Public Works Departments</p>		<p>Development and Public Works Departments</p>

**Table 1-1
Summary of Mitigation Measures, Responsible Parties, and Timing**

Mitigation Measure	Party Responsible for Implementing	Timeframe for Implementation	Party Responsible for Verifying Compliance
<p>direction. With the adoption of the LOS D standard, the impact would be less than significant without the need for a six-lane Oakdale Road.</p> <ul style="list-style-type: none"> ▶ Patterson Road / Claus Road. Expected improvements are consistent with two lanes in each direction on Claus Road and on Patterson Road, and this level of improvement yields LOS D. To reduce this impact to a less-than-significant level using the current LOS C standard, it would be necessary to add a northbound right turn lane on Claus Road along Riverbank High School. With the adoption of the LOS D standard, the impact would be less than significant without the need for this northbound right turn lane on Claus Road along Riverbank High School. ▶ Claribel Road / Roselle Avenue: Widen Claribel Road to provide three through lanes in each direction and add separate right turn lanes on each approach. This level of improvement is expected to yield LOS C. ▶ Claribel Road / Terminal Avenue: Widen Claribel Road to provide three through lanes in each direction and add separate right turn lanes on the southbound, eastbound, and westbound approaches. This level of improvement is expected to yield LOS C. ▶ Claribel Road / Claus Road: Widen Claribel Road to provide three through lanes in each direction; add 			

**Table 1-1
Summary of Mitigation Measures, Responsible Parties, and Timing**

Mitigation Measure	Party Responsible for Implementing	Timeframe for Implementation	Party Responsible for Verifying Compliance
<p>separate right turn lanes on each approach and add dual left turn lanes on both Claribel Road approaches. This level of improvement is expected to yield LOS D. To reduce this impact to a less than significant level under the current LOS C threshold it would be necessary to either add a second northbound left turn lane, OR widen Claus Road to provide three through lanes in each direction. With the adoption of the LOS D standard, the impact would be less than significant without the need for the second northbound left turn lane and a six-lane Claus Road.</p> <ul style="list-style-type: none"> ▶ Claribel Road / Coffee Road: Widen Claribel Road to provide three through lanes in each direction; add separate right turn lanes on each approach and add dual left turn lanes on all approaches. This level of improvement would yield LOS C. ▶ Coffee Road / Morrill Road: Add northbound and westbound right turn lanes. This level of improvement would yield LOS C. 			

**Table 1-1
Summary of Mitigation Measures, Responsible Parties, and Timing**

Mitigation Measure	Party Responsible for Implementing	Timeframe for Implementation	Party Responsible for Verifying Compliance
<p>Mitigation Measure 4.15-8</p> <ul style="list-style-type: none"> ▶ The City will proactively coordinate with BN&SF Railroad and the PUC to identify applicable strategies and funding for improved at-grade crossings or new grade separation. ▶ The City will pursue realignment of Terminal Avenue, where determined necessary, to provide proper spacing relative to the railroad and cross streets. 	<p>Community Development and Public Works Departments</p>	<p>Following General Plan adoption, ongoing</p>	<p>Community Development and Public Works Departments</p>
<p>Mitigation Measure 4.15-9</p> <ul style="list-style-type: none"> ▶ Because the General Plan must deal with both new growth areas and the existing developed area of the community, the City of Riverbank will need to establish guidelines for permissible traffic volumes on streets with fronting development. These guidelines may either be part of the specific plan process or as part of the City's street improvement standards. 	<p>Community Development and Public Works Departments</p>	<p>Following General Plan adoption – target 2012</p>	<p>Community Development and Public Works Departments</p>