

## 6 OTHER CEQA REQUIRED ANALYSIS

This chapter addresses other California Environmental Quality Act (CEQA) considerations that are required as part of an EIR. These considerations are:

- ▶ Cumulative Impacts (Section 6.1);
- ▶ Growth-Inducing Impacts (Section 6.2);
- ▶ Significant Irreversible Environmental Changes (Section 6.3); and
- ▶ Significant Unavoidable Environmental Effects (Section 6.4).

### 6.1 CUMULATIVE IMPACTS

Cumulative impacts are defined in State CEQA Guidelines §15355 as two or more individual effects that together create a considerable environmental impact or that compound or increase other impacts. “A cumulative impact occurs from the change in the environment, which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time” (Guidelines §15355[b]). By requiring an evaluation of cumulative impacts, CEQA attempts to ensure that large-scale environmental impacts will not be ignored.

Consistent with State CEQA Guidelines §15130(a), the discussion of cumulative impacts in this EIR focuses on significant and potentially significant cumulative impacts. There are environmental topics addressed in this EIR that, by their nature, are not appropriate for discussion in the context of cumulative impacts. For example, geologic and soils constraints are site specific. The degree to which structures erected on sites with soils constraints may pose a risk to the future inhabitants of such structures is an assessment that occurs in the context of the project level analysis, and not the cumulative impact analysis.

According to State CEQA Guidelines §15130(b), “The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project (in this case, the General Plan update) alone. The discussion should be guided by the standards of practicality and reasonableness, and should focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact.”

CEQA Guidelines Section 15130(b) presents two possible approaches for considering past, present, and future reasonably foreseeable projects. It indicates that either of the following could be used:

- ▶ A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency, or
- ▶ A summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area wide conditions contributing to the cumulative impact.

This EIR uses the plan method. The geographic scope of the impact analyses is described relative to each environmental topic considered, as appropriate. Since this EIR is analyzing impacts at the programmatic level, it is not possible to know the details of impacts either at the project level or the cumulative level. Where it is possible to analyze and disclose such impacts, the City has provided such analysis and disclosure, as well as mitigation. This environmental impact analysis throughout this EIR occurs at the Planning Area level, a broad area of geographic focus. As such, this EIR already presents analysis of environmental effects over a broad area, comprising most of the contribution relevant to cumulative environmental effects. Cross references to the impact

sections of this EIR are provided for further reference. Significance conclusions, mitigation measures, and draft General Plan policies that would reduce impacts of implementation of the General Plan would also be applicable to cumulative impacts.

### 6.1.1 LOCAL AND REGIONAL CONTEXT OF CUMULATIVE IMPACTS

As described above, the State CEQA Guidelines identify two basic methods for establishing the cumulative environment in which the project is to be considered: the use of a list of past, present, and reasonably anticipated future projects, or the use of adopted projections from a general plan or other regional planning document. For this EIR, the plan approach is used. All other cumulative development is included within general plans or other guiding plans. Because the General Plan directly influences, and is influenced by, regional development activities, the plan approach is used to allow a more accurate cumulative analysis on this regional scale at a more appropriate level of detail. Where appropriate, other community planning efforts are referenced throughout this section to give the reader an idea of the cumulative context.

The general plans for the surrounding counties and the City of Modesto designate land uses similar to those of the adjacent portions of Riverbank, which include a mix of residential, commercial, industrial, civic, parks and open space, and other land uses. Stanislaus County has designated land in the areas surrounding the Riverbank Planning Area mostly for agriculture, although there is a small area for Planned Development (PD) and another small area for industrial use east of the City. San Joaquin County, which is directly across the Stanislaus River from Riverbank, has land use designations in areas near the City mostly calling for continued agricultural use.

### 6.1.2 ASSESSMENT OF CUMULATIVE IMPACTS

By its very nature as a General Plan EIR, the analysis throughout this EIR is an analysis of cumulative development within the Planning Area. Thus, the analysis below addresses combined effects of related plans with the implementation of the proposed General Plan update.

#### 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 County 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 this EIR, they cannot feasibly be avoided or reduced to a less-than-significant level. 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**.

#### 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**.

Table 6-1 Farmland Conversion 2002–2004							
County	Shifts to Urban and Built-Up Land from (1):					Land Committed to Nonagricultural Use (2)	
	Prime	Statewide & Unique	Other Land & Water	Grazing & Local	Total	Prime	Total
<b>San Joaquin</b>	1,445	794	241	569	3,049	3,614	5,703
<b>Stanislaus</b>	3,088	372	541	360	4,361	384	1,578

Source: California Department of Conservation Farmland Mapping and Monitoring Program. Online.  
[http://redirect.conservation.ca.gov/DLRP/fmmp/regional\\_statewide\\_info\\_results.asp](http://redirect.conservation.ca.gov/DLRP/fmmp/regional_statewide_info_results.asp)

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, implementation of the General Plan would have a **cumulatively considerable and significant and unavoidable impact**.

## AIR QUALITY

Riverbank is located in Stanislaus County, which is within the San Joaquin Valley Air Basin (SJVAB). The SJVAB also comprises all of Fresno, Kings, Madera, Merced, San Joaquin, and Tulare counties, and the valley portion of Kern County.

Ozone transport refers to the movement of ozone and precursors from other basins to the SJVAB, from the SJVAB to other air basins, and within the SJVAB. Transport can occur at ground level and also at higher altitudes (e.g., movement up mountain slopes during the day).

According to the SJVAB Extreme Ozone Attainment Demonstration Plan, the transport of pollutants within the SJVAB significantly contributes to concentrations that exceeded the national 1-hour ozone. As discussed above, prevailing winds blow from the northern part of the SJVAB to the south, and can transport pollutants from San Joaquin, Stanislaus, and Merced counties to the Fresno area. Pollutants transported from the San Francisco Bay area south to Fresno and Bakersfield are combined with those in the northern portion of the SJVAB due to the passage of air movement. Further south, eddy currents can transport pollutants along the east side of the SJVAB from Tulare County and northern Kern County to the Fresno area.

Ozone and precursors are transported from other basins to the SJVAB. On some days, according to an ARB assessment of ozone transport, pollutants transported from the San Francisco Bay area affect ozone air quality in the northern SJVAB, mixing with local emissions to contribute to violations of the national 1-hour ozone standard<sup>1</sup> (ARB 2001). On other days, violations of the standard are entirely from local emissions. The effect of San Francisco Bay area transport diminishes with distance so that ambient ozone concentrations in Fresno and Bakersfield are affected less.

The ozone problem in the San Joaquin Valley ranks among the most severe in the State. Peak levels have not declined as much as the number of days that standards are exceeded. From 1985 to 2004, the maximum peak 8-hour indicator decreased only two percent. The number of national 8-hour standard exceedance days has been quite variable over the years.

Direct emissions of PM<sub>10</sub> have remained relatively unchanged between 1975 and 2005 and are projected to remain unchanged through 2020. PM<sub>10</sub> emissions in the SVAB are dominated by emissions from areawide sources, primarily fugitive dust from vehicle travel on unpaved and paved roads, waste burning, and residential fuel combustion. Direct emissions of PM<sub>2.5</sub> decreased from 1975 to 2005 and are projected to continue decreasing through 2020. PM<sub>2.5</sub> emissions in the SVAB are dominated by emissions from areawide sources, primarily fugitive dust from vehicle travel on unpaved and paved roads, waste burning, and residential fuel combustion (ARB 2006a).

According to Stanislaus County's emissions inventory, mobile sources are the largest contributor to the estimated annual average air pollutant levels of NO<sub>x</sub> accounting for approximately 82% of the total emissions. Mobile sources also account for approximately 40% of the total ROG emissions for the County. Areawide sources account for approximately 84% of the County's total PM<sub>10</sub> emissions.

The Riverbank portion of the San Joaquin Valley Air Basin is in nonattainment for ozone and particulate matter (both PM<sub>10</sub> and PM<sub>2.5</sub>). 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; 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.

## **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 this 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**.

## **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 this EIR – please see Section 4.10 for more information). As noted in the Hydrology and Water Quality section of this 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**

Counties and other cities near Riverbank are required by State law to periodically update their general plans, also, to plan for and guide long-term physical development. Other communities are required to describe the location and general density/intensity of land use as a part of the general plan update. CEQA requires the analysis of environmental impacts associated with the general plan update. Just as Riverbank has prepared a comprehensive General Plan update to address long-range growth in the community, other jurisdictions are also required to do so, together accounting for regional growth and the environmental impacts associated with that growth.

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 this 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 this 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.

Goals and policies in the proposed General Plan update identify goals for law enforcement service provision. The environmental analysis throughout this EIR takes into account service and facility expansion and the corresponding potential for environmental impacts. However, facilities constructed in Riverbank would serve Riverbank needs.

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 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 this 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. The impact is less than cumulatively considerable and less than significant. 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 this 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, representing 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 this 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. The transportation impacts are significant. The contribution of the Riverbank General Plan update **is cumulatively considerable** and **significant**. The impact is **significant and unavoidable**.

## **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 this 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 this 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 this 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**.

## 6.2 GROWTH-INDUCING IMPACTS

The State CEQA Guidelines (§15126.2[d]) require that an EIR evaluate the growth-inducing impacts of a proposed project (in this case, the update of the General Plan). Specifically, an EIR must discuss the ways in which a proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Growth can be induced in a number of ways, including the elimination of obstacles to growth, or by encouraging and/or facilitating other activities that would induce new growth.

Direct growth-inducing impacts are generally associated with the provision of urban services to an undeveloped area. The provision of these services to a site, and the subsequent development, can serve to induce other landowners in the vicinity to convert their property to urban uses. Indirect, or secondary growth-inducing impacts consist of growth induced in the region by the additional demands for housing, goods and services associated with the population increase caused by, or attracted to, a new project.

Growth inducement, by itself, is not an environmental effect, but may indirectly lead to environmental effects. Such environmental effects may include increased demand on other community and public services and infrastructure, increased traffic and noise, degradation of air or water quality, degradation or loss of plant or wildlife habitats, or conversion of agricultural and open space land to urban uses.

### 6.2.1 GROWTH-INDUCING IMPACTS OF THE PROPOSED GENERAL PLAN

Based on Government Code §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. In this way, the General Plan is considered growth inducing.

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, this 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).

### **6.3 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES**

Section 15126.2(c) of the State CEQA Guidelines requires that this EIR consider significant irreversible environmental changes that would be caused by the General Plan. An impact would be determined to be a significant and irreversible change in the environment if:

- ▶ Development enabled by the General Plan would involve a large commitment of nonrenewable resources;
- ▶ The primary and secondary impacts of development would generally commit future generations to similar uses (e.g., a highway provides access to a previously remote area);
- ▶ Development of the General Plan would involve uses in which irreversible damage could result from any potential environmental accidents associated with the plan; or
- ▶ The development of the General Plan land uses would result in an unjustified consumption of resources (e.g., the wasteful use of energy).

Implementation of the proposed General Plan would likely result in or contribute to the following irreversible environmental changes:

- ▶ Conversion of existing undeveloped land and open vistas to developed land uses, thus precluding other alternate land uses in the future, and precluding preservation of the existing land use pattern and vistas.
- ▶ Irreversible loss of agricultural land.
- ▶ Commitment of water resources to serve development and degradation of water quality from runoff.

- ▶ Commitment of municipal resources to the provision of services and operations of infrastructure for future development.
- ▶ Surfacing of substantial areas of important soils with impermeable surfaces associated with urban development.
- ▶ Increased ambient noise and background air pollutant emissions.
- ▶ Conversion of existing habitat and irreversible loss of wildlife
- ▶ Irreversible consumption of goods and services associated with the future population.
- ▶ Development allowed under the proposed General Plan would irretrievably commit nonrenewable resources to construction and operation of buildings, infrastructure, roads, and other elements of urban development in the Riverbank Planning Area. Non-renewable resources include gravel, sand, steel, lead, copper, and other raw materials. Implementation of the proposed General Plan update would also result in the long-term consumption of fossil fuels and natural gas. Energy demand for construction, lighting, heating, and cooling would increase locally, although energy conservation policies in the proposed General Plan would reduce demand compared to the status quo. Buildout of the General Plan would also commit renewable, but limited resources, such as lumber and water.

## 6.4 SIGNIFICANT AND UNAVOIDABLE ENVIRONMENTAL EFFECTS

CEQA Guidelines §15126.2(b) requires that an EIR describe the significant unavoidable impacts of a project. The various sections of this EIR describe in detail the impacts of General Plan buildout, including an identification of the significant and unavoidable impacts. Provided below is a listing of those impacts.

### 4.3 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.

**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.

**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.

### 5.15. 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 daily traffic volumes. This is a significant and unavoidable impact.

**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 LOS D threshold on the two-lane portions of the highway. This is a significant and unavoidable impact.

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

**Impact 4.15-7.** Development anticipated under the Riverbank General Plan update will result in additional automobile and pedestrian traffic across the at-grade BN&SF crossings on Claribel Road and Patterson Road, which could increase the number of accidents at these locations. This is a significant and unavoidable impact.

#### **4.16 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.

**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.

**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.

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## 8 REPORT PREPARATION

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## 9 STANDARD TERMINOLOGY AND ACRONYMS

40 CFR	Volume 40 of the Code of Federal Regulations
ARB	California Air Resources Board
AB	Assembly Bill
AEP	annual exceedance probability
ALCOA	Aluminum Company of America
ATCM	Airborne Toxics Control Measure
AQAP	Air Quality Attainment Plans
APCO	Air Pollution Control Officer
AIA	Air Impact Assessment
AGSW	Agricultural Supply: Stock Watering
AGI	Agricultural Supply: Irrigation
AG	Agricultural / Resource Conservation Area
B/G/OS	Buffer/Greenway/Open Space
BACT	best available control technology for toxics
BMP	best management practices
BNSF	Burlington Northern Santa Fe
BNSFRR	Burlington Northern Santa Fe Railroad
C	Civic
CAA	federal Clean Air Act
CAAA	federal Clean Air Act Amendments of 1990
CAAQS	California ambient air quality standards
Cal/EPA	California Environmental Protection Agency
Cal/OES	California Office of Emergency Services
Cal/OSHA	California Department of Industrial Relations, Division of Occupational Safety and Health Administration
CalEPA	California Environmental Protection Agency
Caltrans	California Department of Transportation
CARA	California Area River Assessment
CARB	California Air Resources Board
CC	Community Commercial
CCAA	California Clean Air Act
CCIC	Central California Information Center
CCR	California Code of Regulations
CDC	California Department of Conservation
CDF	California Department of Forestry and Fire Protection
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act of 1980
CFR	Code of Federal Regulations
CH <sub>4</sub>	methane
CHP	California Highway Patrol
CHRIS	California Historical Resources Information System
CLUP	Comprehensive Airport Land Use Plan
CMP	Congestion Management Plan
CNDDB	California Natural Diversity Data Base

CNEL	Community Noise Equivalent Level
CO	carbon monoxide
CO <sub>2</sub>	carbon dioxide
COLD	Cold Freshwater Habitat
CPUC	California Public Utilities Commission
CRB	California Reclamation Board
CRHR	California Register of Historical Resources
CTR	California Toxics Rule
CUPA	Certified Unified Program Agencies
CWA	Clean Water Act of 1972
dB	decibels
dBA	A-weighted dB
dBA/DD	dBA per doubling of distance
DDT	dichlorodiphenyltrichloroethane
DFG	California Department of Fish and Game
DHS	California Department of Health Services
DO	dissolved oxygen
DOC	California Department of Conservation
DOT	U.S. Department of Transportation
DTSC	California Department of Toxic Substances Control
du	dwelling units
DWR	California Department of Water Resources
EC	electrical conductivity
EIR	Environmental Impact Report
EPA	U.S. Environmental Protection Agency
FAA	Federal Aviation Administration
FAR	Federal Aviation Regulations
FEMA	Federal Emergency Management Agency
FERC	Federal Energy Regulatory Commission
FHWA	Federal Highway Administration
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act
FIP	Federal Implementation Plan
FIRM	Flood Insurance Rate Maps
FTA	Federal Transit Administration
GAMAQI	Guide for Assessing and Mitigating Air Quality Impact
GHG	greenhouse gas
gpm	gallons per minute
GPU	Riverbank General Plan Update
GSW	Gilton Solid Waste
HAP	hazardous air pollutants
HAZWOPER	Hazardous Waste Operations and Emergency Response
HCM	Highway Capacity Manual
HDR	Higher-density Residential
HI	Hazard Index
HRA	health risk assessments
HRI	Historic Resource Inventory
Hz	Hertz

I/BP	Industrial / Business Park
I-5	Interstate 5
I-580	Interstate 580
in/sec	inches per second
IND	Industrial Service Supply
IOA	Infill Opportunity Area
IPCC	Intergovernmental Panel on Climate Change
ISR	Indirect Source Review
ksf	thousand square feet
kwh	kilowatt hours
LAFCO	Local Agency Formation Commission
L <sub>dn</sub>	Day-Night Noise Level
LDR	Lower-density Residential
LEED	Leadership in Energy and Environmental Design
L <sub>eq</sub>	Equivalent Noise Level
LEV	Low Emission Vehicle
L <sub>max</sub>	Maximum Noise Level
L <sub>min</sub>	Minimum Noise Level
LOS	Level of Service
LUST	Leaking underground storage tanks
L <sub>x</sub>	Statistical Descriptor
MACT	maximum available control technology for toxics
MAD	East Side Mosquito Abatement District
MAX	Modesto Area Express
MBTA	Migratory Bird Treaty Act
MDR	Medium-density Residential
MEI	Maximally Exposed Individual
MID	Modesto Irrigation District
MIGR	Migration of Aquatic Organisms: Cold Water
MLD	Most Likely Descendent
MPS	Multiple Property Submission
MU	Mixed Use
MUN	Municipal and Domestic Supply
MUR/R	Multi-use Recreation / Resource Management
MUTCD	Manual of Uniform Traffic Control Devices
mw	megawatt
mwh	megawatt hours
NAAQS	national ambient air quality standards
NAHC	Native American Heritage Commission
NEHRP	National Earthquake Hazards Reduction Program
NEHRPA	National Earthquake Hazards Reduction Program Act
NESHAP	national emissions standards for HAPs
NHPA	National Historic Preservation Act
NMHC	nonmethane hydrocarbon
NO	nitric oxide
NO <sub>2</sub>	nitrogen dioxide
NOI	Notice of Intent

NOP	notice of preparation
NO <sub>x</sub>	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
NPL	National Priority List
NPL	National Priority List
NRCS	Natural Resource Conservation Service
NRHP	National Register of Historic Places
NTR	National Toxics Rule
NWI	National Wetland Inventory
OES	Office of Emergency Services
OHP	State Office of Historic Preservation
OPR	Governor's Office of Planning and Research
OSHA	Occupational Safety and Health Administration
P	Parks
PAH	polycyclic aromatic hydrocarbons
PCA	Personal Care Attendant
PCB	Polychlorinated Biphenyl
PD	Planned Development
Planning Area	City of Riverbank General Plan Planning Area
PM <sub>10</sub>	respirable particulate matter
PM <sub>2.5</sub>	fine particulate matter
POT	publicly owned treatment works
PPV	peak particle velocity
PRC	Public Resources Code Section
PROC	Industrial Process Supply
RCRA	Resource Conservation and Recovery Act of 1976
REC 1	Water Contact Recreation: Contact Recreation
REC 2	Non-Contact Water Recreation
RMS	root mean squared
ROG	reactive organic gases
ROTA	Riverbank-Oakdale Transit Authority
RPS	Riverbank Police Services
RR	Clustered Rural Residential
RWD	Reports of Waste Discharge
RWQCB	Regional Water Quality Control Board
SARA	Superfund Amendments and Reauthorization Act
SB	Senate Bill
SCFPD	Stanislaus Consolidated Fire Protection District
SCS	U.S. Department of Agriculture's Soil Conservation Service
SCS	Stanislaus County Sheriff
SENL	Single Event [Impulsive] Noise Level
sf	square feet
SIP	Statewide Implementation Plan
SJVAB	San Joaquin Valley Air Basin
SJVAPCD	San Joaquin Valley Unified Air Pollution Control District
SO <sub>2</sub>	sulfur dioxide
SOI	Sphere of Influence

SPCN	Fish Spawning, Cold Water
SPWN	Fish Spawning, Warm Water
SR	State Route
SR 99	State Route 99
SRA	State Responsibility Area
StanCOG	Stanislaus County Association of Governments
StaRT	Stanislaus Regional Transit
START	Stanislaus Area Regional Transit District
SWPPP	storm water pollution prevention plan
SWRCB	State Water Resources Control Board
TAC	toxic air contaminants
TAC	toxic air contaminant
TDS	Total dissolved solids
the City	City of Riverbank
the project	General Plan update
TMDL	Total Maximum Daily Load
TPY	tons per year
TRB	Transportation Research Board
TRI	Toxics Release Inventory
UBC	Uniform Building Code
UFC	Uniform Fire Code
USACE	U.S. Army Corps of Engineers
USC	U.S. Code
USFWS	U.S. Fish and Wildlife Service
VdB	vibration decibels
VMT	vehicle miles traveled
VPH	Vehicle Per Hour
WARM	Warm Freshwater Habitat
WDR	waste discharge requirements
WILD	Wildlife Habitat
WWTP	Wastewater Treatment Plant
µin/sec	microninch per second

# **APPENDIX A**

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Air Quality

Urbemis 2007 Version 9.2.0

Combined Annual Emissions Reports (Tons/Year)

File Name: C:\Documents and Settings\sacramento\Application Data\Urbemis\Version9a\Projects\Riverbank\Riverbank GP Operational.urb9

Project Name: Riverbank GP Proposed New Growth

Project Location: Stanislaus County

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off-Road Vehicle Emissions Based on: OFFROAD2007

Summary Report:

AREA SOURCE EMISSION ESTIMATES

	<u>ROG</u>	<u>NOx</u>	<u>PM10</u>	<u>PM2.5</u>	<u>CO2</u>
TOTALS (tons/year, unmitigated)	236.82	39.35	74.67	71.88	50,384.31

OPERATIONAL (VEHICLE) EMISSION ESTIMATES

	<u>ROG</u>	<u>NOx</u>	<u>PM10</u>	<u>PM2.5</u>	<u>CO2</u>
TOTALS (tons/year, unmitigated)	64.50	54.38	410.12	76.75	225,085.59

SUM OF AREA SOURCE AND OPERATIONAL EMISSION ESTIMATES

	<u>ROG</u>	<u>NOx</u>	<u>PM10</u>	<u>PM2.5</u>	<u>CO2</u>
TOTALS (tons/year, unmitigated)	301.32	93.73	484.79	148.63	275,469.90

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Area Source Unmitigated Detail Report:

AREA SOURCE EMISSION ESTIMATES Annual Tons Per Year, Unmitigated

<u>Source</u>	<u>ROG</u>	<u>NOx</u>	<u>PM10</u>	<u>PM2.5</u>	<u>CO2</u>
Natural Gas	2.30	30.21	0.06	0.06	38,079.29
Hearth	88.22	8.68	74.50	71.71	12,238.92
Landscape	7.35	0.46	0.11	0.11	66.10
Consumer Products	95.55				
Architectural Coatings	43.40				
TOTALS (tons/year, unmitigated)	236.82	39.35	74.67	71.88	50,384.31

Area Source Changes to Defaults

Operational Unmitigated Detail Report:

OPERATIONAL EMISSION ESTIMATES Annual Tons Per Year, Unmitigated

<u>Source</u>	<u>ROG</u>	<u>NOX</u>	<u>PM10</u>	<u>PM25</u>	<u>CO2</u>
Single family housing	35.08	29.56	225.35	42.18	123,819.18
Apartments low rise	1.66	1.32	10.05	1.88	5,522.58
City park	0.12	0.05	0.38	0.07	209.17
Regnl shop. center	9.80	7.37	52.62	9.85	28,787.10
Office park	9.35	8.01	60.61	11.34	33,263.99
Industrial park	8.49	8.07	61.11	11.43	33,483.57
TOTALS (tons/year, unmitigated)	64.50	54.38	410.12	76.75	225,085.59

Operational Settings:

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Includes correction for passby trips

Does not include double counting adjustment for internal trips

Analysis Year: 2030 Season: Annual

Emfac: Version : Emfac2007 V2.3 Nov 1 2006

Summary of Land Uses

Land Use Type	Acreage	Trip Rate	Unit Type	No. Units	Total Trips	Total VMT
Single family housing	3,195.00	9.60	dwelling units	10,050.00	96,480.00	722,178.15
Apartments low rise	431.70	6.60	dwelling units	652.00	4,303.20	32,210.58
City park		1.59	acres	136.00	216.24	1,230.42
Regnl shop. center		17.45	1000 sq ft	2,047.32	35,725.73	168,640.85
Office park		13.09	1000 sq ft	2,112.66	27,654.72	194,249.95
Industrial park		73.00	acres	383.00	27,959.00	195,878.31
					192,338.89	1,314,388.26

Vehicle Fleet Mix

Vehicle Type	Percent Type	Non-Catalyst	Catalyst	Diesel
Light Auto	49.4	0.0	100.0	0.0
Light Truck < 3750 lbs	23.3	0.0	99.2	0.8
Light Truck 3751-5750 lbs	16.7	0.0	100.0	0.0
Med Truck 5751-8500 lbs	6.7	0.0	100.0	0.0
Lite-Heavy Truck 8501-10,000 lbs	0.2	0.0	80.0	20.0
Lite-Heavy Truck 10,001-14,000 lbs	0.0	0.0	55.6	44.4
Med-Heavy Truck 14,001-33,000 lbs	0.7	0.0	21.4	78.6
Heavy-Heavy Truck 33,001-60,000 lbs	0.4	0.0	0.0	100.0

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Vehicle Fleet Mix

Vehicle Type	Percent Type	Non-Catalyst	Catalyst	Diesel
Other Bus	0.0	0.0	0.0	100.0
Urban Bus	0.1	0.0	0.0	0.0
Motorcycle	1.2	34.1	65.9	0.0
School Bus	0.0	0.0	0.0	100.0
Motor Home	1.3	0.0	90.9	9.1

Travel Conditions

	Residential			Commercial		
	Home-Work	Home-Shop	Home-Other	Commuter	Non-Work	Customer
Urban Trip Length (miles)	10.8	7.3	7.5	9.5	7.4	7.4
Rural Trip Length (miles)	16.8	7.1	7.9	14.7	6.6	6.6
Trip speeds (mph)	35.0	35.0	35.0	35.0	35.0	35.0
% of Trips - Residential	32.9	18.0	49.1			
% of Trips - Commercial (by land use)						
City park				5.0	2.5	92.5
Regnl shop. center				2.0	1.0	97.0
Office park				48.0	24.0	28.0
Industrial park				41.5	20.8	37.8

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Detail Report for Annual Construction Unmitigated Emissions (Tons/Year)

File Name:

Project Name: Riverbank GP Update Construction

Project Location: Stanislaus County

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off-Road Vehicle Emissions Based on: OFFROAD2007

CONSTRUCTION EMISSION ESTIMATES (Annual Tons Per Year, Unmitigated)

	<u>ROG</u>	<u>NOx</u>	<u>PM10 Dust</u>	<u>PM10 Exhaust</u>	<u>PM10 Total</u>
2009	59.65	97.97	12.50	3.99	16.48
Mass Grading 01/01/2009-01/31/2009	0.90	7.49	11.85	0.38	12.22
Asphalt 02/01/2009-12/31/2009	1.03	5.90	0.00	0.49	0.50
Building 02/01/2009-12/31/2009	7.40	82.28	0.64	3.00	3.65
Coating 02/01/2009-12/31/2009	50.05	0.04	0.00	0.00	0.00
Trenching 02/01/2009-12/31/2009	0.27	2.27	0.00	0.11	0.11

Phase Assumptions

Phase: Mass Grading 1/1/2009 - 1/31/2009 - Worst-case grading phase

Total Acres Disturbed: 215.35

Maximum Daily Acreage Disturbed: 53.84

Fugitive Dust Level of Detail: Default

20 lbs per acre-day

On Road Truck Travel (VMT): 0

Off-Road Equipment:

26.9 Crawler Tractors (147 hp) operating at a 0.64 load factor for 8 hours per day

<u>PM2.5 Dust</u>	<u>PM2.5 Exhaust</u>	<u>PM2.5 Total</u>	<u>CO2</u>
2.70	3.65	6.35	18,928.20
2.47	0.35	2.82	708.77
0.00	0.45	0.45	467.49
0.22	2.74	2.97	17,475.10
0.00	0.00	0.00	59.71
0.00	0.10	0.10	217.12

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5.4 Graders (174 hp) operating at a 0.61 load factor for 8 hours per day  
16.2 Off Highway Trucks (479 hp) operating at a 0.57 load factor for 8 hours per day  
10.8 Rubber Tired Loaders (164 hp) operating at a 0.54 load factor for 8 hours per day  
5.4 Scrapers (313 hp) operating at a 0.72 load factor for 8 hours per day  
10.8 Tractors/Loaders/Backhoes (108 hp) operating at a 0.55 load factor for 8 hours per day

Phase: Trenching 2/1/2009 - 12/31/2009 - Worst-case trenching phase

Off-Road Equipment:

2 Excavators (168 hp) operating at a 0.57 load factor for 8 hours per day  
1 Other General Industrial Equipment (238 hp) operating at a 0.51 load factor for 8 hours per day  
1 Tractors/Loaders/Backhoes (108 hp) operating at a 0.55 load factor for 0 hours per day

Phase: Paving 2/1/2009 - 12/31/2009 - Worst-case paving phase

Acres to be Paved: 53.84

Off-Road Equipment:

5.4 Pavers (100 hp) operating at a 0.62 load factor for 8 hours per day  
5.4 Rollers (95 hp) operating at a 0.56 load factor for 6 hours per day

Phase: Building Construction 2/1/2009 - 12/31/2009 - Worst-case building construction phase

Off-Road Equipment:

16.2 Other Equipment (190 hp) operating at a 0.62 load factor for 8 hours per day

Phase: Architectural Coating 2/1/2009 - 12/31/2009 - Worst-case architectural coating phase

Rule: Residential Interior Coatings begins 1/1/2005 ends 12/31/2040 specifies a VOC of 250

Rule: Residential Exterior Coatings begins 1/1/2005 ends 12/31/2040 specifies a VOC of 250

Rule: Nonresidential Interior Coatings begins 1/1/2005 ends 12/31/2040 specifies a VOC of 250

Rule: Nonresidential Exterior Coatings begins 1/1/2005 ends 12/31/2040 specifies a VOC of 250

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## **APPENDIX B**

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Biological Resources

**APPENDIX A  
FLORAL COMPENDIUM**

General Plan Study Area  
Riverbank, California

SCIENTIFIC NAME	COMMON NAME
<b><u>DICOTS</u></b>	
<b><i>Apiaceae</i></b>	<b>Carrot Family</b>
<i>Daucus carota</i>	Queen Anne's lace
<b><i>Asteraceae</i></b>	<b>Sunflower Family</b>
<i>Artemisia douglasiana</i>	mugwort
<i>Cardus pycnocephalus</i>	Italian thistle
<i>Centaurea melitensis</i>	tofalote
<i>Helianthus annuus</i>	common sunflower
<i>Heterotheca grandiflora</i>	telegraph weed
<i>Lactuca serriola</i>	prickly lettuce
<i>Silybum marianum</i>	milk thistle
<i>Sonchus oleraceus</i>	common sow thistle
<b><i>Boraginaceae</i></b>	<b>Borage Family</b>
<i>Amsinckia tenella</i>	fiddleneck
<i>Cryptantha sp.</i>	cryptantha
<b><i>Brassicaceae</i></b>	<b>Mustard Family</b>
<i>Brassica nigra</i>	black mustard
<i>Raphanus sativus</i>	radish
<i>Lepidium sp.</i>	peppergrass
<b><i>Cactaceae</i></b>	<b>Cactus Family</b>
<i>Opuntia littoralis</i>	prickly-pear cactus
<b><i>Caprifoliaceae</i></b>	<b>Honeysuckle Family</b>
<i>Sambucus mexicana</i>	blue elderberry
<b><i>Chenopodiaceae</i></b>	<b>Goosefoot Family</b>
<i>Salsola tragus</i>	Russian thistle
<b><i>Crassulacaeae</i></b>	<b>Stonecrop Family</b>
<i>Crassula connata</i>	pygmy weed
<b><i>Cucurbitaceae</i></b>	<b>Cucumber Family</b>
<i>Marah macrocarpus</i>	wild cucumber

**APPENDIX A  
FLORAL COMPENDIUM**

General Plan Study Area  
Riverbank, California

SCIENTIFIC NAME	COMMON NAME
<b><i>Fabaceae</i></b>	<b>Legume Family</b>
<i>Acacia sp.</i>	acacia
<b><i>Astragalus sp.</i></b>	<b>milkvetch</b>
<b><i>Lotus purshianus</i></b>	<b>lotus</b>
<b><i>Lupinus bicolor</i></b>	<b>minature lupine</b>
<b><i>Lupinus sp.</i></b>	<b>bush lupine</b>
<i>Medicago sativa</i>	alfalfa
<b><i>Quercus agrifolia var. agrifolia</i></b>	<b>coast live oak</b>
<b><i>Quercus wizlizenii</i></b>	<b>interior live oak</b>
<b><i>Quercus lobata</i></b>	<b>valley oak</b>
<b><i>Geraniaceae</i></b>	<b>Geranium Family</b>
<i>Erodium botrys</i>	filaree
<i>Erodium cicutarium</i>	red-stemmed filaree
<b><i>Grossulariaceae</i></b>	<b>Currant Family</b>
<b><i>Ribes speciosum</i></b>	<b>fushia-flower gooseberry</b>
<b><i>Hydrophyllaceae</i></b>	<b>Waterleaf Family</b>
<b><i>Eucrypta chrysanthemifolia</i></b>	<b>common eucrypta</b>
<b><i>Phacelia minor</i></b>	<b>California blue bells</b>
<b><i>Juglandaceae</i></b>	<b>Walnut Family</b>
<b><i>Juglans californica</i></b>	<b>California black walnut</b>
<b><i>Lamiaceae</i></b>	<b>Mint Family</b>
<i>Lamium amplexicaule</i>	dead nettle
<b><i>Malvaceae</i></b>	<b>Mallow Family</b>
<i>Malva neglecta</i>	common mallow
<b><i>Oleaceae</i></b>	<b>Olive Family</b>
<b><i>Fraxinus dipetala</i></b>	<b>California Ash</b>

**APPENDIX A  
FLORAL COMPENDIUM**

General Plan Study Area  
Riverbank, California

SCIENTIFIC NAME	COMMON NAME
<b>Polygonaceae</b>	<b>Buckwheat Family</b>
<i>Rumex crispus</i>	curly dock
<b>Portulacaceae</b>	<b>Purslane Family</b>
<i>Calandrinia ciliata</i>	red maids
<i>Claytonia perfoliata</i>	miner's lettuce
<b>Rosaceae</b>	<b>Rose Family</b>
<i>Prunus dulcis</i>	almond
<i>Rosa californica</i>	wild rose
<i>Rubus discolor</i>	Himalyan blackberry
<i>Rubus ursinus</i>	California blackberry
<b>Rubiaceae</b>	<b>Madder Family</b>
<i>Galium sp.</i>	bedstraw
<b>Salicaceae</b>	<b>Willow Family</b>
<i>Populus fremontii ssp. fremontii</i>	Fremont cottonwood
<i>Salix exigua</i>	narrow-leaved willow
<i>Salix gooddingii</i>	Goodding's black willow
<i>Salix lasiolepis</i>	arroyo willow
<b>Simaroubaceae</b>	<b>Simarouba Family</b>
<i>Ailanthus altissima</i>	Tree of Heaven
<b>Urticaceae</b>	<b>Nettle Family</b>
<i>Urtica dioica</i>	stinging nettle
<i>Urtica urens</i>	dwarf nettle
<b>Viscaceae</b>	<b>Mistletoe Family</b>
<i>Phoradendron densum</i>	dense mistletoe
<b>Vitaceae</b>	<b>Grape Family</b>
<i>Vitis californica</i>	California wild grape
<b>MONOCOTS</b>	
<b>Cyperaceae</b>	<b>Sedge Family</b>
<i>Carex sp.</i>	sedge
<i>Cyperus sp.</i>	nutsedge
<i>Eleocharis sp.</i>	spike-rush

**APPENDIX A  
FLORAL COMPENDIUM**

General Plan Study Area  
Riverbank, California

SCIENTIFIC NAME	COMMON NAME
<b>Poaceae</b>	<b>Grass Family</b>
<i>Avena fatua</i>	wild oat
<i>Bromus diandrus</i>	ripgut grass
<i>Bromus hordeaceus</i>	soft chess
<i>Bromus tectorum</i>	downy brome
<i>Cynodon dactylon</i>	Bermuda grass
<i>Hordium murinum</i>	barley
<b><i>Phragmites australis</i></b>	common reed
<i>Schismus barbatus</i>	Mediterranean schismus
<i>Vulpia myuros</i>	fescue

**Notes:**

**BOLD = Native Species**

# APPENDIX B FAUNAL COMPENDIUM

General Plan Study Area  
Riverbank, California

COMMON NAME	SCIENTIFIC NAME
<b><u>Invertebrates</u></b>	
<b>Beetles: Order Coleoptera</b>	
<b>Family Tenebrionidae</b>	
Darkling Beetle	<i>Eleodes sp.</i>
<b>Crickets, Katydid and Grasshoppers: Order Orthoptera</b>	
<b>Family Gryllacrididae</b>	
Grasshopper	<i>Dissosteira sp.</i>
<b>Bees, Ants and Wasps: Order Hymenoptera</b>	
<b>Family Apidae</b>	
Honey Bee	<i>Apis mellifera</i>
<b>Butterflies: Order Lepidoptera</b>	
<b>Family Pieridae (Whites and Sulphurs)</b>	
Cabbage White	<i>Pieris rapae</i>
Painted Lady	<i>Vanessa cardui</i>
<b>Dragonflies and Damselflies: Order Odonata</b>	
<b>Family Aeshnidae (Darners)</b>	
Blue-eyed Darner	<i>Rhionaeschna multicolor</i>
<b><u>Birds (Class Aves)</u></b>	
<b>Waterfowl: Order Anseriformes</b>	
<b>Family Anatidae (Ducks, Geese, and Swans)</b>	
Mallard	<i>Anas platyrhynchos platyrhynchos</i>
<b>Family Ardeidae (Bitterns, Herons, and Egrets)</b>	
Snowy egret	<i>Egretta thula</i>
<b>Raptors: Order Falconiformes</b>	
<b>Family Accipitridae (Hawks, Kites, and Eagles)</b>	
Swainson's Hawk	<i>Buteo swainsoni</i>
Red-tailed Hawk	<i>Buteo jamaicensis</i>
<b>Doves: Order Columbiformes</b>	
<b>Family Columbidae (Doves and Pigeons)</b>	
Rock Pigeon	<i>Columba livia</i>
Mourning Dove	<i>Zenaida macroura marginella</i>

## APPENDIX B FAUNAL COMPENDIUM

General Plan Study Area  
Riverbank, California

COMMON NAME	SCIENTIFIC NAME
<b>Swifts and Hummingbirds: Order Apodiformes</b>	
<b>Family Trochilidae (Hummingbirds)</b>	
Anna's Hummingbird	<i>Calypte anna</i>
<b>Kingfishers and Relatives: Order Coraciiformes</b>	
<b>Family Alcedinidae (Kingfishers)</b>	
Belted Kingfisher	<i>Ceryle alcyon</i>
<b>Songbirds: Order Passeriformes</b>	
<b>Family Tyrannidae (Tyrant Flycatchers)</b>	
Black Phoebe	<i>Sayornis nigricans semiatra</i>
<b>Family Icteridae (Blackbirds)</b>	
Brewer's blackbird	<i>Euphagus cyanocephalus</i>
commo	
<b>Family Corvidae (Jays and Crows)</b>	
American Crow	<i>Corvus brachyrhynchos hesperis</i>
Common Raven	<i>Corvus corax</i>
Yellow-billed magpie	<i>Pica nuttalli</i>
Scrub Jay	<i>Aphelocoma californica</i>
<b>Family Emberizidae (Sparrows and their Allies)</b>	
Song Sparrow	<i>Melospiza melodia</i>
<b>Family Hirundinidae (Swallows)</b>	
Tree Swallow	<i>Tachycineta bicolor</i>
<b>Family Aegithalidae (Long-tailed Tits)</b>	
Bushtit	<i>Psaltriparus minimus melanurus</i>
<b>Family Timaliidae (Babblers)</b>	
Wrentit	<i>Chamaea fasciata henshawi</i>
<b>Family Picidae (Woodpeckers)</b>	
Northern flicker	<i>Colaptes auratus</i>
<b>Family Mimidae (Mockingbirds and Thrashers)</b>	
Northern Mockingbird	<i>Mimus polyglottos polyglottos</i>
<b>Family Fringillidae (Finches)</b>	
American Goldfinch	<i>Carduelis tritis</i>
House Finch	<i>Carpodacus mexicanus frontalis</i>

## APPENDIX B FAUNAL COMPENDIUM

General Plan Study Area  
Riverbank, California

COMMON NAME	SCIENTIFIC NAME
<b>Family Passeridae (Old World Sparrows)</b>	
House Sparrow	<i>Passer domesticus domesticus</i>
<b>Mammals (Class Mammalia)</b>	
<b>Subfamily Arvicolinae (Voles and Lemmings)</b>	
Common muskrat	<i>Ondatra zibethicus</i>
<b>Family Canidae (Wolves, Foxes, and the Coyote)</b>	
Coyote	<i>Canis latrans</i>
<b>Family Sciuridae (Squirrels)</b>	
California Ground Squirrel	<i>Spermophilus beecheyi</i>
<b>Family Leporidae (Rabbits and Hares)</b>	
Rabbit species	<i>Sylvilagus sp.</i>

## **APPENDIX C**

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Noise

**Appendix A-1**

**FHWA-RD-77-108 Highway Traffic Noise Prediction Model**

**Data Input Sheet**

Project #: 2005-510 Riverbank General Plan Update

Description: Existing Conditions

Ldn/CNEL: Ldn

Hard/Soft: Soft

Segment	Roadway Name	Segment Description			ADT	Day %	Eve %	Night %	% Med. Trucks	% Hvy. Trucks	Speed	Distance	Offset (dB)
		From	To										
1	1st St	SR 108	High St	14,781	83		17	2	2	35	100		
2	1st St	SR 108	Topeka St	6,649	83		17	2	2	35	100		
3	California St	Terminal Ave	8th Ave	1,050	83		17	2	2	35	100		
4	Claribel Rd	Coffee Rd	Oakdale Rd	13,731	83		17	2	2	35	100		
5	Claribel Rd	Oakdale Rd	Roselle Ave	10,839	83		17	2	2	35	100		
6	Claribel Rd	Litt Rd	Terminal Ave	10,780	83		17	2	2	35	100		
7	Claribel Rd	Terminal Ave	Claus Rd	6,745	83		17	2	2	35	100		
8	Claribel Rd	Claus Rd	Eleanor Ave	8,788	83		17	2	2	35	100		
9	Claribel Rd	McHenry Ave	Coffee Rd	16,271	83		17	2	2	35	100		
10	Claus Rd	Patterson	Sierra	8,279	83		17	2	2	35	100		
11	Claus Rd	California St	Kentucky Ave	10,296	83		17	2	2	35	100		
12	Claus Rd	Davis	Claribel	10,217	83		17	2	2	35	100		
13	Claus Rd	Claribel Rd	Plainview Rd	11,452	83		17	2	2	35	100		
14	Coffee Rd	SR 108	Morrill	4,242	83		17	2	2	35	100		
15	Coffee Rd	Morrill Rd	Claribel Rd	6,900	83		17	2	2	35	100		
16	Coffee Rd	Claribel Rd	Vella Way	10,290	83		17	2	2	35	100		
17	Crawford Rd	Oakdale Rd	Antique Rose Way	7,819	83		17	2	2	35	100		
18	Crawford Rd	Coffee Rd	Oakdale Rd	329	83		17	2	2	35	100		
19	Crawford Rd	Prospector Parkway	Roselle Ave	2,309	83		17	2	2	35	100		
20	Eleanor Ave	Kentucky Ave	Claribel Rd	505	83		17	2	2	35	100		
21	Estelle Ave	SR 108	Almondwood Ave	1,967	83		17	2	2	35	100		
22	Jackson Ave	SR 108	Ross Ave	2,211	83		17	2	2	35	100		
23	Jackson Ave	SR 108	Parsley Ave	1,339	83		17	2	2	35	100		
24	Kentucky Ave	Terminal Ave	8th Ave	2,129	83		17	2	2	35	100		

**Appendix B-1**

**FHWA-RD-77-108 Highway Traffic Noise Prediction Model  
Predicted Levels**

Project #: 2005-510 Riverbank General Plan Update  
 Description: Existing Conditions  
 Ldn/CNEL: Ldn  
 Hard/Soft: Soft

Segment	Roadway Name	Segment Description		Autos	Medium Trucks	Heavy Trucks	Total
		From	To				
1	1st St	SR 108	High St	60.3	53.2	58.4	63
2	1st St	SR 108	Topeka St	56.8	49.7	54.9	59
3	California St	Terminal Ave	8th Ave	48.8	41.7	46.9	51
4	Claribel Rd	Coffee Rd	Oakdale Rd	60.0	52.9	58.1	63
5	Claribel Rd	Oakdale Rd	Roselle Ave	59.0	51.8	57.0	62
6	Claribel Rd	Litt Rd	Terminal Ave	58.9	51.8	57.0	62
7	Claribel Rd	Terminal Ave	Claus Rd	56.9	49.8	55.0	60
8	Claribel Rd	Claus Rd	Eleanor Ave	58.1	50.9	56.1	61
9	Claribel Rd	McHenry Ave	Coffee Rd	60.7	53.6	58.8	63
10	Claus Rd	Patterson	Sierra	57.8	50.7	55.9	60
11	Claus Rd	California St	Kentucky Ave	58.7	51.6	56.8	61
12	Claus Rd	Davis	Claribel	58.7	51.6	56.8	61
13	Claus Rd	Claribel Rd	Plainview Rd	59.2	52.1	57.3	62
14	Coffee Rd	SR 108	Morrill	54.9	47.8	53.0	58
15	Coffee Rd	Morrill Rd	Claribel Rd	57.0	49.9	55.1	60
16	Coffee Rd	Claribel Rd	Vella Way	58.7	51.6	56.8	61
17	Crawford Rd	Oakdale Rd	Antique Rose Way	57.5	50.4	55.6	60
18	Crawford Rd	Coffee Rd	Oakdale Rd	43.8	36.7	41.9	46
19	Crawford Rd	Prospector Parkway	Roselle Ave	52.2	45.1	50.3	55
20	Eleanor Ave	Kentucky Ave	Claribel Rd	45.6	38.5	43.7	48
21	Estelle Ave	SR 108	Almondwood Ave	51.6	44.4	49.6	54
22	Jackson Ave	SR 108	Ross Ave	52.1	44.9	50.1	55
23	Jackson Ave	SR 108	Parsley Ave	49.9	42.8	48.0	53
24	Kentucky Ave	Terminal Ave	8th Ave	51.9	44.8	50.0	55

**Appendix C-1**

**FHWA-RD-77-108 Highway Traffic Noise Prediction Model**

**Noise Contour Output**

Project #: 2005-510 Riverbank General Plan Update

Description: Existing Conditions

Ldn/CNEL: Ldn

Hard/Soft: Soft

Segment	Roadway Name	Segment Description		----- Distances to Traffic Noise Contours -----				
		From	To	75	70	65	60	55
1	1st St	SR 108	High St	16	34	73	157	339
2	1st St	SR 108	Topeka St	9	20	43	92	199
3	California St	Terminal Ave	8th Ave	3	6	13	27	58
4	Claribel Rd	Coffee Rd	Oakdale Rd	15	32	69	150	322
5	Claribel Rd	Oakdale Rd	Roselle Ave	13	28	59	128	275
6	Claribel Rd	Litt Rd	Terminal Ave	13	27	59	127	274
7	Claribel Rd	Terminal Ave	Claus Rd	9	20	43	93	201
8	Claribel Rd	Claus Rd	Eleanor Ave	11	24	52	111	239
9	Claribel Rd	McHenry Ave	Coffee Rd	17	36	78	168	361
10	Claus Rd	Patterson	Sierra	11	23	50	107	230
11	Claus Rd	California St	Kentucky Ave	12	27	57	124	266
12	Claus Rd	Davis	Claribel	12	26	57	123	265
13	Claus Rd	Claribel Rd	Plainview Rd	13	29	62	133	286
14	Coffee Rd	SR 108	Morrill	7	15	32	68	147
15	Coffee Rd	Morrill Rd	Claribel Rd	9	20	44	95	204
16	Coffee Rd	Claribel Rd	Vella Way	12	27	57	123	266
17	Crawford Rd	Oakdale Rd	Antique Rose Way	10	22	48	103	222
18	Crawford Rd	Coffee Rd	Oakdale Rd	1	3	6	12	27
19	Crawford Rd	Prospector Parkway	Roselle Ave	5	10	21	46	98
20	Eleanor Ave	Kentucky Ave	Claribel Rd	2	4	8	17	36
21	Estelle Ave	SR 108	Almondwood Ave	4	9	19	41	88
22	Jackson Ave	SR 108	Ross Ave	4	10	21	44	95
23	Jackson Ave	SR 108	Parsley Ave	3	7	15	32	68
24	Kentucky Ave	Terminal Ave	8th Ave	4	9	20	43	93

**Appendix A-2**

**FHWA-RD-77-108 Highway Traffic Noise Prediction Model**

**Data Input Sheet**

Project #: 2005-510 Riverbank General Plan Update

Description: Existing Conditions

Ldn/CNEL: Ldn

Hard/Soft: Soft

Segment	Roadway Name	Segment Description			ADT	Day %	Eve %	Night %	% Med. Trucks	% Hvy. Trucks	Speed	Distance	Offset (dB)
		From	To										
25	Morrill Rd	Coffee Rd	Oakdale Rd	2,803	83		17	2	2	35	60		
26	Morrill Rd	Oakdale Rd	Zellman Ct	6,232	83		17	2	2	35	60		
27	Morrill Rd	Carnwood Dr	Roselle Ave	2,816	83		17	2	2	35	60		
28	Oakdale Rd	SR 108	Karen Alane	4,006	83		17	2	2	35	100		
29	Oakdale Rd	SR 108	Colony Manor	12,354	83		17	2	2	35	100		
30	Oakdale Rd	Morrill Rd	Crawford Rd	10,966	83		17	2	2	35	100		
31	Oakdale Rd	Crawford Road	Claribel Rd	15,866	83		17	2	2	35	100		
32	Oakdale Rd	Claribel Rd	Mable Ave	15,382	83		17	2	2	35	100		
33	Patterson Rd	Callandar	Railroad	8,720	83		17	2	2	35	100		
34	Patterson Rd	Terminal Ave	8th St	6,735	83		17	2	2	35	100		
35	Patterson Rd	Claus	Sneidger	4,713	83		17	2	2	35	100		
36	Patterson Rd	Railroad	1st Street	14,264	83		17	2	2	35	100		
37	Prestwick Dr	SR 108	Briarcliff Dr	870	83		17	2	2	35	100		
38	River Cove Dr	Dunbar	Burneyville	-	83		17	2	2	35	100		
39	Roselle Ave	Patterson	Ward	-	83		17	2	2	35	100		
40	Roselle Ave	Glow Rd	Claribel Rd	8,303	83		17	2	2	35	100		
41	Roselle Ave	Claribel	Plainview	7,011	83		17	2	2	35	100		
42	S Santa Fe Rd.	Henry Rd	Myers Rd	11,548	83		17	2	2	35	100		
43	Santa Fe St	8th St	Claus Rd	1,072	83		17	2	2	35	100		
44	Santa Fe St	Claus Rd	Central Ave	768	83		17	2	2	35	100		

**Appendix B-2**

**FHWA-RD-77-108 Highway Traffic Noise Prediction Model**

**Predicted Levels**

Project #: 2005-510 Riverbank General Plan Update

Description: Existing Conditions

Ldn/CNEL: Ldn

Hard/Soft: Soft

Segment	Roadway Name	Segment Description		Autos	Medium Trucks	Heavy Trucks	Total
		From	To				
25	Morrill Rd	Coffee Rd	Oakdale Rd	56.4	49.3	54.5	59
26	Morrill Rd	Oakdale Rd	Zellman Ct	59.9	52.8	58.0	63
27	Morrill Rd	Carnwood Dr	Roselle Ave	56.4	49.3	54.5	59
28	Oakdale Rd	SR 108	Karen Alane	54.6	47.5	52.7	57
29	Oakdale Rd	SR 108	Colony Manor	59.5	52.4	57.6	62
30	Oakdale Rd	Morrill Rd	Crawford Rd	59.0	51.9	57.1	62
31	Oakdale Rd	Crawford Road	Claribel Rd	60.6	53.5	58.7	63
32	Oakdale Rd	Claribel Rd	Mable Ave	60.5	53.4	58.6	63
33	Patterson Rd	Callandar	Railroad	58.0	50.9	56.1	61
34	Patterson Rd	Terminal Ave	8th St	56.9	49.8	55.0	60
35	Patterson Rd	Claus	Sneidger	55.3	48.2	53.4	58
36	Patterson Rd	Railroad	1st Street	60.2	53.0	58.2	63
37	Prestwick Dr	SR 108	Briarcliff Dr	48.0	40.9	46.1	51
38	River Cove Dr	Dunbar	Burneyville	N/A	N/A	N/A	N/A
39	Roselle Ave	Patterson	Ward	N/A	N/A	N/A	N/A
40	Roselle Ave	Glow Rd	Claribel Rd	57.8	50.7	55.9	60
41	Roselle Ave	Claribel	Plainview	57.1	49.9	55.1	60
42	S Santa Fe Rd.	Henry Rd	Myers Rd	59.2	52.1	57.3	62
43	Santa Fe St	8th St	Claus Rd	48.9	41.8	47.0	52
44	Santa Fe St	Claus Rd	Central Ave	47.5	40.3	45.5	50

**Appendix C-2**

**FHWA-RD-77-108 Highway Traffic Noise Prediction Model**

**Noise Contour Output**

Project #: 2005-510 Riverbank General Plan Update

Description: Existing Conditions

Ldn/CNEL: Ldn

Hard/Soft: Soft

Segment	Roadway Name	Segment Description		----- Distances to Traffic Noise Contours -----				
		From	To	75	70	65	60	55
25	Morrill Rd	Coffee Rd	Oakdale Rd	5	11	24	52	112
26	Morrill Rd	Oakdale Rd	Zellman Ct	9	19	41	88	190
27	Morrill Rd	Carnwood Dr	Roselle Ave	5	11	24	52	112
28	Oakdale Rd	SR 108	Karen Alane	7	14	31	66	142
29	Oakdale Rd	SR 108	Colony Manor	14	30	65	139	301
30	Oakdale Rd	Morrill Rd	Crawford Rd	13	28	60	129	278
31	Oakdale Rd	Crawford Road	Claribel Rd	16	36	77	165	355
32	Oakdale Rd	Claribel Rd	Mable Ave	16	35	75	161	348
33	Patterson Rd	Callandar	Railroad	11	24	51	111	238
34	Patterson Rd	Terminal Ave	8th St	9	20	43	93	201
35	Patterson Rd	Claus	Sneidger	7	16	34	73	158
36	Patterson Rd	Railroad	1st Street	15	33	71	154	331
37	Prestwick Dr	SR 108	Briarcliff Dr	2	5	11	24	51
38	River Cove Dr	Dunbar	Burneyville	N/A	N/A	N/A	N/A	N/A
39	Roselle Ave	Patterson	Ward	N/A	N/A	N/A	N/A	N/A
40	Roselle Ave	Glow Rd	Claribel Rd	11	23	50	107	231
41	Roselle Ave	Claribel	Plainview	10	21	44	96	206
42	S Santa Fe Rd.	Henry Rd	Myers Rd	13	29	62	133	287
43	Santa Fe St	8th St	Claus Rd	3	6	13	27	59
44	Santa Fe St	Claus Rd	Central Ave	2	5	10	22	47

**Appendix A-3**

**FHWA-RD-77-108 Highway Traffic Noise Prediction Model**

**Data Input Sheet**

Project #: 2005-510 Riverbank General Plan Update

Description: Existing Conditions

Ldn/CNEL: Ldn

Hard/Soft: Soft

Segment	Roadway Name	Segment Description		ADT	Day %	Eve %	Night %	% Med. Trucks	% Hvy. Trucks	Speed	Distance	Offset (dB)
		From	To									
45	SR 108	Coffee Rd	Hot Springs Ln	19,036	83		17	2	2	35	100	
46	SR 108	Hot Springs Ln	Oakdale Rod	21,000	83		17	2	2	35	100	
47	SR 108	Oakdale Road	Patterson Road	25,000	83		17	2	2	35	100	
48	SR 108	Patterson Road	1st Street	19,000	83		17	2	2	35	100	
49	SR 108	1st Street	5th Street	21,000	83		17	2	2	35	100	
50	SR 108	5th Street	Claus Road	20,500	83		17	2	2	35	100	
51	SR 108	Claus Road	Crane Road	15,500	83		17	2	2	35	100	
52	Terminal Ave	Patterson Rd	Iowa Ave	6,517	83		17	2	2	35	100	
53	Terminal Ave	Davis Ave	Claribel Rd	4,827	83		17	2	2	35	100	
54	Terminal Ave	Claribel Rd	Plainview Rd	3,872	83		17	2	2	35	100	
55	Terminal Ave	Reich Ln	Van Dusen Ave	4,850	83		17	2	2	35	100	
56	Topeka St	Jackson	SR 108	1,191	83		17	2	2	35	100	

### Appendix B-3

## FHWA-RD-77-108 Highway Traffic Noise Prediction Model Predicted Levels

Project #: 2005-510 Riverbank General Plan Update  
Description: Existing Conditions  
Ldn/CNEL: Ldn  
Hard/Soft: Soft

Segment	Roadway Name	Segment Description		Autos	Medium Trucks	Heavy Trucks	Total
		From	To				
45	SR 108	Coffee Rd	Hot Springs Ln	61.4	54.3	59.5	64
46	SR 108	Hot Springs Ln	Oakdale Rod	61.8	54.7	59.9	64
47	SR 108	Oakdale Road	Patterson Road	62.6	55.5	60.7	65
48	SR 108	Patterson Road	1st Street	61.4	54.3	59.5	64
49	SR 108	1st Street	5th Street	61.8	54.7	59.9	64
50	SR 108	5th Street	Claus Road	61.7	54.6	59.8	64
51	SR 108	Claus Road	Crane Road	60.5	53.4	58.6	63
52	Terminal Ave	Patterson Rd	Iowa Ave	56.8	49.6	54.8	59
53	Terminal Ave	Davis Ave	Claribel Rd	55.4	48.3	53.5	58
54	Terminal Ave	Claribel Rd	Plainview Rd	54.5	47.4	52.6	57
55	Terminal Ave	Reich Ln	Van Dusen Ave	55.5	48.3	53.5	58
56	Topeka St	Jackson	SR 108	49.4	42.2	47.4	52

**Appendix C-3**

**FHWA-RD-77-108 Highway Traffic Noise Prediction Model**

**Noise Contour Output**

Project #: 2005-510 Riverbank General Plan Update

Description: Existing Conditions

Ldn/CNEL: Ldn

Hard/Soft: Soft

Segment	Roadway Name	Segment Description		----- Distances to Traffic Noise Contours -----				
		From	To	75	70	65	60	55
45	SR 108	Coffee Rd	Hot Springs Ln	19	40	86	186	401
46	SR 108	Hot Springs Ln	Oakdale Rod	20	43	92	199	428
47	SR 108	Oakdale Road	Patterson Road	22	48	104	223	481
48	SR 108	Patterson Road	1st Street	19	40	86	186	400
49	SR 108	1st Street	5th Street	20	43	92	199	428
50	SR 108	5th Street	Claus Road	20	42	91	196	421
51	SR 108	Claus Road	Crane Road	16	35	75	162	350
52	Terminal Ave	Patterson Rd	Iowa Ave	9	20	42	91	196
53	Terminal Ave	Davis Ave	Claribel Rd	7	16	35	75	161
54	Terminal Ave	Claribel Rd	Plainview Rd	6	14	30	64	139
55	Terminal Ave	Reich Ln	Van Dusen Ave	7	16	35	75	161
56	Topeka St	Jackson	SR 108	3	6	14	29	63

**Appendix D-1**  
**Riverbank General Plan Update**  
**24hr Continuous Noise Monitoring - Site #1**  
**7/7/05 - 7/8/05**

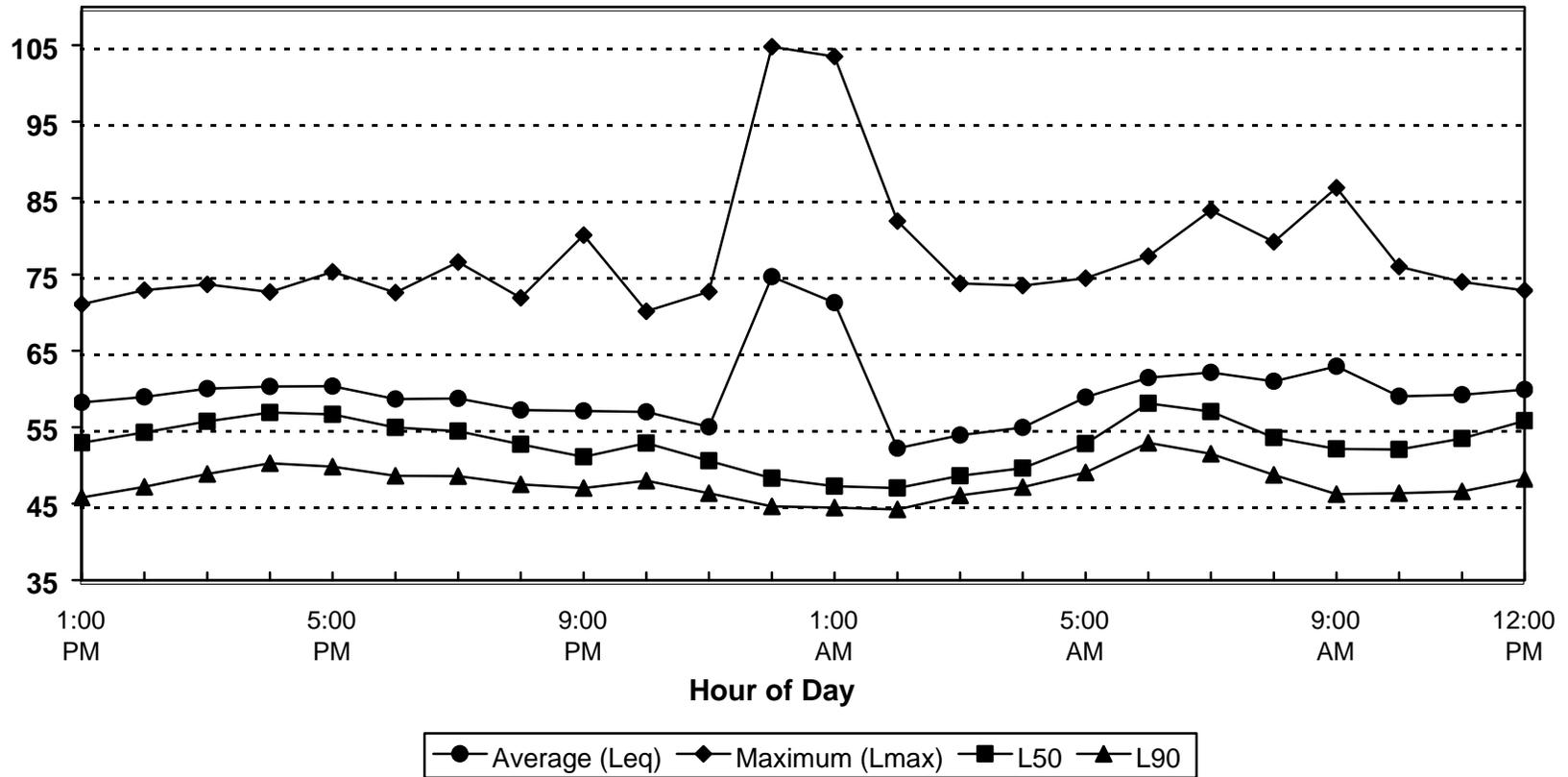
Hour	Leq	Lmax	L50	L90
13:00	58.3	71.1	53.0	45.8
14:00	59.0	72.9	54.4	47.2
15:00	60.0	73.7	55.8	48.9
16:00	60.4	72.7	56.9	50.3
17:00	60.4	75.4	56.7	49.8
18:00	58.7	72.6	55.0	48.7
19:00	58.8	76.6	54.5	48.6
20:00	57.3	71.9	52.8	47.5
21:00	57.1	80.2	51.1	47.0
22:00	57.0	70.2	52.9	48.0
23:00	55.1	72.7	50.6	46.4
0:00	74.7	104.8	48.3	44.6
1:00	71.3	103.5	47.3	44.5
2:00	52.3	82.0	47.0	44.2
3:00	54.0	73.8	48.7	46.1
4:00	55.0	73.5	49.6	47.2
5:00	59.0	74.5	52.9	49.1
6:00	61.5	77.4	58.1	53.0
7:00	62.2	83.4	57.0	51.5
8:00	61.0	79.3	53.6	48.8
9:00	63.0	86.3	52.2	46.3
10:00	59.1	76.0	52.1	46.4
11:00	59.3	74.0	53.5	46.6
12:00	59.9	72.9	55.9	48.2

Statistical Summary						
	Daytime (7 a.m. - 10 p.m.)			Nighttime (10 p.m. - 7 a.m.)		
	High	Low	Average	High	Low	Average
Leq (Average)	63.0	57.1	59.9	74.7	52.3	67.2
Lmax (Maximum)	86.3	71.1	75.9	104.8	70.2	81.4
L50 (Median)	57.0	51.1	54.3	58.1	47.0	50.6
L90 (Background)	51.5	45.8	48.1	53.0	44.2	47.0

Computed Ldn, dB	73.0
% Daytime Energy	24%
% Nighttime Energy	76%

**Figure 7**  
**Riverbank General Plan Update**  
**24hr Continuous Noise Monitoring - Site #1**  
**7/7/05 - 7/8/05**

Sound Level, dBA



**Ldn: 73 dB**

**Appendix D-2**  
**Riverbank General Plan Update**  
**24hr Continuous Noise Monitoring - Site #2**  
**7/7/05 - 7/8/05**

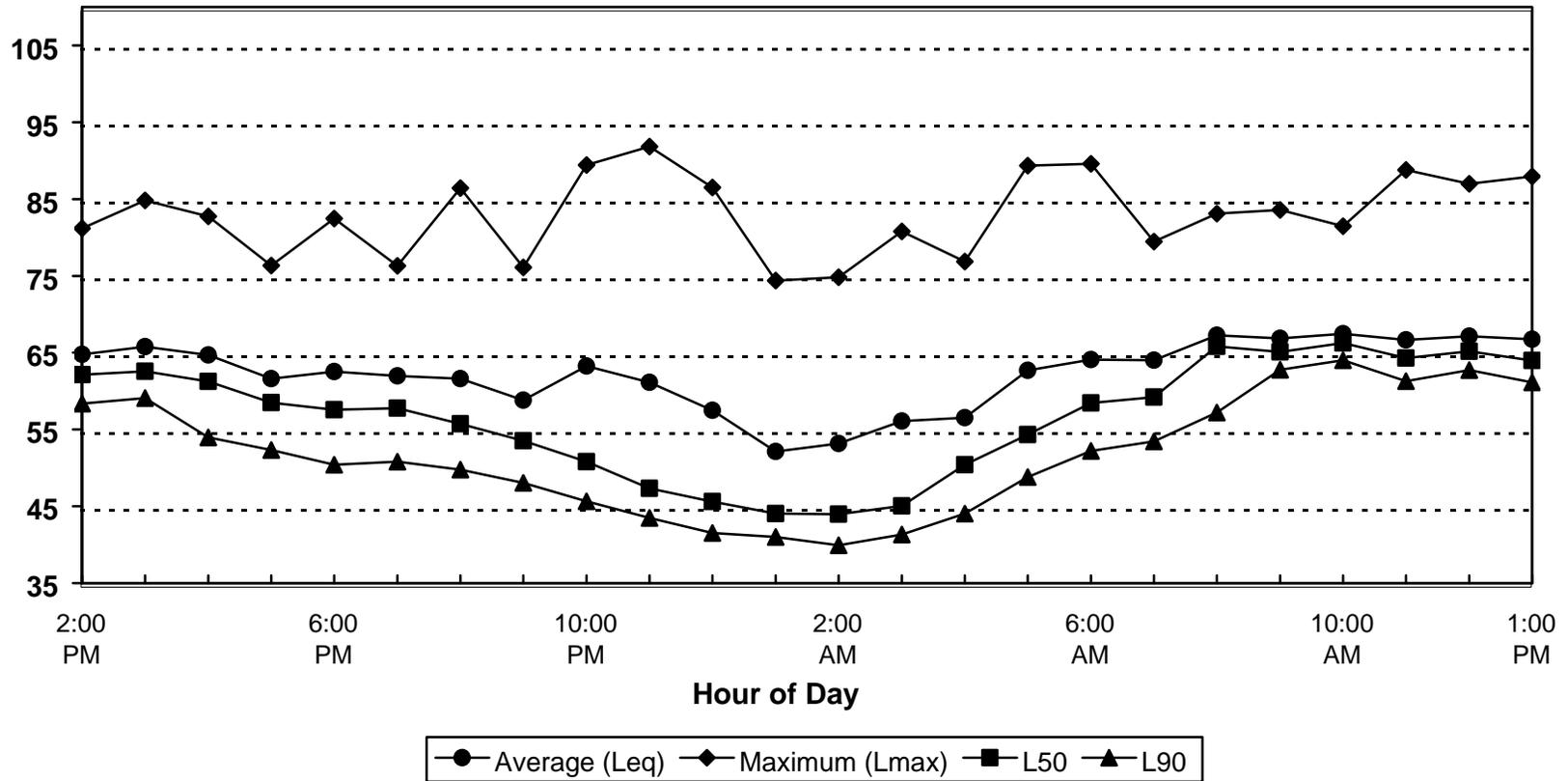
Hour	Leq	Lmax	L50	L90
14:00	64.8	81.2	62.1	58.4
15:00	65.8	84.8	62.6	59.1
16:00	64.7	82.7	61.3	54.0
17:00	61.6	76.3	58.5	52.3
18:00	62.5	82.5	57.6	50.4
19:00	62.0	76.3	57.8	50.8
20:00	61.6	86.4	55.8	49.8
21:00	58.8	76.1	53.5	48.0
22:00	63.3	89.4	50.8	45.6
23:00	61.2	91.9	47.3	43.5
0:00	57.5	86.5	45.6	41.5
1:00	52.1	74.4	44.1	41.0
2:00	53.2	74.8	44.0	39.9
3:00	56.1	80.8	45.0	41.3
4:00	56.5	76.9	50.4	44.0
5:00	62.7	89.4	54.3	48.8
6:00	64.1	89.6	58.5	52.2
7:00	64.0	79.5	59.2	53.5
8:00	67.3	83.1	65.8	57.2
9:00	66.9	83.6	65.1	62.8
10:00	67.4	81.5	66.3	64.0
11:00	66.7	88.8	64.3	61.3
12:00	67.2	87.0	65.2	62.7
13:00	66.7	88.0	64.0	61.1

Statistical Summary						
	Daytime (7 a.m. - 10 p.m.)			Nighttime (10 p.m. - 7 a.m.)		
	High	Low	Average	High	Low	Average
Leq (Average)	67.4	58.8	65.2	64.1	52.1	60.3
Lmax (Maximum)	88.8	76.1	82.5	91.9	74.4	83.7
L50 (Median)	66.3	53.5	61.3	58.5	44.0	48.9
L90 (Background)	64.0	48.0	56.4	52.2	39.9	44.2

Computed Ldn, dB	67.8
% Daytime Energy	84%
% Nighttime Energy	16%

**Figure 8**  
**Riverbank General Plan Update**  
**24hr Continuous Noise Monitoring - Site #2**  
**7/7/05 - 7/8/05**

Sound Level, dBA



Ldn: 68 dB

**Appendix C-1**

**FHWA-RD-77-108 Highway Traffic Noise Prediction Model**

**Predicted Levels**

Project #: 6268286.07  
 Description: Riverbank GP  
 Ldn/CNEL: Ldn  
 Hard/Soft: Soft

Segment	Roadway Name	Segment Description	Autos	Medium Trucks	Heavy Trucks	Total
1	SR 108	McHenry Avenue	71.2	61.5	61.6	72
2	New Collector	SR 108	55.0	46.6	47.3	56
3	New Collector	Morrill Road	53.6	45.1	45.9	55
4	SR 108	New Collector	71.0	61.3	61.4	72
5	Morrill Road	New Collector	56.6	48.2	48.9	58
6	Crawford Rd	New Collector	53.6	45.1	45.9	55
7	Claribel Rd	McHenry Avenue	73.6	63.9	64.0	74
8	Coffee Rd	New Collector	68.4	58.7	58.8	69
9	Coffee Rd	SR 108	70.4	60.7	60.8	71
10	Coffee Rd	Morrill Road	69.7	60.0	60.1	71
11	Coffee Road	Crawford Road	69.9	60.2	60.3	71
12	Coffee Rd	SR 108	66.5	56.8	56.9	67
13	SR 108	Coffee Road	69.4	59.7	59.8	70
14	Morrill Road	Coffee Road	65.6	57.2	57.9	67
15	Crawford Road	Coffee Road	53.6	45.1	45.9	55
16	New EW Collector	Coffee Road	61.2	52.8	53.5	62
17	Claribel Rd	Coffee Road	72.7	63.0	63.1	74
18	New NS Collector	SR 108	58.9	50.5	51.2	60
19	NS Collector	SR 108	61.1	52.7	53.4	62
20	NS Collector	Morrill Road	53.6	45.1	45.9	55
21	NS Collector	Morrill Road	57.9	49.5	50.2	59
22	SR 108	Hot Springs Lane	68.3	58.6	58.7	69
23	Morrill Road	NS Collector	66.4	58.0	58.7	68
24	Crawford Rd	NS Collector	63.6	53.9	54.0	64
25	EW Collector	NS Collector	63.3	54.9	55.6	65
26	Claribel Rd	Commercial Access	73.1	63.4	63.6	74
27	Oakdale Road	Karen Ahlen	62.7	54.3	55.0	64
28	Oakdale Road	SR 108	69.7	60.0	60.1	71
29	Oakdale Road	Colony Manor	70.3	60.6	60.7	71

30	Oakdale Road	Morrill Road	71.0	61.3	61.4	72
31	Oakdale Rd	Crawford Road	71.0	61.3	61.4	72
32	Oakdale Road	Retail Access	71.1	61.4	61.5	72
33	Oakdale Rd	Claribel Road	71.6	61.9	62.0	72
34	SR 108	Oakdale Road	70.5	60.8	60.9	71
35	Morrill Road	Oakdale Road	61.6	53.2	53.9	63
36	Crawford Road	Oakdale Road	61.8	53.4	54.1	63
37	Claribel Rd	Oakdale Road	73.3	63.6	63.7	74
38	Estelle Avenue	SR 108	56.6	48.2	48.9	58
39	Squire Wells Way	0	60.5	52.1	52.9	62
40	Jackson Ave	Ross Avenue	56.6	48.2	48.9	58
41	Jackson Ave	SR 108	55.3	46.9	47.6	57
42	Topeka Ave	Jackson Avenue	57.2	48.8	49.5	58
43	SR 108	Jackson Avenue	70.6	60.9	61.0	71
44	SR 108 – Callander	Patterson Road	67.8	58.2	58.3	69
45	SR 108 – Atkinson	Prestwick Drive	68.2	58.5	58.6	69
46	Patterson Road	Callander	67.6	57.9	58.0	68
47	Roselle Ave	Patterson Road	37.1	27.4	27.5	38
48	Morrill Rd	Carnwood Drive	60.7	52.3	53.0	62
49	Crawford Road	Prospector Pkwy	61.2	52.8	53.5	62
50	Roselle Ave	Glow Road	67.7	58.0	58.1	69
51	Claribel Rd	Squire Wells Way	73.0	63.3	63.4	74
52	Roselle Ave	Claribel Road	68.8	59.1	59.2	70
53	Claribel Road	Roselle Avenue	73.4	63.7	63.8	74
54	Sante Fe Rd	Henry Road	68.0	58.3	58.4	69
55	1st Street	High Street	66.0	56.3	56.4	67
56	1st Street	SR 108	64.1	54.4	54.5	65
57	1st Street	Topeka Street	66.0	56.3	56.4	67

58	Patterson Rd	Roselle Avenue	70.0	60.4	60.5	71
59	SR 108	1st Street	68.1	58.4	58.5	69
60	SR 108	5th Street	67.9	58.2	58.3	69
61	Patterson Road	1st Street	68.6	58.9	59.0	69
62	Terminal Ave	Paterson Road	60.5	52.1	52.9	62
63	Terminal Ave	Reich Lane	61.8	53.3	54.1	63
64	Terminal Ave	Davis Avenue	64.1	55.7	56.4	65
65	Terminal Ave	Claribel Avenue	62.7	54.3	55.0	64
66	Patterson Road	Terminal Avenue	67.2	57.6	57.7	68
67	California St	Terminal Avenue	57.5	49.1	49.8	59
68	Kentucky Ave	Terminal Avenue	57.5	49.1	49.8	59
69	Claribel Ave	Terminal Avenue	72.8	63.1	63.2	74
70	Sante Fe Street	8th Street	53.6	45.1	45.9	55
71	Claus Road	Patterson Road	69.7	60.0	60.1	71
72	Claus Road	Patterson Road	70.5	60.8	60.9	71
73	Claus Road	Davis Road	71.1	61.4	61.5	72
74	Claus Road	Claribel Road	70.0	60.3	60.4	71
75	SR 108	Claus Road	68.9	59.2	59.3	70
76	Sante Fe Street	Claus Road	57.5	49.1	49.8	59
77	Patterson Road	Claus Road	69.1	59.4	59.5	70
78	California Ave	Claus Road	55.6	47.2	47.9	57
79	Kentucky Ave	Claus Road	57.1	48.7	49.4	58
80	Claribel Road	Claus Road	71.0	61.3	61.4	72
81	Mesa Drive	SR 108	54.0	45.6	46.3	55
82	Snediger Road	SR 108	59.0	50.6	51.3	60
83	Snediger Road	Patterson Road	55.3	46.9	47.6	57
84	SR 108	Snediger Rd	68.4	58.7	58.8	69
85	Eleanor Ave	SR 108	54.0	45.6	46.3	55
86	Eleanor Ave	Patterson Road	58.3	49.9	50.6	60
87	Eleanor Ave	Kentucky Ave	62.3	53.8	54.6	63

**Appendix D-1**  
**FHWA-RD-77-108 Highway Traffic Noise Prediction Model**  
**Noise Contour Output**

Project #: 6268286.07  
Description: Riverbank GP  
Ldn/CNEL: Ldn  
Hard/Soft: Soft

Segment	Roadway Name	Segment Description	----- Distances to Traffic Noise Contours -----				
			75	70	65	60	55
1	SR 108	McHenry Avenue	32	69	148	318	686
2	New Collector	SR 108	3	6	13	28	60
3	New Collector	Morrill Road	2	5	10	22	48
4	SR 108	New Collector	31	67	143	309	665
5	Morrill Road	New Collector	4	8	16	35	76
6	Crawford Rd	New Collector	2	5	10	22	48
7	Claribel Rd	McHenry Avenue	46	98	212	456	983
8	Coffee Rd	New Collector	21	44	96	206	444
9	Coffee Rd	SR 108	28	61	131	283	609
10	Coffee Rd	Morrill Road	25	54	117	252	544
11	Coffee Road	Crawford Road	26	56	121	260	561
12	Coffee Rd	SR 108	16	33	72	155	334
13	SR 108	Coffee Road	24	52	112	242	522
14	Morrill Road	Coffee Road	14	31	66	142	305
15	Crawford Road	Coffee Road	2	5	10	22	48
16	New EW Collector	Coffee Road	7	16	33	72	155
17	Claribel Rd	Coffee Road	40	86	185	398	858
18	New NS Collector	SR 108	5	11	23	50	109
19	NS Collector	SR 108	7	15	33	71	153
20	NS Collector	Morrill Road	2	5	10	22	48
21	NS Collector	Morrill Road	4	9	20	43	93
22	SR 108	Hot Springs Lane	20	44	95	205	442
23	Morrill Road	NS Collector	16	35	75	161	347
24	Crawford Rd	NS Collector	10	21	46	99	213
25	EW Collector	NS Collector	10	22	46	100	216
26	Claribel Rd	Commercial Access	43	92	199	428	923
27	Oakdale Road	Karen Ahlen	9	20	42	91	196
28	Oakdale Road	SR 108	25	54	117	252	542
29	Oakdale Road	Colony Manor	28	59	128	275	593

30	Oakdale Road	Morrill Road	31	67	143	309	665
31	Oakdale Rd	Crawford Road	31	66	143	307	662
32	Oakdale Road	Retail Access	31	68	146	314	676
33	Oakdale Rd	Claribel Road	34	73	157	338	727
34	SR 108	Oakdale Road	28	61	132	284	612
35	Morrill Road	Oakdale Road	8	17	36	77	166
36	Crawford Road	Oakdale Road	8	17	37	79	171
37	Claribel Rd	Oakdale Road	44	94	203	437	942
38	Estelle Avenue	SR 108	4	8	16	35	76
39	Squire Wells Way	0	7	14	30	65	141
40	Jackson Ave	Ross Avenue	4	8	16	35	76
41	Jackson Ave	SR 108	3	6	14	29	63
42	Topeka Ave	Jackson Avenue	4	8	18	39	84
43	SR 108	Jackson Avenue	29	62	134	289	623
44	SR 108 – Callander	Patterson Road	19	41	88	190	409
45	SR 108 – Atkinson	Prestwick Drive	20	43	93	201	432
46	Patterson Road	Callander	18	39	84	182	392
47	Roselle Ave	Patterson Road	0	0	1	2	4
48	Morrill Rd	Carnwood Drive	7	14	31	67	144
49	Crawford Road	Prospector Pkwy	7	16	33	72	155
50	Roselle Ave	Glow Road	18	40	86	185	398
51	Claribel Rd	Squire Wells Way	42	90	194	419	902
52	Roselle Ave	Claribel Road	22	48	103	221	476
53	Claribel Road	Roselle Avenue	45	96	208	448	965
54	Sante Fe Rd	Henry Road	19	42	90	194	419
55	1st Street	High Street	14	31	66	143	308
56	1st Street	SR 108	11	23	50	107	232
57	1st Street	Topeka Street	14	31	67	144	310

58	Patterson Rd	Roselle Avenue	27	57	124	266	574
59	SR 108	1st Street	20	42	91	197	425
60	SR 108	5th Street	19	41	89	191	411
61	Patterson Road	1st Street	21	46	100	214	462
62	Terminal Ave	Paterson Road	7	14	30	65	141
63	Terminal Ave	Reich Lane	8	17	36	79	169
64	Terminal Ave	Davis Avenue	11	24	52	112	242
65	Terminal Ave	Claribel Avenue	9	19	42	90	195
66	Patterson Road	Terminal Avenue	17	37	81	173	374
67	California St	Terminal Avenue	4	9	19	41	89
68	Kentucky Ave	Terminal Avenue	4	9	19	41	89
69	Claribel Ave	Terminal Avenue	40	87	188	404	871
70	Sante Fe Street	8th Street	2	5	10	22	48
71	Claus Road	Patterson Road	25	54	117	252	542
72	Claus Road	Patterson Road	29	62	133	286	617
73	Claus Road	Davis Road	31	68	146	314	676
74	Claus Road	Claribel Road	26	57	122	264	568
75	SR 108	Claus Road	22	48	104	224	483
76	Sante Fe Street	Claus Road	4	9	19	41	89
77	Patterson Road	Claus Road	23	50	107	231	498
78	California Ave	Claus Road	3	7	14	31	66
79	Kentucky Ave	Claus Road	4	8	18	38	83
80	Claribel Road	Claus Road	31	67	144	310	668
81	Mesa Drive	SR 108	2	5	11	24	51
82	Snediger Road	SR 108	5	11	24	51	111
83	Snediger Road	Patterson Road	3	6	14	29	63
84	SR 108	Snediger Rd	21	45	96	208	447
85	Eleanor Ave	SR 108	2	5	11	24	51
86	Eleanor Ave	Patterson Road	5	10	22	46	100
87	Eleanor Ave	Kentucky Ave	8	18	39	85	183

## **APPENDIX D**

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Notice of Preparation and Responses to the Notice of Preparation

Notice of Preparation  
City of Riverbank General Plan Update  
Draft Program Environmental Impact Report

**Date: September 8, 2006**

**To:** Organizations and Interested Persons

**Lead Agency**

City of Riverbank  
Community Development Department  
J.D. Hightower - Director  
6707 Third St.  
Riverbank, CA 95367  
Phone: (209) 863-7120  
E-mail: [jdhightower@riverbank.org](mailto:jdhightower@riverbank.org)

The City of Riverbank (“the City”) will serve as Lead Agency in the preparation of an environmental impact report addressing the project identified below. The City requires your agency’s assistance in identifying the scope and content of the environmental information relevant to your agency’s statutory responsibilities in connection with the proposed project. Your agency may need to use the EIR prepared by the City when considering your permit or other approval for the project.

The project description, location, and the potential environmental effects are contained in the attached materials. An Initial Study will not be prepared. Instead, this Notice of Preparation (NOP), has been prepared to provide important information about the project and its probable environmental impacts.

**Submitting Comments**

Although responses to this NOP are required within 30 days, the City has elected to allow substantially more time for any comments on the scope and content of this EIR. The City will receive such comments until 5:00 p.m., November 30, 2006.

Please send your response via U.S. Mail, FAX, or e-mail to J.D. Hightower, using the contact information displayed above. We will need the name for a contact person in your agency, should the City require clarification of the comments provided.

## **I. Overview of Planning and Environmental Review Processes**

The City of Riverbank (the City), as the Lead Agency under the California Environmental Quality Act (CEQA), has determined that it will prepare a Program Environmental Impact Report (EIR ) for the Riverbank General Plan Update project described below. The City will prepare the EIR in accordance with CEQA, implementing guidelines (Guidelines), and City procedures.

The City commenced its General Plan Update process in 2005. Throughout the process, the City has sought the input of citizens and relevant public agencies to identify important issues, propose solutions, and create a vision for the future of the City. Stakeholder outreach involved property owners, interested land development groups, elected and appointed officials, community groups and organizations, community leaders; government agencies, neighborhood and business associations, and other interested parties. The issues identified during this outreach included environmental topics that will be addressed in the Program EIR.

After completion of the initial citizen and stakeholder outreach and compilation of General Plan background information, City staff and consultants summarized the consensus viewpoints in a General Plan Vision and Guiding Principles document, which was officially adopted by the Planning Commission on July 18th, 2006.<sup>1</sup> The Vision and Guiding Principles were used to draft several conceptual alternatives, which represent different paths to achieving the community's vision. The land use and circulation alternatives were based on different potential scenarios and varying citizen and stakeholder input concerning how the City should change and grow.<sup>2</sup> The alternatives were reviewed by the public, City Council, and Planning Commission, with the preferred alternative chosen by the City Council and Planning Commission in July and August of 2006. The City is now in the process of writing the General Plan Policy Document, and scoping and preparing a Program EIR to analyze the impacts of the updated General Plan.

The California Environmental Quality Act (CEQA) recognizes the authority of the local general planning process in several areas, and the environmental review process is also an integral part of the local development review and decision making process. As a “project”, the general plan adoption process is subject to CEQA review. As a policy document, the general plan provides guidance and sets standards for several areas of mandatory environmental review for other “projects” undertaken by local governments and the private sector.

The City of Riverbank will require an Environmental Impact Report (EIR) to be prepared in compliance with the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) The EIR will analyze potentially significant impacts to resources in and around the project area. The project area for the purposes of this EIR will be the General Plan Planning Area, as defined by the extent of planned land uses

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<sup>1</sup> Please click on “General Plan Vision and Guiding Principles” at [www.riverbank.org/departments/community\\_development/Gen\\_plan.html](http://www.riverbank.org/departments/community_development/Gen_plan.html) for more information.

<sup>2</sup> Please click on “Conceptual Alternatives” at [www.riverbank.org/departments/community\\_development/Gen\\_plan.html](http://www.riverbank.org/departments/community_development/Gen_plan.html) for more information.

within and surrounding the City limits. The General Plan will include a Land Use Diagram, which will present a refined version of planned land uses. For the purposes of this NOP, the Preferred Alternative Land Use and Circulation Diagram defines the extent of the project area.

Pursuant to section 15063, subdivision (a), of the CEQA Guidelines, no “Initial Study” has been prepared for the proposed project. Rather, it is anticipated that the EIR will evaluate the full range of environmental issues contemplated for consideration under CEQA and the CEQA Guidelines, including:

- A. Aesthetics
- B. Agriculture
- C. Air Quality
- D. Biological Resources
- E. Cultural Resources
- F. Energy Conservation
- G. Geology, Soils, and Mineral Resources
- H. Hazards and Hazardous Materials
- I. Hydrology and Water Quality
- J. Land Use/Planning
- K. Noise
- L. Population and Housing
- M. Public Services, including Recreation
- N. Transportation/Traffic
- O. Utilities

## **II. Project Title**

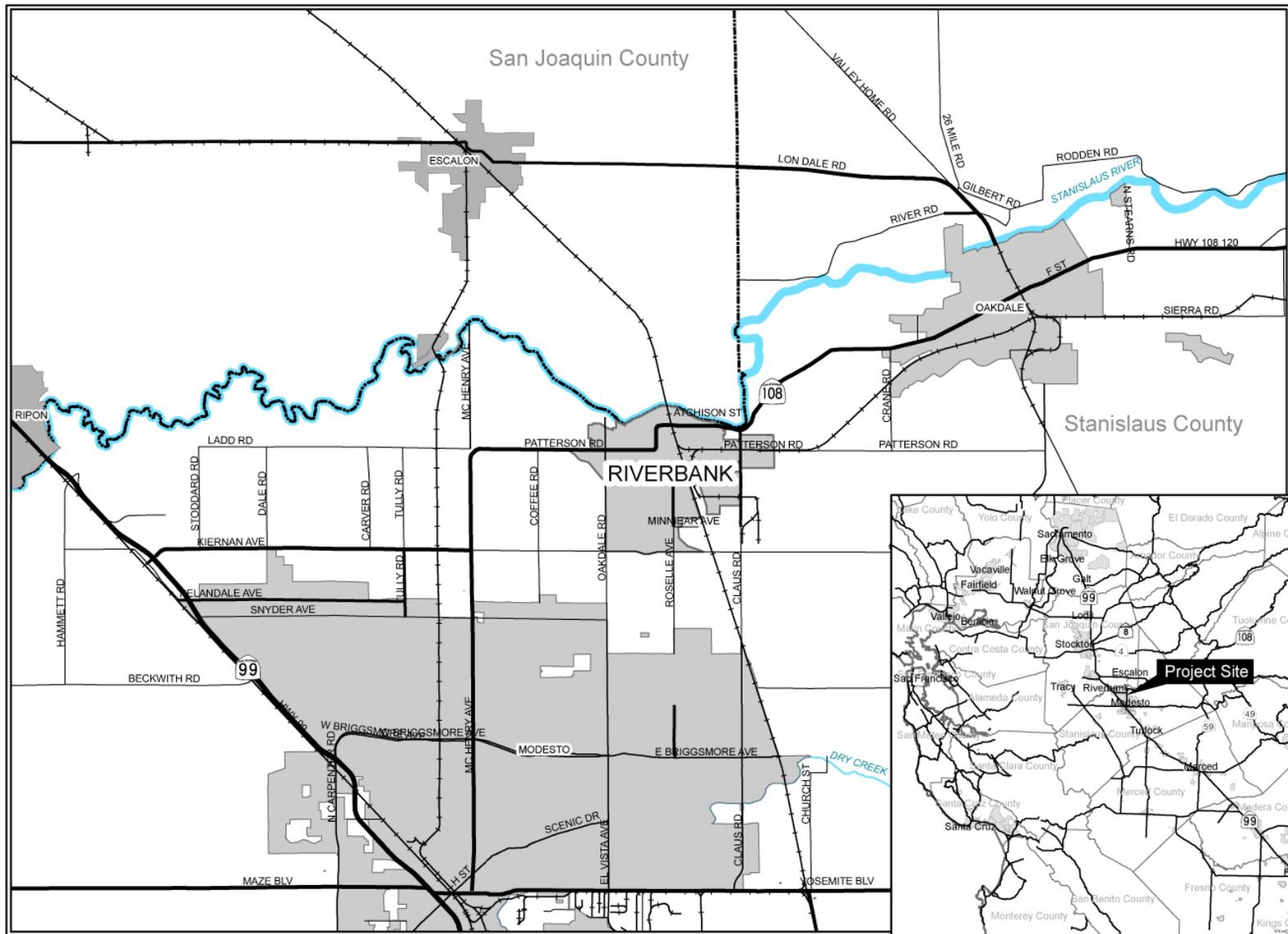
### **Riverbank General Plan Update**

## **III. Project Location and Setting**

The Riverbank General Plan Planning Area (Planning Area) includes all areas within the City’s current jurisdictional limits plus areas within the City’s current Sphere of Influence (SOI) and areas surrounding the SOI (**Exhibit 1, Local and Regional Vicinity**).

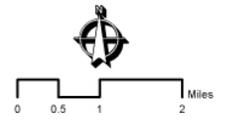
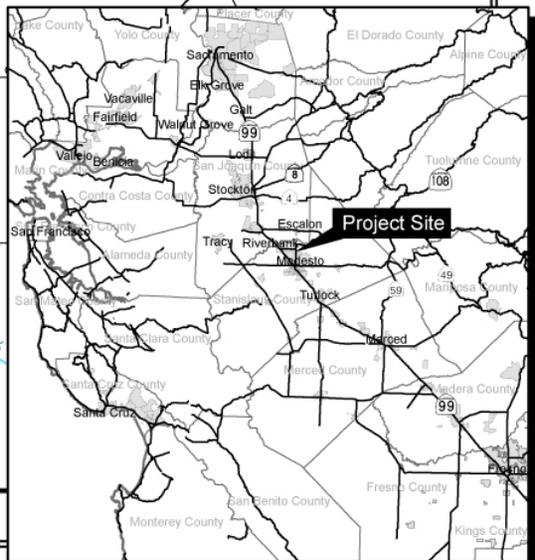
Riverbank is located just north of Modesto along the southern bank of the Stanislaus River in Stanislaus County. Riverbank is in northern portion of the San Joaquin Valley, which centers geographically on the San Joaquin River. The San Joaquin River flows from south to north and into the Sacramento River east of San Pablo Bay. East of Riverbank and the rest of the valley are the Sierra Nevada foothills and mountains.

### Exhibit 1 – Local and Regional Vicinity



### Local and Regional Vicinity

- Legend**
- County Boundaries
  - Cities
  - Water Features



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 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. East of Riverbank, the Stanislaus County line extends northward beyond the Stanislaus River. The Stanislaus River is one of multiple rivers in the valley that flow west from the Sierra Nevada into the San Joaquin River.

Downtown Riverbank lies approximately seven miles north-northeast of downtown Modesto, the seat of Stanislaus County government. Riverbank's City Limits and Sphere of Influence are directly adjacent to Modesto in certain areas along Claribel Road. The next closest major city to Riverbank is Stockton, which is approximately 25 miles northwest of Riverbank. Other cities near Riverbank include Escalon, Oakdale, Ripon, and Waterford.

The two major vehicular transportation corridors in the San Joaquin Valley are Interstate 5 (I-5) and State Route 99 (SR 99), both of which run north and south through the length of the valley. I-5 is located approximately 20 miles west of Riverbank. SR 99 is located approximately nine miles west of Riverbank. The main highway linking this section of the San Joaquin Valley to the Bay Area is Interstate 580 (I-580). I-580 starts at I-5, just south of Tracy, and crosses the Altamont Pass into the Bay Area. There are many smaller east-west highways in the San Joaquin Valley, including SR 108 and SR 120, both of which pass through the Riverbank vicinity. SR 108 begins in Modesto and extends north and east through Riverbank and Oakdale, then east into the Sierra Nevada mountains. SR 120 extends west from Yosemite National Park, aligning with SR 108 through the foothills and into Oakdale. SR 120 then turns west from Oakdale and continues through Escalon, Manteca, and Lathrop to I-5.

The Planning Area consists of the city of Riverbank, unincorporated areas west and east of the City, and Jacob Myers Park. Jacob Myers Park is located across the Stanislaus River in San Joaquin County (the park is not in the City limits as it is in another county, but it is owned and operated by the City).

The Burlington Northern Santa Fe Railroad (BNSFRR) runs north and south through the center of the City, and SR 108 runs east and west through the City. Just east of the BNSFRR and south of the river is downtown Riverbank.

Predominately pre-World War II residential neighborhoods with gridded street patterns are east, south, and west of downtown, and in the small area between downtown and the river. Predominately post-World War II residential neighborhoods lie west and south of these areas, and northwest of downtown in the River Cove area. Much of the newest residential development in the City is in the southwest section of the city in the area known as Crossroads. Industrial development is concentrated along the railroad corridor.

Commercial development is concentrated downtown and along SR 108, but there are large new businesses that have been developed and/or are being developed in the Crossroads area at the southwest corner of the city. Parks, schools, and other public and institutional uses are distributed throughout Riverbank. The Planning Area outside of the incorporated City limits mainly consists of agricultural and rural residential uses with scattered commercial, industrial, and other uses, similar to much of rural Stanislaus County. Within the Planning Area, but outside of the City limits, is the Sphere of Influence, which consists of two separate areas. One centers on the BNSFRR and Claus Road, to the south and east of the current City limits. The other area is east of the City limits and is bounded by the City limits, Mesa Drive, Eleanor Avenue, and Kentucky Avenue.

Much of the woodland and riparian habitat in the Riverbank area is located in the Stanislaus River corridor. Agricultural fields, orchards, and grassland habitats comprise much of the rest of the non-urban environment in the Riverbank vicinity.

Major east-west streets in Riverbank include Atchison Street (which is SR 108 in the eastern portion of the City), Patterson Road (which is SR 108 in the western portion of the City), Kentucky Avenue, Morrill Road, Crawford Road, and Claribel Road. Major north-south streets include Oakdale Road, Roselle Avenue, Terminal Avenue, First Street, Claus Road, and Callander Avenue (a short section of SR 108).

Riverbank is a relatively fast growing community. It had a population of 8,547 in 1990, 15,826 in 2000, and 21,215 in 2006.

Manufacturing is an important part of economic activity in Riverbank. The City is mainly surrounded by agricultural operations. However, since 1990, Riverbank's labor force has shifted towards service/retail industries and away from manufacturing and agriculture. Riverbank had 2,980 jobs as of 2002, a 76 percent increase from 1994. Over 2,000 of these jobs are in retail trade/food service, manufacturing, and administrative support (headquarters). The largest employment establishment in Riverbank is the MCI Call Center, which employs approximately 500 workers. The next largest businesses are Silgan Containers with 245 workers and California Fruit & Tomato Kitchen with 150 workers.

There are multiple important public facilities in Riverbank serving the local community. These include the Riverbank Unified School District schools: Rio Altura Elementary, California Avenue Elementary, Cardozo Middle, and Riverbank High. Crossroads Elementary School, which is part of the Sylvan Union School District, and which is scheduled to open in 2007, is located in the Crossroads Specific Plan area in the southwestern portion of the City. Riverbank City Hall, Riverbank Library, the Stanislaus Consolidated Fire Protection District station, and Riverbank Police Services (operated by the Stanislaus County Sheriff's Department) are all important public facilities located downtown. Another fire station is planned to open in the Crossroads area in 2007.

Multiple parks serve Riverbank residents, the largest of which is Jacob Myers Park. Water, sewer, storm drain, electric, natural gas, and communication lines all crisscross the City and connect local residents with these services.

### **III. Responsible Agencies**

The General Plan Program EIR may be reviewed and potentially used by certain other agencies, some of which are identified below. Development projects proposed after the adoption of the General Plan would be subject to further CEQA analysis, documentation which may be used by a different and potentially more extensive list of other public agencies.

**Stanislaus County.** The County of Stanislaus generally operates under the same rules and standards as the City of Riverbank with respect to land use planning and development review authority. The land use and development standards of lands located outside the City boundaries are subject to the rules and regulations of Stanislaus County. When these lands are located within the City's Sphere of Influence but outside the City's corporate boundaries, development projects pursued at the County level are referred to the City for review and comment. The Stanislaus County General Plan governs all unincorporated lands in the County, including lands in the Riverbank planning area outside the Riverbank city limits. The current County designations for these lands include Urban Transition, Agricultural, and Industrial.

**Stanislaus Local Agency Formation Commission (LAFCO).** LAFCOs are responsible for:

- Coordinating logical and timely changes in local government boundaries (annexations),
- Conducting special studies which review ways to reorganize and streamline governmental structure, and
- Preparing "Spheres of Influence" or ultimate growth boundaries for each city and special district in each county, among other responsibilities.

Following adoption of the updated General Plan, Riverbank will prepare material for LAFCO to consider expansion of its Sphere of Influence. Preliminarily, the area to be covered in such a Sphere of Influence request is shown on **Exhibit 2, Preferred Alternative**. This is subject to change as the General Plan and EIR are prepared.

**Stanislaus County Council of Governments (STANCOG).** The Stanislaus County Council of Governments is comprised of representatives of the County of Stanislaus and the cities within Stanislaus County, with broad-based participation from a variety of public agencies and organizations throughout the County and the region. The primary responsibility of StanCOG is to administer the regional transportation planning efforts in the County, potentially including transportation improvements to be identified as a part of the General Plan update. StanCOG also has responsibility for administering the Regional Housing Allocation process, as required by State law, and serves as an information clearinghouse for local governments in Stanislaus County.

**San Joaquin Valley Air Pollution Control District (SJVAPCD).** Riverbank is located within the San Joaquin Valley Air Basin. The SJVAPCD regulates air quality in the San Joaquin Valley Air Basin. SJVAPCD is an independent regional agency that receives

funding from the State of California and the participating cities and counties. It operates under State laws and locally adopted rules. The SJVAPCD publishes Air Quality Guidelines for General Plans. This document was last revised in June 2005. The purposes of this document, according to the document, are the following:

- To provide local planning agencies with a comprehensive set of goals and policies that will improve air quality if adopted in a general plan.
- To provide a guide to cities and counties for determining which goals and policies are appropriate in their particular community.
- To provide justification and rationale for the goals and policies that will convince decision makers and the public that they are appropriate and necessary.

#### **IV. Project Description**

The project analyzed in this EIR will be the updated Draft Riverbank General Plan. The General Plan is Riverbank's "blueprint" for future land use change and development. It outlines the goals and policies upon which the City Council and Planning Commission will base their land use decisions. The General Plan has an emphasis on the long-term, in this case, a 20-year planning horizon. This document identifies the types of development that will be allowed, the spatial relationships among land uses, and the general pattern of future development. All proposed private development projects, public works projects, and zoning decisions must be consistent with the General Plan. Any specific plan adopted by the City must be consistent with the General Plan.

State law requires that the General Plan address seven topics: land use, circulation, housing, conservation, open-space, noise, and safety (Government Code Sections 65300 et seq.). These topics can be addressed in individual elements (chapters), or organized and addressed in a different way at the discretion of the jurisdiction. Jurisdictions are also free to adopt additional elements covering subjects of particular interest to that jurisdiction. Riverbank's General Plan will cover mandatory topics and additional topics deemed important to City decision makers.

The General Plan update will contain written text discussing the community's goals, objectives, policies, and programs and diagrams illustrating the location of existing and future land uses. The text of the Draft General Plan update and the illustrative diagrams are in preparation currently being prepared. To inform all public agencies and all other interested parties, this NOP includes the General Plan Preferred Alternative Conceptual Diagram (**Exhibit 2, Preferred Alternative**). This diagram is conceptual – the precise location of different land uses and circulation features will be refined as the General Plan is developed. However, the Land Use Diagram for the General Plan and therefore analyzed in the EIR will reflect the general amounts and spatial relationships between land uses as shown on **Exhibit 2**. Refinements that are made to the land use and circulation diagrams and the text of the General Plan will implement the City's Vision Statement and Guiding Principles, as provided below:



## **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.

### **Guiding Principles**

**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.

## Riverbank General Plan Preferred Alternative

The Preferred Alternative, which will be refined as a part of the General Plan, includes the following generalized land use types arranged as presented in **Exhibit 2, Preferred Alternative**):

- **Agricultural Resource Conservation Area.** This would include ongoing agricultural operations and land uses compatible with ongoing agricultural operations. Equestrian uses, groundwater recharge areas, public infrastructure, farmer's market stands, agriculture related land uses, and secondary uses on agricultural properties would be anticipated.
- **Schools/Civic.** This category includes schools, places of worship, public facilities and infrastructure, community halls, and similar cultural and civic land uses.
- **Parks.** This category includes active and passive parkland of all types, including community and regional parks, neighborhood parks, public plazas, town squares, pocket parks, tot lots, parkways, linear parks, and other configurations.
- **Commercial/Retail/Residential Mixed-Use.** This is a catch-all category that would include retail development of all types, professional offices, commercial services, and residential development above or adjacent to commercial operations in a mixed-use setting. This conceptual document does not attempt to predict what portion of this mixed-use category would be residential, as opposed to non-residential.
- **Industrial/Business Park.** This involves the development of manufacturing uses, including potentially both wet and dry industry (subject to further infrastructure studies), as well as office park development to accommodate a variety of commercial enterprises. Office parks could accommodate professional businesses of all types, research and development, logistics services, and other uses.
- **Clustered Rural Residential.** This area provides the opportunity to preserve usable open space, and even ongoing agricultural operations by allowing new residential development at a very low density and requiring any such development to be clustered in a way that preserves large and unbroken pieces of property for agriculture, including cultivation and grazing activities. The density of such development is assumed as a part of the Preferred Alternative to be 0.2 dwelling units per acre.
- **Lower Density Residential.** This involves the development of single-family, detached homes, one to each lot, developed at a density of up to eight units per acre.

- **Medium Density Residential.** This involves the development of small-lot single-family detached residential units, townhomes and other attached single-family homes, zero-lot line single family detached units, and other residences at between eight and 16 units per acre.
- **Higher Density Residential.** This involves condominiums and apartment buildings developed at an approximate density of 16+ units per acre.
- **Reserve.** This area provides for the City the opportunity to plan for future land uses by setting specific performance criteria before development takes place in sensitive areas. These areas are not required to accommodate growth, but may be considered for development in the future. Future urban development in this area will be considered only conceptually in the General Plan update. Decision makers elected to establish a reserve designation instead of urban land use designation in these areas as a part of the Preferred Alternative to reflect that planning for these areas requires a level of detail that is more appropriately addressed in specific plans and project level EIRs. However, the General Plan, will provide the vision and the broad parameters that will be the basis for the form and nature of any future planning efforts in this area. Reserve areas are anticipated as of the writing of this NOP to be included in a proposed sphere of influence (SOI) expansion. The reserve designation does not necessarily imply urban development, but rather could be areas to preserve as natural open space or for agricultural use, for example. However, City staff is aware of the desire on the part of a developer/landowner to develop one of these reserve areas (the reserve area shown in the northwestern portion of the City's Planning Area), although no formal development application has been submitted. To provide decision makers and the public with all possible information regarding environmental impacts, the analysis in the EIR will assume development with an underlying land use designation of Lower Density Residential, the analysis of which will be presented and mitigated in the EIR. City staff is not aware of any development interest among landowners or developers for other areas shown in reserve at this time. The underlying land use designation for the reserve areas in the southwest and southeast is assumed to be Clustered Rural Residential (**Exhibit 2, Preferred Alternative**). It is anticipated that one alternative considered in the EIR would be the scenario if the reserve areas were not developed. In the General Plan, the City will establish standards, or "triggers" that must be achieved prior to consideration of any annexation proposal or development plan involving any areas designated as reserve. Since new growth areas with urban land use designations would allow substantial development without making available reserve areas, the City will establish a series of public infrastructure improvements that must be constructed prior to considering any urban growth in reserve areas. Beyond that, the City will establish additional public infrastructure and service analyses of costs and constraints, with City review and approval before moving forward with any development plan in reserve areas. Similarly, further environmental analyses and mitigation pursuant to CEQA will be required before considering development in reserve areas. The policy direction contained in the City-approved General Plan Vision Statement and Guiding Principles, as well as the City-approved Land Use and Circulation

Conceptual Alternatives document suggests that among environmental measures that would be required for any consideration of urban growth in the northwest reserve area would be protection of the Stanislaus River and associated riparian areas. The City may consider other triggers, too, such as fiscal impact assessment of new growth served by the City in this area.

Buildout of the Preferred Alternative could result in the construction of between 10,715 and 13,020 new housing units (**Table 1**). If areas in reserve are developed (using generalized density assumptions), between 11,915 and 14,520 new housing units could be constructed under the updated General Plan.

**Table 1  
Land Use Change Anticipated Under General Plan**

LAND USE	PREFERRED ALTERNATIVE (ACRES)		DUs / Bldg. Sq. Ft.		
	from	to	from	to	units
Lower Density Residential	1,200	1,500	5,800	7,100	DUs
Medium Density Residential	400	500	3,800	4,600	DUs
Higher Density Residential	90	110	1,100	1,300	DUs
School / Civic	90	110			
Industrial / Business Park	200	230	2,446,300	2,990,000	Sq. Ft.
Mixed Use - Office/ Retail/ Resid. (new growth areas)	100	120	1,097,700	1,341,600	Sq. Ft.
Mixed Use - Office/ Retail/ Resid. (redevelopment)	225	275	976,200	1,193,100	Sq. Ft.
Agricultural Resource Conservation Area	1,200	1,400			
Clustered Rural Residential	90	110	15	20	DUs
Park	100	200			
<b>Clustered Rural Residential / Reserve</b>	600	800	100	200	DUs
<b>Lower Density Residential / Reserve</b>	200	300	1,100	1,300	DUs
<b>TOTAL HOUSING UNITS w/o RESERVE</b>			<b>10,715</b>	<b>13,020</b>	<b>DUs</b>
<b>TOTAL HOUSING UNITS w/ RESERVE</b>			<b>11,915</b>	<b>14,520</b>	<b>DUs</b>

Notes: Above is a general indication of the range of development that might be accommodated under the updated Riverbank General Plan. As indicated elsewhere in this Notice of Preparation, the exact amounts and locations of land use types will undergo revision as the City writes the General Plan. It is anticipated that the general ranges presented above represent accurately the level of development current anticipated. The draft EIR will contain more exact buildout assumptions. This table does not attempt to anticipate the number of housing units potentially located within the mixed-use area, which at this stage is speculative. As the General Plan is written, these buildout assumptions will be finalized. The square footage assumptions reflect Riverbank's current average floor area ratio (FAR) for commercial and industrial development.

As shown, under the Preferred Alternative (**Table 2**), approximately 55 percent of the new housing units would be developed at lower densities, 35 percent of the housing units would be developed at medium densities, and approximately 10 percent at a higher density. Under the Preferred Alternative, approximately 73 percent of the residential land area (not including Clustered Rural Residential land) would accommodate Lower Density Residential Development, while 23 percent would accommodate Medium Density Residential and four percent would accommodate Higher Density Residential Development. If areas in reserve are developed, this would increase the percentage of

residences developed at a lower density. If reserve areas are developed as preliminarily assumed, 59 percent of the units and 76 percent of the residential land area (not including Clustered Rural Residential) would be available for Lower Density Residential.

Between 90 and 110 acres are designated for Clustered Rural Residential development, a category that is very low in density and preserves large amounts of open space. In reserve areas, another 600 to 800 acres are identified as Clustered Rural Residential, if reserve designations are removed. It is estimated at this point that, including areas in reserve with a Clustered Rural Residential underlying designation, a total of between 115 and 220 housing units of this type could be accommodated through buildout of the Preferred Alternative if all reserve designations are removed.

**Table 2**  
**Balance of Residential Density Types under Preferred Alternative**

<b>Residential Density</b>	<b>% Land</b>	<b>% Units</b>
LDR	73%	55%
MDR	23%	35%
HDR	4%	10%

Buildout would accommodate between 200 and 230 acres, or 2.4 million to 2.9 million square feet of building space, in Industrial / Business Park development. Part of the General Plan analysis will involve estimating how fast industrial land would be developed during buildout of the General Plan (absorption rate).

Approximately 100 to 120 acres, or 1.1 to 1.3 million square feet of Mixed Use – Office/Commercial/Residential development, would be accommodated in new growth areas under buildout of the Preferred Alternative. This category could potentially include some space for residential development, though an estimate of the number of dwelling units is premature and speculative as of the writing of this document. There are another 225 to 275 acres preliminarily designated for redevelopment or revitalization in existing developed parts of the City with a Mixed Use designation.

The Preferred Alternative includes between 90 and 110 acres of land to be used for schools, public facilities, places of worship, and other civic land uses. This does not include between 100 and 200 acres, which are expected to be provided in active parkland. As the Preferred Alternative is fleshed out to become the General Plan Land Use Diagram, acreage estimates for this type of land use will become more exact in amount and location.

Between 1,200 and 1,400 acres at the edges of the Riverbank Planning Area are to be preserved for agriculture, or in open space of other types under the Preferred Alternative with an Agricultural / Resource Conservation designation.

Riverbank, Oakdale, and Stanislaus County have an understanding regarding the preservation of scenic resources, and community separation along Highway 108 east of Riverbank and west of Oakdale. This area includes the northeastern reaches of the

Riverbank Planning Area. In recognition of this agreement, Riverbank will not pursue expansion of its Sphere of Influence into this area prior to reaching an agreement with Oakdale and the County regarding open space, scenic views, and other mutual issues of concern. The Preferred Alternative shows the Scenic Highway 108 Corridor in a hatched pattern on **Exhibit 2**. A small Lower Density Residential area, Clustered Rural Residential, and Agricultural Resource Conservation are included in this corridor.

## **V. Probable Environmental Impacts of the General Plan Update<sup>3</sup>**

### **A. AESTHETICS**

The updated General Plan may result in distinct changes to the existing visual environment in any new growth areas. The visual impact would be particularly distinct to the extent that the General Plan includes urban land use designations (such as housing, businesses, and the supporting transportation infrastructure) in areas primarily containing orchards or other open land. This would result in the removal of vegetation, the addition of structures, new lighting sources, glare, lighting of the nighttime sky, impedance of existing expansive views, and other aesthetic impacts. Such impacts will be comprehensively addressed and mitigated at a programmatic level in the EIR.

### **B. AGRICULTURE**

There are large areas of Prime Farmland, Farmland of Statewide Significance, and other Important Farmlands included as a part of the Preferred Alternative conceptual diagram.<sup>4</sup> To the extent that these areas are included for urban development as specified in the City's Land Use Diagram and Land Use Element of the General Plan, this would result in direct impacts and indirect impacts on agriculture, which will be analyzed, presented, and mitigated in the EIR. Indirect impacts are those that occur when there are changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use. For example, proposing residences adjacent to ongoing agricultural uses sometimes creates pressure to convert nearby agricultural land to urban use. The EIR will also address impacts related to urban land use designations on property protected by a Williamson Act for agricultural use and land zoned for agriculture.

### **C. AIR QUALITY**

Riverbank is in the San Joaquin Valley Air Basin in an area that does not currently meet health-based standards for ozone and particulate matter set by the United States Environmental Protection Agency. These health standards have been established to protect public health, as both smog and particulate matter can cause or aggravate respiratory and cardiac conditions.

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<sup>3</sup> The City had prepared numerous background reports detailing the existing environmental and regulatory setting in different topic areas, which can be reviewed here:

[www.riverbank.org/departments/community\\_development/Gen\\_plan.html](http://www.riverbank.org/departments/community_development/Gen_plan.html)

<sup>4</sup> Please click on "Land Use Population Housing Ag Resources" at [www.riverbank.org/departments/community\\_development/Gen\\_plan.html](http://www.riverbank.org/departments/community_development/Gen_plan.html) for more information.

Construction and operation of any development accommodated by the updated General Plan would contribute to cumulative air quality impacts occurring within the area. Earth is disturbed during site development activities, generating dust, and construction equipment will create additional short-term pollutant emissions. In addition to short-term dust and exhaust emissions generated during the construction phase, the General Plan update would result in additional vehicular traffic that would contribute long-term air pollutants. The General Plan update may accommodate industrial development and other stationary sources of air pollution. Air quality impacts will be comprehensively analyzed, presented, and mitigated in the EIR.

#### **D. BIOLOGICAL RESOURCES**

The Biological Resources chapter of the EIR will include a description of the existing setting, including any sensitive habitats or special-status species to be affected by General Plan area development. All potentially significant direct and indirect impacts on the natural environment will be identified, analyzed, and mitigated in the EIR. Among sensitive species and habitats observed or with the potential to occur within the Riverbank General Plan Planning Area are:<sup>5</sup>

- Swainson's hawk, which was observed in the northwestern corner of the Planning Area above the riparian forest;
- Black-shouldered kite, which was adjacent to an industrial facility west of the railroad;
- Burrowing owl, which prefers open, dry grassland, and grass, forb, and open shrub stages of pinyon-juniper and ponderosa pine habitats;
- Valley elderberry longhorn beetle, which is completely dependent on its host plant, elderberry, a common component of the remaining riparian forests and adjacent upland habitats of the central valley;
- Vernal pool tadpole shrimp, which occurs in wet meadow habitat and areas of frequent inundation;
- California tiger salamanders, which inhabit rodent burrows or other natural crevices located in grassland, coastal sage scrub, or deciduous oak woodland communities;
- Tri-colored blackbird, which in the Planning Area could occur within freshwater marsh, riparian scrub, willow scrub, and mixed riparian forest areas;
- Yellow-breasted chat which could potentially occur within the mixed riparian forest along the Stanislaus River;
- The riparian woodrat inhabits riparian communities along the lower portions of the San Joaquin and Stanislaus rivers in the northern San Joaquin Valley.
- Ospreys are considered rare winter transient visitors to the central valley, but any project affecting flows of the Stanislaus River could impact this species.
- Sensitive habitats are those that are considered rare within the region, are considered sensitive by the CDFG, or support sensitive wildlife species, including within the Planning Area: Great Valley Mixed Riparian Forest, Great Valley

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<sup>5</sup> Please click on "Biological Resources" at [www.riverbank.org/departments/community\\_development/Gen\\_plan.html](http://www.riverbank.org/departments/community_development/Gen_plan.html) for more information.

Willow Scrub, Riparian Scrub, Freshwater Marsh, Wet Meadow, Oak Walnut Elderberry Woodland, and Disturbed Wetland.

- Wetlands within the Planning Area are associated with the Stanislaus River riparian area and potentially isolated areas elsewhere in the Planning Area, including the wet meadow complexes.

#### **E. CULTURAL RESOURCES**

The Cultural Resources section of the EIR will summarize the setting and describe the potential construction-related effects on historical and archaeological resources, including any known resource sites. Development within the General Plan area may also adversely impact undiscovered cultural resources. The EIR will discuss and analyze any cultural resources and will include information from record searches and other relevant studies. The EIR will provide mitigation measures necessary to address potential impacts to cultural resources and steps to be taken should any resources be discovered during construction within the General Plan Planning Area.

#### **F. ENERGY CONSERVATION**

The updated General Plan will increase the demand for energy within the City of Riverbank. The probable effects of energy consumption will be evaluated in the EIR and mitigation measures, if necessary, will be included.

#### **G. GEOLOGY, SOILS, AND MINERAL RESOURCES**

This section will summarize the setting and describe the potential affects associated with any geologic or soil limitations or hazards and paleontological resources. The chapter will also address the impacts associated with grading, such as increased wind and water erosion potential. The probable environmental effects include disruptions of the soil, changes in topography, erosion from wind or water, and other impacts, which will be comprehensively addressed in the EIR, including mitigation to address any project related impact. Also addressed will be the potential impact of development accommodated in the General Plan vis-à-vis any known significant mineral resources in the Planning Area.

#### **H. HAZARDS AND HAZARDOUS MATERIALS**

Development within the General Plan Planning Area may require stormwater detention structures, which, if not properly designed, have the potential to become breeding grounds for mosquitoes of public health concern. If the land designated for urban development was historically used for agriculture, railroad oriented uses, certain industrial processes, or other land uses, there are potential effects related to contamination. The EIR will also discuss the potential for hazardous material exposure either during construction or during long-term occupation of development accommodated by the General Plan. All hazards and hazardous materials related impacts will be analyzed and presented in a section of the EIR entitled “Hazards and Hazardous Materials.”

## **I. HYDROLOGY AND WATER QUALITY**

This chapter will summarize the existing hydrological setting, recharge, surface flows, flooding, and quality of water. The EIR will analyze and present impacts related to urban runoff and flooding potential, water quality, changes in drainage patterns, and effects on groundwater recharge or overdraw.

## **J. LAND USE AND PLANNING**

The Land Use chapter will evaluate the consistency of the updated General Plan with existing plans and policies adopted with the purpose of reducing potential environmental impacts. This chapter will offer a review of relevant policies in the City's current General Plan and any other appropriate documents. This chapter will also review the potential for the General Plan update to result in the division of any existing community.

## **K. NOISE**

Short-term noise impacts will occur during any site development or building construction activities accommodated by the General Plan update. Long-term noise impacts will result from the use of motor vehicles associated with development accommodated by the General Plan update. The General Plan update may accommodate noise sensitive land uses in an area of existing noise. The General Plan update may place noise generating land uses, such as industrial development or arterial roadways, in an area with existing noise sensitive land uses. Noise quality impacts will be comprehensively analyzed, presented, and mitigated in the EIR.

## **L. POPULATION AND HOUSING**

The General Plan update would accommodate population increases that may exceed that included in regional planning documents and population estimates, and therefore the air quality attainment planning efforts and regional transportation planning based on these planning documents and population estimates. The EIR will discuss the project's direct and reasonably foreseeable indirect impacts related to adding housing and population to this area.

## **M. PUBLIC SERVICES, INCLUDING RECREATION**

Development within the General Plan Planning Area will increase the demand for fire, police, school, water, sewer, parks and recreation, and the full range of public services. The EIR will include a description of the existing levels of service and an analysis of the potential impacts for each service type. The CEQA Guidelines separately discuss recreation, which will be addressed in this section of the EIR, too.

## **N. TRANSPORTATION/TRAFFIC**

The updated General Plan would accommodate additional vehicular traffic on the regions' roads and highways, potentially reducing roadway and intersection levels of service. The EIR will evaluate such potential congestion impacts, as well as the ability of development in the updated General Plan to accommodate not only vehicular, but also

pedestrian and bicycle travel safely. The full range of transportation related impacts will be addressed and mitigated in the EIR.

**O. UTILITIES**

The EIR will include a description of the existing utilities and service systems and will include an analysis of the potential impacts on these services. Impacts having to do with drainage infrastructure will be addressed in the Utilities section and/or cross referenced between the Utilities section of the EIR and the Surface Hydrology and Water Quality section of the EIR.

Date: September 8, 2006 Signature: \_\_\_\_\_

J.D. Hightower, Community Development Director  
Telephone (209) 863.7120

Reference: California Code of Regulations, Title 14, (CEQA Guidelines) Sections 15082(a), 15103, 15375.

**Riverbank General Plan Update Program EIR**  
**Public Scoping Meeting**  
**December 11, 2006**  
**Community Center**

**Mitigation Ideas**

- Conservation easement for important agricultural land in the Riverbank area, farmers could sell development rights so that they can still make money and not even have to continue farming the land necessarily in the short term.
- Clustered residences should be used to buffer some edges of the City, but do not allow clustered residential development on prime farmland
- Use of open space zoning to preserve land
- Growth management, i.e., % or fixed number, i.e., 1-2%; 2% surrounded as idea, like Escalon
- Concurrency planning – infrastructure before growth is allowed
- Noise mitigation – operational limits
- Another noise mitigation strategy: sound walls
- Mitigate prime farmland loss @ 1:1, or some other similar ratio, depending on soil quality
- Full mitigation of infrastructure impacts
- Development must pay own way, concern about whether happening

**Impacts to Analyze**

- Kit Fox habitat
- Traffic impacts should be addressed, not just downtown but also impacts to areas outside the City and Planning Area.
- Conserve open space goals and guiding principles conflict w/annexation anticipated as a part of GP update
- Hydrology, runoff, groundwater impacts of development must be analyzed
- Jobs/housing balance – do not export jobs elsewhere; this would further increase traffic problems
- Jobs/business locally w/in any approved subdivisions to reduce traffic, other impacts
- Incorporate jobs/housing study into GPU
- Make commercial development compact, dense, walkable, with pedestrian connections
- Integrate public spaces into commercial development, condense parking
- Downtown impacts – traffic and drainage
- Analyze impact on existing downtown residents of adding residents on the fringes that will patronize existing and future business downtown
- Water quality impacts of adding wells
- OID impacts financially on tax base and impacts from losing that tax base
- Noise impacts – continuous impacts, as well as peak event impacts
- Prime farmland is located in areas planned for growth
- Concerned about “reserve” designation, west side especially
- Clarify City’s CEQA process for development projects following GPU
- Concern about reserve designation and interaction w/Lafco based on reserve designation
- Fire, police, sewer impacts of new growth, need newer sewer plant; concern about funding, paying for police impacts is a concern
- Analyze impacts of new growth traffic on existing community and mitigate
- Compensate for public costs
- Fiscal sustainability
- Concern about further loss of walkable downtown service should additional large scale commercial development be allowed on the fringe
- Infrastructure for drainage must be in place before development is allowed, must have standards for different events, 100-year storm, for example
- Discussion about current positive drainage standard

- TMDLs on river – clarify in GP/EIR
- GP small town goals conflict with large-scale development that could occur under updated GP
- Traffic is key determination of small town character
- Fully analyze plus mitigate traffic impacts
- Consider possibility that upper end housing could alleviate environmental impacts, examples include land conservation, tax base, and funding of traffic improvements
- Upper end housing on east side is necessary to balance current socioeconomic concentrations – this would be in the RUSD area, as opposed to Sylvan area
- Concern about future amendments to GP/EIR

**Alternatives Ideas**

- No growth; mid-growth
- Analyze alternative that does not extend SOI



# San Joaquin Valley

## AIR POLLUTION CONTROL DISTRICT

September 21, 2006

Reference No. C200602162

City of Riverbank  
Community Development Department  
Attn: J.D. Hightower  
6707 Third St.  
Riverbank, CA 95367

**Subject:** Notice of Preparation for a Draft Environmental Impact Report for City of Riverbank General Plan Update

Dear J.D. Hightower:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above and offers the following comments:

The entire San Joaquin Valley Air Basin is classified non-attainment for ozone and fine particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>). This project will contribute to the overall decline in air quality due to construction activities in preparation of the site, and ongoing traffic and other operational emissions. This project may generate significant air emissions and it will reduce the air quality in the San Joaquin Valley. The project will make it more difficult to meet mandated emission reductions and air quality standards. A concerted effort should be made to reduce project-related emissions as outlined below:

Preliminary analysis indicated that the potential emissions from this project exceed the District's Thresholds of Significance for ozone precursors. These thresholds are 10 tons per year for either of the following two ozone precursor emissions: reactive organic gasses (ROG) or oxides of Nitrogen (NO<sub>x</sub>). In addition, the project may be near a location of sensitive receptors. The proposed project should be analyzed to see if Hazardous Air Pollutants (HAPs) are a concern. The District's thresholds of significance for HAPs are the probability of contracting cancer for the Maximally Exposed Individual (MEI) exceeds 10 in one million or ground level concentrations of non-carcinogenic toxic air contaminants would result in a Hazard Index greater than 1 for the MEI.

The District recommends the preparation of an Air Quality Impact Assessment (AQIA) and a Traffic Impact Study to determine impacts when projects are of this size, unless an analysis has been accomplished for a recent previous approval such as a general plan amendment or zone change. Please indicate to the District if the project has been analyzed and what the results were from any previous study.

The District recommends that the air quality section of the EIR have four main components:

- 1. A description of the regulatory environment and existing air quality conditions impacting the area.** This section should be concise and contain information that is pertinent to analysis of the project. The District has several sources of information available to assist with the existing air quality and regulatory environment section of the EIR. The District's Guide for Assessing and Mitigating Air Quality Impacts, 2002 Revision (GAMAQI) contains discussions regarding the existing air quality conditions and trends of the San Joaquin Valley Air Basin, including those pollutants of particular concern: ozone, PM<sub>10</sub>, and carbon monoxide. In addition, it provides an overview of the regulatory environment governing air quality at the federal, state, and regional levels. The GAMAQI provides air monitoring data and other relevant information for PM-10 and other pollutants. The most recent

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**Northern Region**

4800 Enterprise Way

Modesto, CA 95356-8718

Tel: (209) 557-6400 FAX: (209) 557-6475

**Central Region (Main Office)**

1990 E. Gettysburg Avenue

Fresno, CA 93726-0244

Tel: (559) 230-6000 FAX: (559) 230-6061

[www.valleyair.org](http://www.valleyair.org)

**Southern Region**

2700 M Street, Suite 275

Bakersfield, CA 93301-2373

Tel: (661) 326-6900 FAX: (661) 326-6985

air quality data for the District is Available at the California Air Resources Board (CARB) website at <http://www.arb.ca.gov/html/age&m.htm>. The air quality section of EPA's Region 9 (which includes information on the San Joaquin Valley Air Basin) can be found at <http://www.epa.gov/region09/air/index.html>. Additionally, this section should also contain a discussion regarding growth projections that Stanislaus County provided to the District (through the Stanislaus County Association of Governments) for inclusion in the Ozone and PM10 Attainment Plans and any impacts this project will have on Federal Conformity for Stanislaus County and the San Joaquin Valley Air Basin. Lastly, this section should clearly describe the air pollution regulatory authority of the District and CARB for the various emission sources associated with future development under the City of Riverbank General Plan Update.

- 2. Estimates of existing emissions and projected pollutant emissions related to the increase in project source emissions and vehicle use, along with an analysis of the effects of these increases.** The EIR should include the methodology, model assumptions, inputs and results for pollutant emissions. The cumulative impact analyses should consider current existing and planned development both within the project area and in surrounding areas. The EIR needs to address the short-term and long term local and regional adverse air quality impacts associated with the operation of construction equipment (reactive organic gases, nitrogen oxides, carbon monoxide, and PM10) and emission generated from stationary and mobile sources. The EIR should identify the components and phases of the project. The EIR should provide emissions projections for the project at the build out of each phase (including ongoing emissions from each previous phase). URBEMIS 2002 Version 8.7 may be used to quantify these emissions.

**Ozone Precursors** – The District recommends using the regional transportation model to quantify mobile source emissions, but in some cases it may be possible to use the URBEMIS 2002 Version 8.7 program to calculate project area and operational emissions. Stanislaus County Association of Governments may be able to provide assistance with the regional transportation model. The District recommends using the URBEMIS 2002 Version 8.7 program to calculate project area and operational emissions and to identify mitigation measures that reduce impacts. URBEMIS can be downloaded from <http://www.urbemis.com/> or the South Coast Air Quality Management District's website at <http://www.aqmd.gov/ceqa/urbemis.html>. If the analysis reveals that the emissions generated by this project will exceed the District's thresholds, this project may significantly impact the ambient air quality if not sufficiently mitigated. The project applicant or consultant is encouraged to consult with District staff for assistance in determining appropriate methodology and model inputs.

**Hazardous Air Pollutants (HAPs)** – The air analysis should discuss District regulations for identifying and reducing HAPs and should describe how the City of Riverbank would address future projects with sensitive receptors near existing HAP sources and the siting of new HAP sources in the plan area. Potential HAPs sources include project equipment, operations, and vehicles (the California Air Resources Board (CARB) has designated diesel particulate emissions as a toxic air contaminant). On page 43 of the District's Guide for Assessing and Mitigating Air Quality Impacts, 2002 Revision (GAMAQI), the District addresses and defines sensitive receptors with respect to CEQA. If the project is near sensitive receptors and HAPs are a concern, the project developer should perform a Health Risk Assessment (HRA). HRA guidelines promulgated by the California Office of Environmental Health Hazard Assessment (OEHHA) and OEHHA toxicity criteria must be used. The District recommends use of the latest version of the Hot Spots Analysis and Reporting Program (HARP) released by CARB for an HRA because it is the only software that is compliant with the OEHHA guidelines. An HRA should include a discussion of the toxic risk associated with the proposed project, including project equipment, operations, and vehicles. The GAMAQI defines the significance levels for toxic impacts as a cancer risk greater than 10 in a million and/or a hazard index (HI) of 1.0 or greater for chronic non-carcinogenic or acute risks. The project consultant should contact the District to review the proposed modeling approach before modeling begins. For more information on HAPs analyses, please contact Mr. Leland Villalvazo, Supervising Air Quality Specialist, at (559) 230-6000 or [hramodeler@valleyair.org](mailto:hramodeler@valleyair.org).

**Carbon Monoxide Hotspot Analysis** – Results of the traffic study should be used to identify intersections and corridors with high levels of congestion that may result in a carbon monoxide (CO) hot spot. CO hot spots should be screened using a protocol developed by the Institute of Transportation Studies at University of California Davis entitled Transportation Project-Level Carbon Monoxide Protocol. Locations that are predicted by the CO Protocol to experience high levels of CO should be modeled using the dispersion model CALINE4. The procedure for using EMFAC 2002 to calculate emission factors to be used in the CALINE4 modeling can be downloaded at the Caltrans Division of Environmental Analysis site <http://www.dot.ca.gov/hq/env/air/pages/calinesw.htm>.

**Odor Analysis** – The proposed project should be analyzed to see if it is considered near a location of sensitive receptors (including residences) and if odor is a concern. The procedure outlined in the "Guide for Assessing and Mitigating Air Quality Impacts" (GAMAQI) includes the following:

- Identify the location of sensitive receptors (including residences).
- Compare the distance to the nearest sensitive receptor to the distances in Table 4.2 of the GAMAQI. If the sensitive receptors are further away than the distances given in Table 4.2, no further analysis is required. The results should be documented in the EIR.
- Obtain any odor complaints against the facility or similar facilities from the local District office and the county's environmental health department.
- Review the complaints to determine the location of complainants relative to the facility.
- Identify any sensitive receptors at similar distances.
- Determine if emissions of odoriferous compounds will increase or decrease with implementation of the project.
- Draw any reasonable conclusions as to the probability that the project will generate odor complaints based on this analysis of complaint history.

Note that the emission of odiferous compounds should be mitigated as much as feasible if it is anticipated that the project will have a significant impact. For more information on odor impact analyses, please contact Mr. Leland Villalvazo, Supervising Air Quality Specialist, at (559) 230-6000, or [hramodeler@valleyair.org](mailto:hramodeler@valleyair.org).

3. **Identify and discuss all existing District regulations that apply to the project.** The EIR should identify and discuss all existing District regulations that apply to the project. It would be appropriate to discuss proposed rules that are being developed that would apply to the proposed project. Current rules and regulations are available on the District's website at <http://www.valleyair.org/rules/1ruleslist.htm>. District rules and regulations are periodically revised, and new regulations are promulgated. The District strongly advises the City of Riverbank to contact the District for any rule updates and new rules when the project development begins. Current District rules and regulations applicable to the proposed project are requirements.

The entire San Joaquin Valley Air Basin (SJVAB) is designated non-attainment for ozone and particulate matter (PM10 and PM2.5). This project will contribute to the overall decline in air quality due to construction activities, increases in motor vehicle traffic and other operational emissions associated with new development such as space heating, fireplaces, and the use of landscape maintenance equipment. The build-out of the general plan will make it more difficult to meet mandated emission reductions and air quality standards. A concerted effort should be made to reduce project-related emissions as outlined below:

AB 170 (Reyes) requires cities and counties in the San Joaquin Valley to include an air quality element or air quality implementation strategies in their general plans. The District prepared the Air Quality Guidelines for General Plans (Guidelines) to assist in addressing this new requirement. The city is required to forward the air quality element or its equivalent to the District for review. Contact the District to obtain a copy of the Guidelines.

4. **Identify and discuss all feasible measures that will reduce air quality impacts generated by the project.** "Feasible" means "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors: (California Code of Regulations (CCR § 15364)). The California Environmental Quality Act (CEQA) requires that EIRs "describe measures which could minimize significant adverse impacts" (CCR §15126(c)). Additionally, the CCR requires that "a public agency should not approve a project as proposed if there are feasible alternatives or mitigation measures that would substantially lessen any significant effects that the project would have on the environment " (CCR § 15021(a)(2)). For each potential adverse impact, mitigation measures should be identified to reduce impacts below air quality threshold levels of significance. Therefore, the EIR should identify which mitigation measures will be included in the project, and how each mitigation measure will be implemented. The reduction of air quality impacts from implementation of mitigation measures should be quantified to the extent possible. If a measure cannot be quantified a qualitative discussion should be provided explaining the benefits of the proposed mitigation measure. The EIR should discuss how project design modifications could reduce project impacts

Mitigation measures are emission reduction measures beyond those required in Section 3. This section should provide an analysis of existing mass transit/bicycle access to or near the site, and discuss if additional infrastructure will be needed. The section should identify which mitigation measures will be included in the project, and how each mitigation measure will be implemented. Site design, equipment alternatives, construction and operational measures that would reduce emissions should be identified. It should also analyze opportunities to mitigate urban heat island effects. The reduction of air quality impacts from implementation of mitigation measures should be quantified when possible. The EIR should discuss how the project design would encourage alternative transportation (including car pool parking), pedestrian and bicycle access/infrastructure, smart growth design, energy efficient project and building design, reduce urban heat island impacts, and include business programs that further reduce air pollution in the valley (such as carpooling). Mitigation measures must be included in the EIR that reduce the emissions of reactive organic gases, nitrogen oxides, and PM10 to the fullest extent possible. Site design and building construction measures that would reduce air quality impacts should be included. The Districts Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI) describes these features. The current GAMAQI can be found at [http://www.valleyair.org/transportation/ceqa\\_guidance\\_documents.htm](http://www.valleyair.org/transportation/ceqa_guidance_documents.htm). The Local Government Commission (LGC) website, <http://www.lgc.org/>, contains valuable information and resources on subjects from street design to energy efficiency. The use of the principles of the document Landscape of Choice is encouraged to reduce air quality impacts.

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call me at (559) 230-6120 and provide the reference number at the top of this letter.

Sincerely,



Chris J. Kalashian  
Air Quality Specialist  
Central Region

C: File

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



September 21, 2006

J.D. Hightower  
City of Riverbank  
6707 Third Street  
Riverbank, CA 95367

Dear Mr. Hightower:

Re: SCH #2006092051; Riverbank General Plan Update EIR

As the state agency responsible for rail safety within California, we recommend that any development projects planned adjacent to or near the rail corridor in the County be planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade highway-rail crossings. This includes considering pedestrian circulation patterns/destinations with respect to railroad right-of-way.

Safety factors to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings due to increase in traffic volumes and appropriate fencing to limit the access of trespassers onto the railroad right-of-way.

The above-mentioned safety improvements should be considered when approval is sought for the new development. Working with Commission staff early in the conceptual design phase will help improve the safety to motorists and pedestrians in the County.

If you have any questions in this matter, please call me at (415) 703-2795.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kevin Boles".

Kevin Boles  
Utilities Engineer  
Rail Crossings Engineering Section  
Consumer Protection and Safety Division

cc: John Stilley, BNSF

**DEPARTMENT OF WATER RESOURCES**

1416 NINTH STREET, P.O. BOX 942836  
SACRAMENTO, CA 942360001  
(916) 653-5791



September 25, 2006

J.D. Hightower  
City of Riverbank  
6707 Third Street  
Riverbank, California 95367

Riverbank General Plan Update EIR  
State Clearinghouse (SCH) Number: 2006092051

The project corresponding to the subject SCH identification number has come to our attention. The limited project description suggests a potential encroachment on the State Adopted Plan of Flood Control. If indeed your project encroaches on an adopted flood control plan, you will need to obtain an encroachment permit from the Reclamation Board prior to initiating any activities. The attached Fact Sheet explains the permitting process. Please note that the permitting process may take as much as 45 to 60 days to process. Also note that a condition of the permit requires the securing all of the appropriate additional permits before initiating work. This information is provided so that you may plan accordingly.

If after careful evaluation, it is your assessment that your project is not within the authority of the Reclamation Board, you may disregard this notice. For further information, please contact Sam Brandon of my staff at (916) 574-0651.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Mirmazaheri".

Mike Mirmazaheri, Chief  
Floodway Protection Section

cc: Governor's Office of Planning and Research  
State Clearinghouse  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

## Encroachment Permits Fact Sheet

### **Basis for Authority**

State law (Water Code Sections 8534, 8608, 8609, and 8710 – 8723) tasks the Reclamation Board with enforcing appropriate standards for the construction, maintenance, and protection of adopted flood control plans. Regulations implementing these directives are found in California Code of Regulations (CCR) Title 23, Division 1.

### **Area of Reclamation Board Jurisdiction**

The adopted plan of flood control under the jurisdiction and authority of the Reclamation Board includes the Sacramento and San Joaquin Rivers and their tributaries and distributaries and the designated floodways.

Streams regulated by the Reclamation Board can be found in Title 23 Section 112. Information on designated floodways can be found on the Reclamation Board's website at [http://recbd.ca.gov/designated\\_floodway/](http://recbd.ca.gov/designated_floodway/) and CCR Title 23 Sections 101 - 107.

### **Regulatory Process**

The Reclamation Board ensures the integrity of the flood control system through a permit process (Water Code Section 8710). A permit must be obtained prior to initiating any activity, including excavation and construction, removal or planting of landscaping within floodways, levees, and 10 feet landward of the landside levee toes. Additionally, activities located outside of the adopted plan of flood control but which may foreseeable interfere with the functioning or operation of the plan of flood control is also subject to a permit of the Reclamation Board.

Details regarding the permitting process and the regulations can be found on the Reclamation Board's website at <http://recbd.ca.gov/> under "Frequently Asked Questions" and "Regulations," respectively. The application form and the accompanying environmental questionnaire can be found on the Reclamation Board's website at <http://recbd.ca.gov/forms.cfm>.

### **Application Review Process**

Applications when deemed complete will undergo technical and environmental review by Reclamation Board and/or Department of Water Resources staff.

### Technical Review

A technical review is conducted of the application to ensure consistency with the regulatory standards designed to ensure the function and structural integrity of the adopted plan of flood control for the protection of public welfare and safety. Standards and permitted uses of designated floodways are found in CCR Title 23 Sections 107 and Article 8 (Sections 111 to 137). The permit contains 12 standard conditions and additional special conditions may be placed on the permit as the situation warrants. Special conditions, for example, may include mitigation for the hydraulic impacts of the project by reducing or eliminating the additional flood risk to third parties that may caused by the project.

Additional information may be requested in support of the technical review of

your application pursuant to CCR Title 23 Section 8(b)(4). This information may include but not limited to geotechnical exploration, soil testing, hydraulic or sediment transport studies, and other analyses may be required at any time prior to a determination on the application.

### Environmental Review

A determination on an encroachment application is a discretionary action by the Reclamation Board and its staff and subject to the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code 21000 et seq.). Additional environmental considerations are placed on the issuance of the encroachment permit by Water Code Section 8608 and the corresponding implementing regulations (California Code of Regulations – CCR Title 23 Sections 10 and 16).

In most cases, the Reclamation Board will be assuming the role of a “responsible agency” within the meaning of CEQA. In these situations, the application must include a certified CEQA document by the “lead agency” [CCR Title 23 Section 8(b)(2)]. We emphasize that such a document must include within its project description and environmental assessment of the activities for which are being considered under the permit.

Encroachment applications will also undergo a review by an interagency Environmental Review Committee (ERC) pursuant to CCR Title 23 Section 10. Review of your application will be facilitated by providing as much additional environmental information as pertinent and available to the applicant at the time of submission of the encroachment application.

These additional documentations may include the following documentation:

- California Department of Fish and Game Streambed Alteration Notification (<http://www.dfg.ca.gov/1600/>),
- Clean Water Act Section 404 applications, and Rivers and Harbors Section 10 application (US Army Corp of Engineers),
- Clean Water Act Section 401 Water Quality Certification, and
- corresponding determinations by the respective regulatory agencies to the aforementioned applications, including Biological Opinions, if available at the time of submission of your application.

The submission of this information, if pertinent to your application, will expedite review and prevent overlapping requirements. This information should be made available as a supplement to your application as it becomes available. Transmittal information should reference the application number provided by the Reclamation Board.

In some limited situations, such as for minor projects, there may be no other agency with approval authority over the project, other than the encroachment permit by Reclamation Board. In these limited instances, the Reclamation Board

may choose to serve as the "lead agency" within the meaning of CEQA and in most cases the projects are of such a nature that a categorical or statutory exemption will apply. The Reclamation Board cannot invest staff resources to prepare complex environmental documentation.

Additional information may be requested in support of the environmental review of your application pursuant to CCR Title 23 Section 8(b)(4). This information may include biological surveys or other environmental surveys and may be required at anytime prior to a determination on the application.

October 6, 2006

Dear Mr. J.D. Hightower,

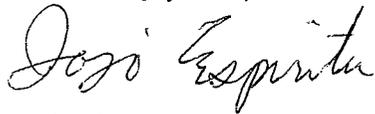
My name is Jojo Espiritu. I'm a member of Riverbank Watch, an impassioned group of residents who are most concerned about loss of prime land to development, inadequate infrastructure, a lack of parks and open areas and the decaying and unsightly downtown Riverbank and most of all, the pending land development involving the Grupe Co.

We are aware that the City has sent an official notice that it will soon draft an Environmental Impact Report (EIR) for the new General Plan. A group of us reviewed that notice and are deeply concerned of its use of the vaguely defined "Reserve" land use designation. The "Reserve" designation on page 13 of the NOP (Notice of Preparation) is Vague and Contradictory. *"However, City staff is aware of the desire on the part of a developer/landowner to develop one of these reserve areas (the reserve area shown in the northwestern portion of the City's Planning Area)"*.

We, as concerned citizens, ask that you please contest the legal viability of the "Reserve" designation now, because such a vague and ill-defined land use designation is not consistent with the principles of the General Plan statutes. If reserve really means planned for agriculture, then remove all the wording involving its possible development. It must be defined as either planned for growth or planned for agriculture and not both. Furthermore, this inconsistent definition will mean it cannot be properly analyzed in an EIR.

I hope you listen to our voice and concerns.

Very truly yours,



Jojo Espiritu, a member of Riverbank Watch

# ANNABEL D. GAMMON

October 9, 2006

Riverbank Council Members &  
Planning Commissioners

Good Evening Mayor Crifasi and Council Members, City Manager Holmer

My name is Annabel Gammon, a private citizen and resident of Riverbank.

I have reviewed the City of Riverbank's Notice of Preparation dated September 8, 2006. I come before you tonight to ask for a consideration of another alternative to be included in the Draft EIR studies.

Reading the Guiding Principles on page 10 item 10, reads as follows:

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.

This guiding principle is wise. My concern is the urban reserve designation of land use in the proposed SOI (Sphere of Influence) project area described in the NOP (Notice of Preparation). This area consists of agricultural soils including mostly Prime Farmland, Unique Farmland and land of Statewide Importance. The uncertainty of the future of these areas to be developed or not developed does not confirm the guiding principle number 10. Another question is how LAFCO can determine whether Riverbank can provide required services for approving the increase of the SOI without density projections of these areas designated "reserve".

In summary, I would like to request that this council approves to study our alternative to be included in the EIR studies. I request that we set a date to present our alternative to the staff for further studies and final submission of our preferred alternative. With your permission tonight, I would like to make an appointment to meet with staff to present our alternative for EIR studies.

Thank you very much for your attention and time. A copy of this letter is respectfully presented to the secretary to be included in the public record of the General Plan Update file.

Sincerely,

  
Annabel D. Gammon



Stanislaus Consolidated Fire Protection District  
3705 Oakdale Road  
Modesto, CA 95357  
(209) 552-3701  
Fax (209) 552-3705

10/4/2006

J.D. Hightower  
Community Development Director  
City of Riverbank  
6707 3<sup>rd</sup> Street  
Riverbank, CA 95367

Dear Mr. Hightower;

On behalf of the Stanislaus Consolidated Fire Protection District, regarding the notice of response to the Environmental Impact Report, I would like to request an addition to the public safety element of the general plan for the City of Riverbank. The district would like to see the formation of a Community Facilities District and a Community Services District, for all new development in the city. The aforementioned districts will offset the economic impact of future growth to the fire service within the Riverbank response area. The Community Facilities District will be utilized to acquire, build, replace and repair stations, apparatus and equipment in the City of Riverbank response area. The Community Services District will fund additional staffing for the City of Riverbank response area.

The formation of both districts would only impact future growth within the boundaries of the city. Existing homes and businesses would not be affected. The revenue generated by the districts would be in addition to existing fees and assessments, and will be utilized in the Riverbank response area only.

Our fire district is currently at capacity providing emergency response to the community of Riverbank. The city would be well served with an additional engine company at present time. Future growth will only add to this need and the formation of both districts would enable the funding for additional manpower and equipment to provide for the needs of the community.

Questions regarding this issue can be directed to me. Thank you for your consideration on this topic.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen Mayotte", with a long, sweeping underline that extends to the right.

Stephen Mayotte  
Fire Chief

Cc: Rich Holmer



Stanislaus Consolidated Fire Protection District  
3705 Oakdale Road  
Modesto, CA 95357  
(209) 552-3701

## MEMORANDUM

**DATE:** 10/04/2006  
**TO:** J.D. Hightower  
**FROM:** Stephen Mayotte *SM*  
**SUBJECT:** Standards of Cover

The basic standard of cover for the Riverbank response area is:

1. Respond to 95% of all calls for emergency assistance within 5 minutes of dispatch.
2. To provide a minimum of 11 firefighters for initial attack to structural fires within 10 minutes of dispatch.
3. To provide a minimum of 20 firefighters for sustained attack to structural fires within 20 minutes of dispatch.

Please contact me with any questions regarding this issue.

10-08-06

Councilmember Sandra Benitez  
City of Riverbank  
6707 Third St.  
Riverbank, CA. 93367

Dear Councilmember Benitez,

I received a copy of the official notice stating the City's intention to prepare an EIR for the General Plan. The planning principles and general guidelines, on the whole, are to be commended. My concern remains the lack of objective, measurable criteria that would prevent sprawl and support smart growth. For example, what will be the limit on the number of cars on our major streets and intersections during peak hours. Hopefully, such specifics will be spelled out more clearly in the final document. Otherwise, I fear that developers will be throwing us the bones of walkways or tiny, sterile parks and say they are building out according to the General Plan Guidelines.

Another example of vagueness is the designation of certain areas to be held as urban reserves, areas that at the present time, are not in our sphere of influence. The original intent behind the designating of urban reserves was to set aside less productive land, not prime farmland, as an area for future build-out. In the proposed draft, it will be prime farmland that is set aside. Not only will prime farmland be available for build-out in as early as five years, in addition, there is a very troubling lack of specific conditions for development, a lack of research regarding future population growth and local housing needs, or a specific listing and ordering of other potential areas for build-out.

Thank you for your consideration of these comments.

Sincerely,



Karen Mitchell  
2130 Cedarwood Dr. Riverbank, CA.



November 9, 2006

J.D. Hightower  
Community Development Department  
City of Riverbank  
6707 Third Street  
Riverbank, California 95367

Dear Mr. Hightower:

**Notice of Preparation (NOP) and Initial Study  
Environmental Impact Report (EIR)  
City of Riverbank  
General Plan Update, SCH# 2006092051**

The California Department of Fish and Game (Department) has reviewed the NOP and Initial Study for the General Plan Update for the City of Riverbank EIR (Project). Approval of the proposed Project would serve to broadly create a policy framework for the City's long-term physical form and development and will include broad community goals for the future of the City of Riverbank. The Project area includes the area within the City limits, the sphere of influence, plus the area surrounding the City limits. The Project area generally extends from the Stanislaus River on the north, and consists of the City of Riverbank, unincorporated areas east and west of the City, and Jacob Meyers Park. Downtown Riverbank lies approximately seven miles north-northeast of downtown Modesto, and Riverbank's City Limits and Sphere of Influence are directly adjacent to Modesto in certain areas along Claribel Road.

There may be special status biological resources present in the Project area. The Department also has concerns about potential development-related impacts to waterways (Stanislaus River, Main Canal, Modesto Canal, and associated laterals), which could occur as a result of development projects authorized under the General Plan. In order to adequately assess any potential impacts to biological resources within the General Plan area, focused biological surveys should be conducted by a qualified wildlife biologist/botanist during the appropriate survey period(s). This information is necessary to identify any mitigation, minimization, and avoidance measures (including setbacks, etc.) which should be included as part of the General Plan. Biological issues should be evaluated and analyzed in the California Environmental Quality Act (CEQA) document prepared for this Project and prior to any subsequent development approvals.

Our specific comments follow pertaining to compliance with the California Endangered Species Act (CESA) and Section 1600 (Streambed Alteration) of the Fish and Game Code. Circulation of a CEQA document to the Department does not constitute consultation under CESA or notification for a Streambed Alteration Agreement.

### **Department Jurisdiction**

**Trustee Agency Authority:** The Department is a Trustee Agency with responsibility under CEQA for commenting on projects that could impact plant and wildlife resources. Pursuant to Fish and Game Code Section 1802, the Department has jurisdiction over the conservation, protection and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species. As a Trustee Agency for fish and wildlife resources, the Department is responsible for providing, as available, biological expertise to review and comment upon environmental documents and impacts arising from project activities, as those terms are used under CEQA (Division 13 (commencing with Section 21000) of the Public Resources Code).

**California Endangered Species Act (CESA):** The Department has regulatory authority over projects that could result in the "take" of any species listed by the State as threatened or endangered pursuant to Fish and Game Code Section 2081. If the Project could result in the "take" of any species listed as threatened or endangered under CESA, the Department may need to issue an Incidental Take Permit for the Project. CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (Sections 21001{c}, 21083, Guidelines Sections 15380, 15064, 15065). Impacts must be avoided or mitigated to less than significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code Section 2080.

Development within portions of the General Plan area has the potential to reduce the number or restrict the range of endangered, rare, or threatened species (as defined in Section 15380 of CEQA) including the following Federal and/or State-listed species known to occur in the Project area vicinity.

#### **Species**

#### **Listing**

Vernal pool fairy shrimp  
*Branchinecta lynchi*

Federally listed - Threatened

Vernal pool tadpole shrimp  
*Lepidurus packardii*

Federally listed - Endangered

<u>Species</u>	<u>Listing</u>
Vernal pool tadpole shrimp <i>Lepidurus packardii</i>	Federally listed - Endangered
California tiger salamander <i>Ambystoma californiense</i>	Federally listed - Threatened
Valley elderberry longhorn beetle <i>Desmocerus californicus dimorphus</i>	Federally listed - Threatened
Swainson's hawk <i>Buteo swainsoni</i>	State listed - Threatened

The following special status species may also be present: tricolored blackbird (*Agelaius tricolor*), Suisun song sparrow (*Melospiza melodia maxillaries*), burrowing owl (*Athene cunicularia*), and moestan blister beetle (*Lytta moesta*). Although burrowing owls are not listed under CESA, impacts to burrowing owl and their nest burrows must be avoided in order to comply with the Federal Migratory Bird Treaty Act (MBTA) and Fish and Game Code Sections 3503, 3503.5, and 3513, which are explained in more detail below.

The Fully Protected white-tailed kite (*Elanus leucurus*) is also known to nest and forage in the project area vicinity.

**Stream Alteration Notification:** The Department also has regulatory authority with regard to activities occurring in streams and/or lakes that could adversely affect any fish or wildlife resource. Based on the project description, it appears there may be the potential to divert or obstruct the natural flow, or change the bed, channel, or bank (which may include riparian resources) of a river or stream, and the Department may require a Stream Alteration Agreement (SAA). Generally, the Department requires minimization of impacts to waterways under the jurisdiction of Fish and Game Code Section 1600 et seq. We recommend contacting Mr. Gerald Hatler, Environmental Scientist, at (559) 243-4014 x 231, to discuss the feasibility of waterway fill and rerouting and riparian vegetation removal, as well as for further information regarding notification requirements.

The issuance of both an Incidental Take Permit and SAA is subject to CEQA review. The Department, as a Responsible Agency under CEQA, would consider the CEQA document prepared for the Project. If a SAA or Incidental Take Permit would be needed, the CEQA document prepared for this Project by the Lead Agency (City of Riverbank), as well as any project-specific CEQA documents should identify the Department as a Responsible

associated riparian resources. In the event that a CEQA document will not be prepared, and another public agency is not taking a discretionary action over this Project, the Department would need to act as the Lead CEQA Agency prior to issuance of a discretionary permit.

**Fully Protected Species:** The Department has jurisdiction over fully protected species of birds, mammals, amphibians, reptiles, and fish pursuant to Fish and Game Code Sections 3511, 4700, 5050, and 5515. Take of any fully protected species is prohibited and the Department cannot authorize their "take" for development. The white-tailed kite is a fully protected species that is known to nest and forage in the Project area vicinity, and could use the Project site for foraging, nesting, and roosting purposes. The CEQA document prepared for this Project should evaluate and address potential Project-related impacts to this species, and should include appropriate species specific avoidance and minimization measures.

**Bird Protection:** The Department has jurisdiction over actions which may result in the disturbance or destruction of active nest sites or the unauthorized "take" of birds. Fish and Game Code Sections that protect birds, their eggs and nests include, Section 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory non-game bird). Since many mature trees and other vegetation is present on the Project site and presumably will need to be removed for implementation of the proposed Project, appropriate avoidance and minimization measures for raptors and other nesting birds potentially present in the Project area should be included in the CEQA document prepared for this Project.

**Water Pollution:** Pursuant to Fish and Game Code Section 5650, it is unlawful to deposit in, permit to pass into, or place where it can pass into the "Waters of the State" any substance or material deleterious to fish, plant life, or bird life, including non-native species. The Regional Water Quality Control Board also has jurisdiction regarding discharge and pollution to "Waters of the State".

It is possible that without mitigation measures this Project could result in pollution of a "Waters of the State" from increased road, parking, stormwater runoff, or construction-related erosion. This could impact the fish and wildlife resources associated with the Stanislaus River, Main Canal, Modesto Canal, and other surface waters by causing: increased sediment input from structure and road runoff; toxic runoff from household chemicals, and impairment of wildlife movement along riparian corridors.

**Riparian Habitat and Wetlands:** Riparian habitat is of extreme importance to a wide variety of plant and wildlife species. Riparian habitat is known to exist within the

proposed Project area. The Department considers projects that impact this resource as significant if they result in a net loss of acreage or habitat value. The Department has a no-net-loss policy regarding impacts to wetlands. Potential impacts to special status resources posed by wetland creation should also be considered. Wetlands that have been inadvertently created by leaks, dams or other structures, or failures in man-made water systems are not exempt from this policy.

A formal wetland delineation should be conducted by a qualified biologist in portions of the General Plan area potentially supporting wetlands to determine the location and extent of wetland habitat in the Project area, including vernal pools and swales. The wetland delineation should be submitted to the United States Army Corps of Engineers (ACOE) for verification. Wetlands should be designated on a site map and included in the final environmental documents.

In addition, we recommend delineating all surface waters and wetlands with a minimum 50-foot no-disturbance buffer around the outer edge of these areas, with the exception of necessary road crossings over drainages. A 100-foot no-disturbance buffer around the high water mark of surface water channels should be clearly identified. The riparian vegetation along waterways should also be protected with a 200-foot no-disturbance buffer delineated from the high water mark of each surface water body.

**California tiger salamander:** Protocol biological surveys should be conducted in areas with seasonal wetlands and associated uplands by qualified biologists at the appropriate time of year to determine the existence and extent of wildlife resources and special status species on site, such as the California tiger salamander. It appears that the north-eastern most portion of the General Plan area is most likely to potentially support this and other vernal pool-associated species. It is important to note that protocol surveys for the California tiger salamander includes both wetland and upland habitat surveys, and may require more than one survey season. The results of these surveys should be submitted to the Department and the United States Fish and Wildlife Service (USFWS).

Take under the Federal Endangered Species Act (FESA) is more stringently defined than CESA; take under FESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with USFWS in order to comply with FESA is advised well in advance of Project implementation.

**Valley elderberry longhorn beetle:** The Project site may contain elderberry shrubs, removal and trimming of which is regulated by USFWS. The CEQA document should

evaluate the Project site conditions prior to elderberry removal, appropriate mitigation should be discussed, and prior to any subsequent project approvals, we recommend early consultation with USFWS.

**Swainson's hawk:** This State-threatened species is known to nest within the General Plan area boundary (in the northwestern corner above the riparian forest), and it is highly probable that this species nests within or closer to the General Plan area than the observations currently reported in the California Natural Diversity Database (CNDDDB). If there are not nesting Swainson's hawks closer to the Project site (see below regarding additional surveys) than currently reported in the CNDDDB, impacts to potential Swainson's hawk foraging habitat (including ag land) should be mitigated by the purchase of conservation easements and or fee title acquisition of suitable foraging habitat, as well as establishment of an associated management endowment to fund management of these lands in perpetuity.

The Initial Study does not state if the County of Stanislaus or the City of Riverbank has an ordinance to mitigate for the removal of mature trees. Removal of mature trees is a potentially significant impact to nesting raptors that should be mitigated. The Department considers removal of known raptor nest trees, even outside of the nesting season, to be a significant impact under CEQA, and in the case of Swainson's hawk could also result in take under the California Endangered Species Act (CESA). This is especially true with species such as Swainson's hawk that exhibit high site fidelity to their nest and nest trees year after year.

To avoid such impacts, prior to each development project or development phases within the General Plan area, surveys for nesting raptors should be conducted following the survey methodology developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000) prior to any disturbance within 5 miles of a potential nest tree (DFG, 1994). These surveys, the parameters of which were designed to optimize detectability, must be conducted to reasonably assure the Department that take of this species will not occur as a result of disturbance associated with Project implementation. In the event that this species is detected during protocol-level surveys, consultation with the Department is warranted to discuss how to implement the Project and avoid take.

Impacts to known nest trees should be avoided at all times of year. If avoidance of a known nest tree is not feasible, consultation with the Department is warranted prior to taking any action and a determination of take potential under CESA or under Fish and Game Code Sections 3503.5 and 3513 will be made.

Regardless of nesting status, trees that must be removed should be replaced with an appropriate native tree species planting at a ratio of 3:1 in an area that will be protected

in perpetuity. This mitigation is needed to offset potential impacts to the loss of potential nesting habitat. Impacts to potential Swainson's hawk foraging habitat should be mitigated regardless of whether or not "take" will occur. Mitigation for impacts to Swainson's hawk foraging habitat should occur within 10 miles from nest trees. In addition to fee title acquisition of grassland habitat, mitigation could occur by the purchase of conservation or suitable agricultural easements. Suitable agricultural easements would include areas limited to production of crops such as alfalfa, dry land and irrigated pasture, and cereal grain crops. Vineyards, orchards, cotton fields, and other dense vegetation do not provide adequate foraging habitat.

**Burrowing Owl:** Burrowing owls are known to occur within and near the Project area. If any ground disturbing activities will occur during the burrowing owl nesting season (approximately February 1 through August 31) implementation of avoidance measures is required. The Department's Staff Report on Burrowing Owl Mitigation (CDFG 1995) recommends that impacts to occupied burrows be avoided by implementation of a no-construction buffer zone of a minimum distance of 250 feet, unless a qualified biologist approved by the Department verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Failure to implement this buffer zone could cause adult burrowing owls to abandon the nest, cause eggs or young to be directly impacted (crushed), and/or result in reproductive failure.

The Department's Staff Report on Burrowing Owl Mitigation also recommends that a minimum of 6.4 acres of foraging habitat per pair or unpaired resident burrowing owl should be acquired and permanently protected to offset the loss of foraging and burrowing habitat.

**CEQA Compliance:** CEQA Guidelines Section 15378 defines "project" to mean the whole of an action that may result in either a direct or reasonably foreseeable indirect physical change in the environment. The final CEQA document should adequately address all impacts to natural resources of the Project site. Proposed development of access routes and infrastructure (water, electric, natural gas, septic or sewer, and telephone) related to this Project should also be delineated and analyzed for impacts to natural resources.

The source of water for the proposed Project should be identified, and the associated impacts evaluated in the CEQA document prepared for this Project. The Department is concerned that the proposed Project could result in substantial impacts to the Stanislaus River, especially if ground water is used as a water source; this would remove water from the aquifer and could result in downstream impacts.

J.D. Hightower  
November 9, 2006  
Page 8

Depending upon the results of the previously mentioned biological surveys, we may have additional comments and recommendations regarding avoidance, minimization, and mitigation of Project impacts to habitat and special status species. If you have any questions on these issues, please contact Annee Ferranti, Staff Environmental Scientist, at the address or telephone number (extension 227) provided on this letterhead.

Sincerely,

A handwritten signature in black ink that reads "W. E. Loudermilk". The signature is written in a cursive style with a large, stylized initial "W".

W. E. Loudermilk  
Regional Manager

cc: Scott Morgan  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit  
Post Office Box 3044  
Sacramento, California 95812-3044

United States Corps of Engineers  
San Joaquin Valley Office  
1325 J Street  
Sacramento, California 95814-2922

California Regional Water  
Quality Control Board  
Central Valley Region  
1685 E Street  
Fresno, California 93706-2020

Maryann Owens  
United States Fish and  
Wildlife Service  
2800 Cottage Way, Suite W-2605  
Sacramento, California 95825

Date: November 17, 2006

To: City of Riverbank, Community Development Department  
J.D. Hightower - Director  
6707 Third Street  
Riverbank, CA 95367

CC: Matthew Gerken  
EDAW  
2022 J. Street  
Sacramento, CA 95814

Dear Mr. Hightower:

This document is in response to the Notice of Preparation for the City of Riverbank General Plan Update, Draft Program Environmental Impact Report.

We are Riverbank Watch, an impassioned group of residents who have been meeting for over a year now. We have been attending city planning meetings and doing research. We have provided input during your series of workshops, wrote letter-writing campaigns to you and various other local politicians in the hopes of making a difference. At times we feel we have been ignored and our concerns acknowledged but not taken seriously.

The City has actively solicited comments from its citizens. We have not only provided a detailed Preferred Alternative to the City's General Plan Update, but will follow through with its execution to make sure we are heard at each step of the approval process.

We are dedicated to supporting and fighting for :

- \* Preservation of prime farmland, the Stanislaus River, its habitat and wildlife.
- \* Increasing citizen's participation in the decision making process.
- \* Revitalizing the downtown area.
- \* Slower and smarter growth that takes into consideration long-term consequences that affect quality of life, such as better air quality and reasonable traffic flow.
- \* We do not want to be a bedroom community. We want to provide housing for people working in the local area.

It is our hope, that our legacy will extend to future generations of Riverbankers providing them with a high quality of life that we all enjoy today.

Our contact persons are:

Karen Mitchell  
2130 Cedarwood Dr.  
Riverbank, Ca 95367  
209 869-3381  
email: kmitch@thevision.net

Jojo Espiritu  
2220 Cedarwood Circle  
Riverbank, Ca 95367  
650 799-2325 (cell)  
email: bespirit@yahoo.com

## Riverbank Watch General Plan Preferred Alternative Plan

We are opposed to the City's Plan to extend the sphere of influence by 5600 to 6000 acres on the western and eastern side of Riverbank. We are also vehemently opposed on any plans by the city or any developer/landowner in developing one of the reserve areas defined as the northwestern portion of the City's planning area.

We also ask why the City's Notice of Preparation does not state how many and what alternatives to the project will be studied in the Environmental Impact Report (EIR).

We propose keeping Oakdale road as the western boundary, Eleanor Ave as the eastern boundary, Claribel Road as the southern boundary and the Stanislaus River and Highway 108 as the northern boundary.

We oppose the designation of "Reserve Areas" in the Notice of Preparation page 13 as vague and contradictory. It is too open to interpretation and there are no guarantees on how that area will eventually be used.

## Probable Environmental Impacts of the General Plan Update

### A. Aesthetics

The City's Preferred Alternative will have a significant impact on the aesthetics of our community. Riverbank will lose its rural, small town character. Keeping this character was seen as vital by the citizens of Riverbank who gave their input at the community meetings and workshops.

### B. Agriculture Resources

The City's Preferred Alternative will have a significant impact on the Agriculture Resources of our community. It will convert prime farmland to non-agricultural use, conflict with existing zoning for agricultural use, and will also conflict with current Williamson Act contracts.

### C. Air Quality

The City's Preferred Alternative will have a significant impact on the air quality of our community. It has been noted, even in the City's Notice of Preparation, that Riverbank resides in an area that does not currently meet health-based standards for ozone and

particulate matter set by the United States Environmental Protection Agency. Additional development will only exacerbate the problem. The City's Preferred Alternative will conflict and obstruct implementation of the San Joaquin Valley Air Pollution Control District.

#### D. Biological Resources

The City's Preferred Alternative will have a significant impact on the Biological Resources of our community. It will have a substantial adverse effect on the Stanislaus River and its wetlands. It will also adversely affect wildlife habitat. There are at least six, possibly nine, special status species within the proposed sphere. Development within the proposed sphere will interfere with the movement of migratory fish and birds.

#### E. Cultural Resources

The City's Preferred Alternative will have an impact on the City's Cultural Resources. It will encourage sprawl and take away resources needed for downtown revitalization and commerce. The small town ambiance and character will be lost.

As citizens interested in the preservation of our community's history and cultural heritage, we believe that increased development (particularly along the river) without adequate archeological research may disrupt human remains and damage important artifacts and cultural sites.

#### F. Energy Conservation

The updated urbanized general plan will increase the demand for energy within the city of Riverbank and its sphere of influence.

#### G. Geology, Soils, and Mineral Resources

The proposed development will impact substantial soil erosion and loss of topsoil. This will adversely affect the recharging of underground aquifers. These aquifers are essential for Riverbank's present and future water supply.

#### H. Hazards and Hazardous Materials

As concerned citizens we would like more information on the level of hazardous materials in our community before proceeding with additional development. We would also like information on the impact of any future development on the level of contaminants in the soil and groundwater.

#### I. Hydrology and Water Quality

The City's Preferred Alternative will have a significant impact on water recharge, surface flows, flooding and quality of the water. It will have an impact on groundwater supplies that would result in a net deficit in aquifer volume and lowering of the local groundwater table levels.

The City's Preferred Alternative plan will contribute runoff water which would exceed capacity of existing or planned stormwater drainage systems. The development will

result in additional sources of polluted runoff. Placing housing within 100 year flood plan hazard areas will result in increased risk to property and human life.

#### J. Land Use and Planning

The City's Preferred Alternative plan will have a significant impact on land use and planning. It will conflict with habitat conservation plans and will drastically reduce open space. The City's Preferred Alternative plan will physically divide our community.

#### K. Noise

The City's Preferred Alternative plan will significantly increase noise levels in excess of acceptable noise standards established by applicable agencies. Presently we are already exceeding the standards.

#### L. Population and Housing

The City's Preferred Alternative plan will induce population growth in a sprawl-like pattern.

#### M. Public Services including Recreation

The City's Preferred Alternative plan does not promote a favorable ratio between commercial and residential development. This will result in inadequate revenue to support the new demand on public services. The issue regarding school district boundaries is unsettled.

The lack of open space will decrease recreational opportunities.

#### N. Transportation /Traffic

The City's Preferred Alternative plan will result in an unsafe, significant increase of traffic. It will result in a greater number of vehicles on the road, gridlock and traffic fatalities. There will be unacceptable levels of congestion at critical intersections. In particular, the intersections near the bridges over the Stanislaus River and on the roads connecting Riverbank with Modesto and Oakdale will be adversely affected.

The overloaded circulation infrastructure will result in inadequate fire, medical and police response times.

#### O. Utilities and Service Systems

The increased population will cause an overload of the already existing utilities.

## **Closing Summary**

We feel our alternative will result in a better quality of life for the citizens of Riverbank and a more cohesive community. It will better protect our rural, small town identity. Our plan will stop the degradation and elimination of prime farmland, a non-renewable resource.

“Riverbank’s historic roots in agriculture, the railroad, and the River, should be recognized, celebrated, and respected as we create the City’s future.” We are certain that with our Alternative Plan this vision will be realized.



<http://www.dfg.ca.gov>

San Joaquin Valley and Southern Sierra Region  
1234 East Shaw Avenue  
Fresno, California 93710  
(559) 243-4014



November 9, 2006

J.D. Hightower  
Community Development Department  
City of Riverbank  
6707 Third Street  
Riverbank, California 95367

Dear Mr. Hightower:

**Notice of Preparation (NOP) and Initial Study  
Environmental Impact Report (EIR)  
City of Riverbank  
General Plan Update, SCH# 2006092051**

The California Department of Fish and Game (Department) has reviewed the NOP and Initial Study for the General Plan Update for the City of Riverbank EIR (Project). Approval of the proposed Project would serve to broadly create a policy framework for the City's long-term physical form and development and will include broad community goals for the future of the City of Riverbank. The Project area includes the area within the City limits, the sphere of influence, plus the area surrounding the City limits. The Project area generally extends from the Stanislaus River on the north, and consists of the City of Riverbank, unincorporated areas east and west of the City, and Jacob Meyers Park. Downtown Riverbank lies approximately seven miles north-northeast of downtown Modesto, and Riverbank's City Limits and Sphere of Influence are directly adjacent to Modesto in certain areas along Claribel Road.

There may be special status biological resources present in the Project area. The Department also has concerns about potential development-related impacts to waterways (Stanislaus River, Main Canal, Modesto Canal, and associated laterals), which could occur as a result of development projects authorized under the General Plan. In order to adequately assess any potential impacts to biological resources within the General Plan area, focused biological surveys should be conducted by a qualified wildlife biologist/botanist during the appropriate survey period(s). This information is necessary to identify any mitigation, minimization, and avoidance measures (including setbacks, etc.) which should be included as part of the General Plan. Biological issues should be evaluated and analyzed in the California Environmental Quality Act (CEQA) document prepared for this Project and prior to any subsequent development approvals.

Our specific comments follow pertaining to compliance with the California Endangered Species Act (CESA) and Section 1600 (Streambed Alteration) of the Fish and Game Code. Circulation of a CEQA document to the Department does not constitute consultation under CESA or notification for a Streambed Alteration Agreement.

### **Department Jurisdiction**

**Trustee Agency Authority:** The Department is a Trustee Agency with responsibility under CEQA for commenting on projects that could impact plant and wildlife resources. Pursuant to Fish and Game Code Section 1802, the Department has jurisdiction over the conservation, protection and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species. As a Trustee Agency for fish and wildlife resources, the Department is responsible for providing, as available, biological expertise to review and comment upon environmental documents and impacts arising from project activities, as those terms are used under CEQA (Division 13 (commencing with Section 21000) of the Public Resources Code).

**California Endangered Species Act (CESA):** The Department has regulatory authority over projects that could result in the "take" of any species listed by the State as threatened or endangered pursuant to Fish and Game Code Section 2081. If the Project could result in the "take" of any species listed as threatened or endangered under CESA, the Department may need to issue an Incidental Take Permit for the Project. CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (Sections 21001{c}, 21083, Guidelines Sections 15380, 15064, 15065). Impacts must be avoided or mitigated to less than significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code Section 2080.

Development within portions of the General Plan area has the potential to reduce the number or restrict the range of endangered, rare, or threatened species (as defined in Section 15380 of CEQA) including the following Federal and/or State-listed species known to occur in the Project area vicinity.

#### **Species**

#### **Listing**

Vernal pool fairy shrimp  
*Branchinecta lynchi*

Federally listed - Threatened

Vernal pool tadpole shrimp  
*Lepidurus packardii*

Federally listed - Endangered

<u>Species</u>	<u>Listing</u>
Vernal pool tadpole shrimp <i>Lepidurus packardii</i>	Federally listed - Endangered
California tiger salamander <i>Ambystoma californiense</i>	Federally listed - Threatened
Valley elderberry longhorn beetle <i>Desmocerus californicus dimorphus</i>	Federally listed - Threatened
Swainson's hawk <i>Buteo swainsoni</i>	State listed - Threatened

The following special status species may also be present: tricolored blackbird (*Agelaius tricolor*), Suisun song sparrow (*Melospiza melodia maxillaries*), burrowing owl (*Athene cunicularia*), and moestan blister beetle (*Lytta moesta*). Although burrowing owls are not listed under CESA, impacts to burrowing owl and their nest burrows must be avoided in order to comply with the Federal Migratory Bird Treaty Act (MBTA) and Fish and Game Code Sections 3503, 3503.5, and 3513, which are explained in more detail below.

The Fully Protected white-tailed kite (*Elanus leucurus*) is also known to nest and forage in the project area vicinity.

**Stream Alteration Notification:** The Department also has regulatory authority with regard to activities occurring in streams and/or lakes that could adversely affect any fish or wildlife resource. Based on the project description, it appears there may be the potential to divert or obstruct the natural flow, or change the bed, channel, or bank (which may include riparian resources) of a river or stream, and the Department may require a Stream Alteration Agreement (SAA). Generally, the Department requires minimization of impacts to waterways under the jurisdiction of Fish and Game Code Section 1600 et seq. We recommend contacting Mr. Gerald Hatler, Environmental Scientist, at (559) 243-4014 x 231, to discuss the feasibility of waterway fill and rerouting and riparian vegetation removal, as well as for further information regarding notification requirements.

The issuance of both an Incidental Take Permit and SAA is subject to CEQA review. The Department, as a Responsible Agency under CEQA, would consider the CEQA document prepared for the Project. If a SAA or Incidental Take Permit would be needed, the CEQA document prepared for this Project by the Lead Agency (City of Riverbank), as well as any project-specific CEQA documents should identify the Department as a Responsible

associated riparian resources. In the event that a CEQA document will not be prepared, and another public agency is not taking a discretionary action over this Project, the Department would need to act as the Lead CEQA Agency prior to issuance of a discretionary permit.

**Fully Protected Species:** The Department has jurisdiction over fully protected species of birds, mammals, amphibians, reptiles, and fish pursuant to Fish and Game Code Sections 3511, 4700, 5050, and 5515. Take of any fully protected species is prohibited and the Department cannot authorize their "take" for development. The white-tailed kite is a fully protected species that is known to nest and forage in the Project area vicinity, and could use the Project site for foraging, nesting, and roosting purposes. The CEQA document prepared for this Project should evaluate and address potential Project-related impacts to this species, and should include appropriate species specific avoidance and minimization measures.

**Bird Protection:** The Department has jurisdiction over actions which may result in the disturbance or destruction of active nest sites or the unauthorized "take" of birds. Fish and Game Code Sections that protect birds, their eggs and nests include, Section 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory non-game bird). Since many mature trees and other vegetation is present on the Project site and presumably will need to be removed for implementation of the proposed Project, appropriate avoidance and minimization measures for raptors and other nesting birds potentially present in the Project area should be included in the CEQA document prepared for this Project.

**Water Pollution:** Pursuant to Fish and Game Code Section 5650, it is unlawful to deposit in, permit to pass into, or place where it can pass into the "Waters of the State" any substance or material deleterious to fish, plant life, or bird life, including non-native species. The Regional Water Quality Control Board also has jurisdiction regarding discharge and pollution to "Waters of the State".

It is possible that without mitigation measures this Project could result in pollution of a "Waters of the State" from increased road, parking, stormwater runoff, or construction-related erosion. This could impact the fish and wildlife resources associated with the Stanislaus River, Main Canal, Modesto Canal, and other surface waters by causing: increased sediment input from structure and road runoff; toxic runoff from household chemicals, and impairment of wildlife movement along riparian corridors.

**Riparian Habitat and Wetlands:** Riparian habitat is of extreme importance to a wide variety of plant and wildlife species. Riparian habitat is known to exist within the

proposed Project area. The Department considers projects that impact this resource as significant if they result in a net loss of acreage or habitat value. The Department has a no-net-loss policy regarding impacts to wetlands. Potential impacts to special status resources posed by wetland creation should also be considered. Wetlands that have been inadvertently created by leaks, dams or other structures, or failures in man-made water systems are not exempt from this policy.

A formal wetland delineation should be conducted by a qualified biologist in portions of the General Plan area potentially supporting wetlands to determine the location and extent of wetland habitat in the Project area, including vernal pools and swales. The wetland delineation should be submitted to the United States Army Corps of Engineers (ACOE) for verification. Wetlands should be designated on a site map and included in the final environmental documents.

In addition, we recommend delineating all surface waters and wetlands with a minimum 50-foot no-disturbance buffer around the outer edge of these areas, with the exception of necessary road crossings over drainages. A 100-foot no-disturbance buffer around the high water mark of surface water channels should be clearly identified. The riparian vegetation along waterways should also be protected with a 200-foot no-disturbance buffer delineated from the high water mark of each surface water body.

**California tiger salamander:** Protocol biological surveys should be conducted in areas with seasonal wetlands and associated uplands by qualified biologists at the appropriate time of year to determine the existence and extent of wildlife resources and special status species on site, such as the California tiger salamander. It appears that the north-eastern most portion of the General Plan area is most likely to potentially support this and other vernal pool-associated species. It is important to note that protocol surveys for the California tiger salamander includes both wetland and upland habitat surveys, and may require more than one survey season. The results of these surveys should be submitted to the Department and the United States Fish and Wildlife Service (USFWS).

Take under the Federal Endangered Species Act (FESA) is more stringently defined than CESA; take under FESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with USFWS in order to comply with FESA is advised well in advance of Project implementation.

**Valley elderberry longhorn beetle:** The Project site may contain elderberry shrubs, removal and trimming of which is regulated by USFWS. The CEQA document should

evaluate the Project site conditions prior to elderberry removal, appropriate mitigation should be discussed, and prior to any subsequent project approvals, we recommend early consultation with USFWS.

**Swainson's hawk:** This State-threatened species is known to nest within the General Plan area boundary (in the northwestern corner above the riparian forest), and it is highly probable that this species nests within or closer to the General Plan area than the observations currently reported in the California Natural Diversity Database (CNDDDB). If there are not nesting Swainson's hawks closer to the Project site (see below regarding additional surveys) than currently reported in the CNDDDB, impacts to potential Swainson's hawk foraging habitat (including ag land) should be mitigated by the purchase of conservation easements and or fee title acquisition of suitable foraging habitat, as well as establishment of an associated management endowment to fund management of these lands in perpetuity.

The Initial Study does not state if the County of Stanislaus or the City of Riverbank has an ordinance to mitigate for the removal of mature trees. Removal of mature trees is a potentially significant impact to nesting raptors that should be mitigated. The Department considers removal of known raptor nest trees, even outside of the nesting season, to be a significant impact under CEQA, and in the case of Swainson's hawk could also result in take under the California Endangered Species Act (CESA). This is especially true with species such as Swainson's hawk that exhibit high site fidelity to their nest and nest trees year after year.

To avoid such impacts, prior to each development project or development phases within the General Plan area, surveys for nesting raptors should be conducted following the survey methodology developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000) prior to any disturbance within 5 miles of a potential nest tree (DFG, 1994). These surveys, the parameters of which were designed to optimize detectability, must be conducted to reasonably assure the Department that take of this species will not occur as a result of disturbance associated with Project implementation. In the event that this species is detected during protocol-level surveys, consultation with the Department is warranted to discuss how to implement the Project and avoid take.

Impacts to known nest trees should be avoided at all times of year. If avoidance of a known nest tree is not feasible, consultation with the Department is warranted prior to taking any action and a determination of take potential under CESA or under Fish and Game Code Sections 3503.5 and 3513 will be made.

Regardless of nesting status, trees that must be removed should be replaced with an appropriate native tree species planting at a ratio of 3:1 in an area that will be protected

in perpetuity. This mitigation is needed to offset potential impacts to the loss of potential nesting habitat. Impacts to potential Swainson's hawk foraging habitat should be mitigated regardless of whether or not "take" will occur. Mitigation for impacts to Swainson's hawk foraging habitat should occur within 10 miles from nest trees. In addition to fee title acquisition of grassland habitat, mitigation could occur by the purchase of conservation or suitable agricultural easements. Suitable agricultural easements would include areas limited to production of crops such as alfalfa, dry land and irrigated pasture, and cereal grain crops. Vineyards, orchards, cotton fields, and other dense vegetation do not provide adequate foraging habitat.

**Burrowing Owl:** Burrowing owls are known to occur within and near the Project area. If any ground disturbing activities will occur during the burrowing owl nesting season (approximately February 1 through August 31) implementation of avoidance measures is required. The Department's Staff Report on Burrowing Owl Mitigation (CDFG 1995) recommends that impacts to occupied burrows be avoided by implementation of a no-construction buffer zone of a minimum distance of 250 feet, unless a qualified biologist approved by the Department verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Failure to implement this buffer zone could cause adult burrowing owls to abandon the nest, cause eggs or young to be directly impacted (crushed), and/or result in reproductive failure.

The Department's Staff Report on Burrowing Owl Mitigation also recommends that a minimum of 6.4 acres of foraging habitat per pair or unpaired resident burrowing owl should be acquired and permanently protected to offset the loss of foraging and burrowing habitat.

**CEQA Compliance:** CEQA Guidelines Section 15378 defines "project" to mean the whole of an action that may result in either a direct or reasonably foreseeable indirect physical change in the environment. The final CEQA document should adequately address all impacts to natural resources of the Project site. Proposed development of access routes and infrastructure (water, electric, natural gas, septic or sewer, and telephone) related to this Project should also be delineated and analyzed for impacts to natural resources.

The source of water for the proposed Project should be identified, and the associated impacts evaluated in the CEQA document prepared for this Project. The Department is concerned that the proposed Project could result in substantial impacts to the Stanislaus River, especially if ground water is used as a water source; this would remove water from the aquifer and could result in downstream impacts.

J.D. Hightower  
November 9, 2006  
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Depending upon the results of the previously mentioned biological surveys, we may have additional comments and recommendations regarding avoidance, minimization, and mitigation of Project impacts to habitat and special status species. If you have any questions on these issues, please contact Annee Ferranti, Staff Environmental Scientist, at the address or telephone number (extension 227) provided on this letterhead.

Sincerely,

A handwritten signature in blue ink that reads "W. E. Loudermilk". The signature is fluid and cursive, with a prominent initial "W" and a stylized "L" at the end.

W. E. Loudermilk  
Regional Manager

cc: Scott Morgan  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit  
Post Office Box 3044  
Sacramento, California 95812-3044

United States Corps of Engineers  
San Joaquin Valley Office  
1325 J Street  
Sacramento, California 95814-2922

California Regional Water  
Quality Control Board  
Central Valley Region  
1685 E Street  
Fresno, California 93706-2020

Maryann Owens  
United States Fish and  
Wildlife Service  
2800 Cottage Way, Suite W-2605  
Sacramento, California 95825



# CITY OF OAKDALL

## Community Development Department

Planning Division & Building Division

455 South Fifth Avenue ■ Oakdale, CA 95361

Phone: (209) 845-3625 Fax: (209) 847-8903

November 25, 2006

City of Riverbank  
Community Development Department  
J.D. Hightower, Director  
6707 Third Street  
Riverbank, CA 95367

Dear Mr. Hightower:

Our City has received the Notice of Preparation (NOP) for the Environmental Impact Report that will accompany the update to the General Plan for the City of Riverbank. We have reviewed the overview materials included with the NOP and believe it comprehensively will address most of the issues that the City of Oakdale would have concern with. Nonetheless, we do wish to take this opportunity to ask that the General Plan and its Environmental Impact Report carefully analyze the following issues of joint interest between Oakdale and Riverbank.

### **Land Use Transitions**

In 2001 the City Council's of both Riverbank and Oakdale adopted Resolutions of Intentions identifying their common objective of establishing and preserving the existing rural and rural-estate separation between the two communities. The General Plan and EIR should certainly acknowledge this agreement and identify formal goals, objectives and implementing policies, including relevant environmental mitigation measures, that will reinforce this objective.

### **Transportation and Circulation**

The cities of Riverbank and Oakdale share a common interest in maintaining and enhancing a regional transportation system that will accommodate a growing population, including new residents and businesses, and the need to connect our communities with the Highway 99 corridor via an east-west expressway through the northern portion of Stanislaus County. The Circulation Element of the General Plan, along with the comprehensive environmental analysis in the EIR, should certainly examine this need and environmental consequences, along with appropriate mitigation measures and available financing mechanisms to achieve this critical transportation link.

In addition, the General Plan and EIR should certainly recognize the Oakdale-Riverbank Community Pedestrian/Bicycle Trail Plan that was prepared by the City of Oakdale in 2003. That plan identified a proposed community separator/trail plan with a preferred alignment of the BNSF Railroad Right-of-Way between the eastern edge of Riverbank and the western edge of Oakdale as the route of a connecting trail system.



CITY OF OAKDALE  
Community Development Department

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Mr. J.D. Hightower  
November 25, 2006  
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**Farmland Preservation**

As our communities grow it can be expected that pressure will increase to convert more farmland to urban land uses. The EIR should acknowledge the City of Oakdale's efforts in the East F Street and South Oakdale Industrial Specific Plans to mitigate the loss of important farmland through mitigation with a one-to-one farmland conservation easement replacement. The importance of preserving the County's best farmland will become increasingly important to future generations.

At this time these are the comments that we would like the City to acknowledge and address as this EIR moves forward. We look forward to reviewing the draft EIR when completed and offering additional comments as may be appropriate.

Very truly yours,

Steven L. Hallam, AICP  
Community Development Director



# DEPARTMENT OF CONSERVATION

## DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE: 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2666 • WEBSITE [conservation.ca.gov](http://conservation.ca.gov)

December 1, 2006

### VIA FACSIMILE (209) 869-7126

Mr. J. D. Hightower, Director  
City of Riverbank  
Community Development Department  
6707 Third Street  
Riverbank, CA 95367

Subject: City of Riverbank General Plan Update Notice of Preparation (NOP) for a Draft Environmental Impact Report (DEIR) - SCH# 2006092051, Stanislaus County

Dear Mr. Hightower:

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the NOP for the referenced project. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the project's impacts on agricultural land and resources.

### Project Description

The project is an update of the City of Riverbank's (City) General Plan (GP) projecting to the year 2025. The planning area includes all areas within the City limits, its current Sphere of Influence (SOI) and areas surrounding its SOI. The City is located just north of Modesto along the southern bank of the Stanislaus River in Stanislaus County (County). Large areas of Prime Farmland, Farmland of Statewide Importance and other important farmland are included in the planning area, as are lands enforceably restricted by Williamson Act contract.

### Agricultural Setting of the Project

The DEIR should describe the project setting in terms of the actual and potential agricultural productivity of the land. The Division's Important Farmland Map (IFM) for the County should be utilized to identify agricultural land within the project site and in the surrounding area that may be impacted. Acreages for each land use designation should be identified for both areas. Likewise, the County's Williamson Act Map should

Mr. J. D. Hightower, Director

December 1, 2006

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be utilized to identify potentially impacted contract, Farmland Security Zone (FSZ) and agricultural preserve land by acreage and whether it is prime or nonprime agricultural land according to definition in Government Code §51201(c). Maps of the Important Farmland and Williamson Act land should be included in the DEIR.

In addition, we recommend including the following items of information to characterize the agricultural land resource setting of the project.

- Current and past agricultural use of the project area. Include data on the types of crops grown, crop yields and farm gate sales values.
- To help describe the full agricultural resource value of the soils of the site, we recommend the use of economic multipliers to assess the total contribution of the site's potential or actual agricultural production to the local, regional and state economies. State and Federal agencies such as the UC Cooperative Extension Service and USDA are sources of economic multipliers.

#### Project Impacts on Agricultural Land

The Department recommends that the following be included in the DEIR in the analysis of project impacts.

- Type, amount, and location of farmland lost to project implementation. The conversion of Prime Farmland, Unique Farmland or Farmland of Statewide Importance is considered a potentially significant adverse impact.
- A discussion of conflicts with Williamson Act contracts, including termination in order to accommodate the project. The DEIR should also discuss the impacts that conflicts or termination would have on nearby properties under contract; i.e., growth-inducing impacts from the perspective that the removal of contract protection removes a barrier to development and results in an incentive to shift to a more intensive land use such as urban development. The termination of a Williamson Act contract is considered a potentially significant adverse impact.
- Indirect impacts on current and future agricultural operations; e.g., land-use conflicts, increases in land values and taxes, vandalism, population, traffic, water availability, etc.
- Growth-inducing impacts, including whether leapfrog development is involved.
- Incremental project impacts leading to cumulatively considerable impacts on agricultural land. These impacts would include impacts from the proposed project as well as impacts from past, current and probable future projects. The Division's farmland conversion tables may provide useful historical data.
- Impacts on agricultural resources may also be quantified and qualified by use of established thresholds of significance (CEQA Guidelines §15064.7). The Division has developed a California version of the USDA Land Evaluation and Site Assessment (LESA) Model, a semi-quantitative rating system for establishing the environmental significance of project-specific impacts on farmland. The model may

also be used to rate the relative value of alternative project sites. The LESA Model is recommended by CEQA and is available from the Division at the contact listed below.

### Williamson Act Lands

The Department recommends that the following information be included in the DEIR regarding Williamson Act land impacted by the project.

As a general rule, land can be withdrawn from Williamson Act contract only through the nine-year nonrenewal process. Immediate termination via cancellation is reserved for "extraordinary", unforeseen situations (See Sierra Club v. City of Hayward (1981) 28 Cal.3d 840, 852-855). Furthermore, it has been held that "cancellation is inconsistent with the purposes of the (Williamson) act if the objectives to be served by cancellation should have been predicted and served by nonrenewal at an earlier time, or if such objectives can be served by nonrenewal now" (Sierra Club v. City of Hayward).

- If cancellation is proposed, notification must be submitted to the Department when the county or city accepts the application as complete (Government Code §51284.1). The board or council must consider the Department's comments prior to approving a tentative cancellation. Required findings must be made by the board or council in order to approve tentative cancellation. Cancellation involving FSZ contracts include additional requirements. We recommend that the DEIR include discussion of how cancellations involved in this project would meet required findings. However, notification must be submitted separately from the CEQA process and CEQA documentation. (The notice should be mailed to Bridgett Luther, Director, Department of Conservation, c/o Division of Land Resource Protection, 801 K Street MS-18-01, Sacramento, CA 95814-3528.)
- Pursuant to Government Code §51243, if a city annexes land under Williamson Act contract, the city must succeed to all rights, duties and powers of the county under the contract unless conditions in §51243.5 apply to give the city the option to not succeed to the contract. Although a city may have protested a contract and although LAFCO may have upheld the protest, conditions in §51243.5 may not have been met to give the city the option to not succeed to the contract. For example, the protest may not have been valid pursuant to §51243.5(f). A LAFCO must notify the Department within 10 days of a city's proposal to annex land under contract (Government Code §56753.5). A LAFCO must not approve a change to a sphere of influence or annexation of contracted land to a city unless specified conditions apply (Government Code §§51296.3, 56426, 56426.5, 56749 and 56856.5).
- Termination of a Williamson Act/FSZ contract by acquisition can only be accomplished by a public agency, having the power of eminent domain, for a public improvement. The Department must be notified in advance of any proposed public acquisition (Government Code §51290 - 51292), and specific findings must be made. The property must be acquired in accordance with eminent domain law by

eminent domain or in lieu of eminent domain in order to void the contract (§51295). The public agency must consider the Department's comments prior to taking action on the acquisition. School districts are precluded from acquiring land under FSZ contract. We recommend discussion in the DEIR of whether such action is envisioned by this project and how the acquisition will meet the required findings. However, notification must be submitted separately from the CEQA process and CEQA documentation to the address noted above.

- If any part of the site is to continue under contract, or remain within an agricultural preserve, after project completion, the DEIR should discuss the proposed uses for those lands. Uses of contracted and preserve land must meet compatibility standards identified in Government Code §51238 - 51238.3, 51296.7. Otherwise, contract termination (see above) must occur prior to the initiation of the land use, or the preserve must be disestablished.
- An agricultural preserve is a zone authorized by the Williamson Act, and established by the local government, to designate land qualified to be placed under contract. Preserves are also intended to create a setting for contract-protected lands that is conducive to continuing agricultural use. Therefore, the uses of agricultural preserve land must be restricted by zoning or other means so as not to be incompatible with the agricultural use of contracted land within the preserve (Government Code §51230). The DEIR should also discuss any proposed general plan designation or zoning within agricultural preserves affected by the project.

### Mitigation Measures

The Department encourages the use of agricultural conservation easements on land of at least equal quality and size as partial compensation for the direct loss of agricultural land. If a Williamson Act contract is terminated, or if growth inducing or cumulative agricultural impacts are involved, we recommend that this ratio be increased. We highlight this measure because of its acceptance and use by lead agencies as mitigation under CEQA. It follows a rationale similar to that of wildlife habitat mitigation. The loss of agricultural land represents a permanent reduction in the State's agricultural land resources. Agricultural conservation easements will protect a portion of those remaining resources and lessen project impacts in accordance with CEQA Guideline §15370.

Mitigation using agricultural conservation easements can be implemented by at least two alternative approaches: the outright purchase of easements or the donation of mitigation fees to a local, regional or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements. The conversion of agricultural land should be deemed an impact of at least regional significance, and the search for replacement lands conducted regionally or statewide, and not limited strictly to lands within the project's surrounding area. Mitigation similar to that proposed by the City of Modesto in the Tivoli Specific Plan DEIR may be a useful example for the City's consideration.

Other forms of mitigation may be appropriate for this project, including the following:

- Protecting farmland in the project area or elsewhere in the County through the use of less than permanent long-term restrictions on use such as 20-year Farmland Security Zone contracts (Government Code §51296 et seq.) or 10-year Williamson Act contracts (Government Code §51200 et seq.).
- Directing a mitigation fee to invest in supporting the commercial viability of the remaining agricultural land in the project area, County or region through a mitigation bank that invests in agricultural infrastructure, water supplies, marketing, etc.
- The Department also has available listing of approximately 30 "conservation tools" that have been used to conserve or mitigate project impacts on agricultural land. This compilation report may be requested from the Division at the address or phone number below.

Although the direct conversion of agricultural land and other agricultural impacts are often deemed to be unavoidable by an agency's CEQA analysis, mitigation measures must nevertheless be considered. The adoption of a Statement of Overriding Consideration does not absolve the agency of the requirement to implement feasible mitigation that lessens a project's impacts. A principal purpose of an EIR is to present a discussion of mitigation measures in order to fully inform decision-makers and the public about ways to lessen a project's impacts. In some cases, the argument is made that mitigation cannot reduce impacts to below the level of significance because agricultural land will still be converted by the project, and, therefore, mitigation is not required. However, reduction to a level below significance is not a criterion for mitigation. Rather, the criterion is feasible mitigation that lessens a project's impacts. Pursuant to CEQA Guideline 15370, mitigation includes measures that "avoid, minimize, rectify, reduce or eliminate, or compensate" for the impact. For example, mitigation includes "*Minimizing impacts by limiting the degree or magnitude of the action and its implementation (§15370(b))*" or "*Compensating for the impact by replacing or providing substitute resources or environments (§15370(e))*."

All measures ostensibly feasible should be included in the DEIR. Each measure should be discussed, as well as the reasoning for selection or rejection. A measure brought to the attention of the Lead Agency should not be left out unless it is infeasible on its face.

Finally, when presenting mitigation measures in the DEIR, it is important to note that mitigation should be specific, measurable actions that allow monitoring to ensure their implementation and evaluation of success. A mitigation consisting only of a statement of intention or an unspecified future action may not be adequate pursuant to CEQA.

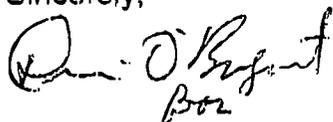
Information about agricultural conservation easements, the Williamson Act and provisions noted above is available on the Department's website or by contacting the Division at the address and phone number listed below. The Department's website address is:

Mr. J. D. Hightower, Director  
December 1, 2006  
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<http://www.conservation.ca.gov/dlrp/index.htm>

Thank you for the opportunity to comment on this NOP. If you have questions on our comments or require technical assistance or information on agricultural land conservation, please contact Bob Blanford at 801 K Street, MS 18-01, Sacramento, California 95814; or, phone (916) 327-2145.

Sincerely,

Handwritten signature of Brian Leahy in black ink. The signature is cursive and includes the name "Brian Leahy" and a small mark below it that appears to be "Boz".

Brian Leahy  
Assistant Director

cc: State Clearinghouse

East Stanislaus Resource Conservation District  
3800 Cornucopia Way, Suite E  
Modesto, CA 95358



**George Stillman**  
Director

1010 10TH Street, Suite 3500, Modesto, CA 95354  
Phone: 209.525.6550

December 11, 2006

J.D. Hightower, Community Development Director  
City of Riverbank  
6617 Third Street  
Riverbank, CA 95367

SUBJECT: City of Riverbank Scoping Meeting on EIR for the General Plan Update

Dear Mr. Hightower:

Although we will not have a representative attending the meeting relating to the scoping of a program level environmental impact report for the General Plan Update, this Department has the following comments:

1. Development of the proposed area of expansion will have significant impacts on the region.
2. The update process needs to assess traffic impacts.
3. The General Plan will need to comply with all established fee programs.
4. The existing City, County, and State road system may not be adequate to handle the increased traffic volumes associated with the proposed area of expansion.
5. The EIR must address policies and procedures to anticipate regional network improvements.
6. Road improvements need to be made prior to occupancy of dwelling units and commercial developments and not deferred until some unknown future date.
7. The Stanislaus County General Plan needs to be reviewed in updating the City of Riverbank's General Plan.

Thank you for the opportunity to provide input into this EIR process. Please contact me at 525-7571 if you have any questions.

Sincerely,

Ron Cherrier, Senior Land Development Coordinator  
(H:\Services\Riverbank General Plan Update.rc)

Riverbank Community Development Department

General Plan Update

**Land Use**

The land use designations in the general plan update change the current designations. For example R1, R 2 and R3 become Low, Medium and High density. The description of low, medium and high density is not the same as the description of the R1, R2, and R3.

The "Infill Opportunity Overlay" designation has specific land use descriptions that do not match the description of allowed land use in Low, Medium, and High density designations.

When the property has two conflicting designations, which takes precedence? How is it determined? Who makes the determination?

The Planning Commission repeatedly stated that the city is required to build homes. Please provide documentation: Who requires it? How many homes are required? Why is it required?

General Plan amendments that affect the permitted uses of real property require a public hearing and noticing. (Gov Code 65353(b), 65091, 65854, et al).

Why wasn't there any notice of changes to property zoning (designating)? Why wasn't there a public hearing? Why did the planning commission refuse to discuss it during the land use workshop?

These changes affect a large part of the older areas of Riverbank and as a property owner in this area I do not want my property usage "re-designated" or labeled "infill". There has been no notification to property owners and a refusal to discuss this change at the meeting regarding this element. I feel this is a violation of the law and my property rights.

**Circulation**

Policy CIRC 4.6 allows trucks to use restricted streets. If a street is posted "No Trucks" the trucks should not be allowed at all. When industry and residential are so close together allowing use of restricted streets for pick-up and delivery defeats the purpose of the posted sign.

Implementation Measure CIRC 7 Parking Master Plan Does "shared parking" mean use of residential parking? There isn't any mention of disabled parking, how will the city provide for it?

**Community Character and Design**

Downtown Goals and Policies: The downtown business district and the downtown residential are not the same. The wording when referring to downtown should specify this. Is it the intent of this element to require the residential areas to meet the same design goals as the business district?

Goal 9: Historical preservation is the most important part of the general plan. Without is the city loses its identity. Please provide documentation: Plan, guidelines, city code, any documentation that protects the history and the historical structures of Riverbank. Why aren't this there any protections in this element?

Design 10.6, 10.7, 10.8 Will the existing buildings be exempt? This would be historic preservation.

Goal 12: What is and where would Patterson Village be located?

### Economic Development

Implementation Strategy ED 22 and 24 History shows us that services bring people to the downtown area. We have lost a bank, 2 pharmacies, doctors, dentists, optician, TV repair, shoe store, bill payment store, 3 hardware stores, printing shop, newspaper offices, clock repair, auto repair, auto parts, etc all from downtown. People come downtown for appointments and then run other errands and they will also check out the shops. The post office has lots of customers. When it was on Santa Fe it brought those customers to the other stores.

Why isn't there any mention of bringing back the much-needed services we have lost in downtown?

### Conservation and Open Space

Goal CONS 1: Please provide documentation: Study or list of structures or cultural resources that have historical and/or architectural significance and that should be preserved

### Noise

Table N-2 lists allowable external noise levels as:

7 A.M.- 10 P.M. Leq 60 dba Lmax 75 dba

10P.M.- 7 A.M. Leq 45 dba Lmax 65 dba

The current noise ordinance allows:

7 A.M - 10 P.M. Leq 50 dba Lmax 70 dba

10 P.M. - 7 A.M. Leq 45 dba Lmax 65 dba

Why is there an increase in allowable noise levels? The allowable levels are in the noise control ordinance. Why weren't there notification and a public hearing regarding this change?

Where are the allowable internal noise levels in this element?

We do not need any more noise. We need a noise ordinance with more effective enforcement.

### Air Quality

Implementation Strategy AIR-4 States Downtown will be designated for higher density. High density means more people and more vehicles. Since there are no longer services downtown all these people will have to drive elsewhere. There are truck routes through downtown (108 and First Street) with a stoplight that backs up traffic. How does increasing the number of people living downtown (which lacks services and jobs) along with the current truck and traffic problems improve air quality?

Why wasn't there any notification or public hearing regard the change to high density?

Please provide documentation of latest emission level of pollutants in Riverbank and the downtown area.

### General Plan Implementation

States the zoning code will undergo a comprehensive update to ensure consistency.

Why wasn't there any notification or public hearing regarding zoning changes in this general plan update?

Why did the planning commission refuse to discuss zoning when questions were asked?  
Riverbank Downtown Design: Please provide the "urban design concept plan" and the  
"assessment of marketing conditions".

Where is the specific plan for downtown?

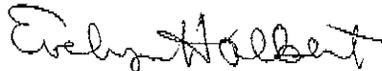
Where is the Housing Element?

Where are the guidelines and/or policy for Neighborhood Preservation that would protect  
existing neighborhoods?

We do not need to expand the city limits. We would become like the bay area touching  
Oakdale and Modesto and losing are identity. We are already becoming a bedroom  
community for commuters. Growth has not paid for itself. We should protect our  
agriculture, the river and open spaces. We should be preserving our historical and cultural  
resources, such as our downtown. The vision was about small town character.

Please respond to these questions, requests and concerns.

Thank you



Evelyn Halbert

## **APPENDIX E**

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Comments on February 2008 Public Review Draft

March 31, 2008

City of Riverbank  
Community Development Department  
6707 Third Street  
Riverbank, CA 95367

RE: GENERAL PLAN (PLAN) DRAFT ENVIRONMENTAL IMPACT REPORT  
COMMENTS

To Whom It May Concern:

I have reviewed the referenced Plan, and have the following comments:

1. The Plan points out that the proposed urban development outside Riverbank's current City limits will contribute to the long-term loss of high value farmland. It further states that, "...Substantial portions of the converted agricultural land are currently designated as Prime Farmland and Farmland of Statewide Importance... and that implementation of the General Plan would have a **cumulatively considerable and significant and unavoidable** impact." I agree with these findings and challenge the City to redirect its planned urban development to areas where impacts can be mitigated.
2. Section 6.3 of the Plan identifies "Significant Irreversible Environmental Changes." Among those listed are the irreversible loss of agricultural land where no mitigation is available. Again, I agree with these findings and challenge the City to redirect its planned urban development to areas where impacts can be mitigated. If urban development must occur on farmland, it should occur on land that is not designated as "Prime" or "Farmland of Statewide Importance."
3. Much of the farmland that is being considered for urban development lies within an area that is designated as a 100-year floodplain. Surely there are areas that are more appropriate for homes than one that lies within a known floodplain.

Thank you for your consideration.

Regards,



Bernard A. Aggers, Jr.  
7730 McHenry Ave  
Modesto, CA 95356



# DEPARTMENT OF CONSERVATION

## DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEBSITE [conservation.ca.gov](http://conservation.ca.gov)

April 1, 2008

Mr. J. D. Hightower, Director  
City of Riverbank  
Community Development Department  
6707 Third Street  
Riverbank, CA 95367

RE: 2005-20025 General Plan Update Draft Environmental Impact Report (DEIR)  
SCH #2006092051 - City of Riverbank, Stanislaus County

Dear Mr. Hightower:

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the DEIR for the referenced project. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the project's impacts on agricultural land and resources.

### Project Description

The project is an update to the City's existing General Plan, which will guide land use planning policy in the City for the next 20 years. It is estimated that at build-out, the planning area could be developed with 10,700 new dwelling units, 3,300,000 additional square feet of commercial and industrial building space, as well as schools and parks. The project area includes all areas within the existing City limits, the existing sphere of influence and areas west to McHenry Avenue and east slightly beyond Eleanor Avenue.

The project area consists of 8,683-acres - 5,351-acres identified as important farmland, 3,431-acres identified as prime farmland and approximately 2,826-acres identified as enforceably restricted by a Williamson Act contract.

### Project Impacts on Agricultural Land and Mitigation Measures

The DEIR has determined that the project's direct conversion of 3,431-acres of Prime Farmland and its cumulative impacts are significant and unavoidable. The DEIR references the City's General Plan Policy for mitigating the loss of agricultural land through the use of conservation easements or other mechanisms prohibiting urban

growth on agricultural lands of similar quality on a 1:1 acreage basis within Stanislaus County or the Stanislaus River watershed of San Joaquin County; or 1.5:1 basis for land preserved outside either county. Additionally, the City has developed two action plans for addressing direct and indirect agricultural impacts: 1) participation in the establishment of a regional agricultural land mitigation fee and conservation program and; 2) adoption of a "right-to-farm" ordinance. The Department applauds the City's policy and action plans for mitigating the loss of important farmland but disagrees with the DEIR's conclusion that mitigation for this project is not available.

Feasible alternatives to the project's location or configuration that would lessen or avoid farmland conversion impacts should be considered in the Final Environmental Impact Report (FEIR). Similarly, while the direct conversion of agricultural land is often deemed to be an unavoidable impact by California Environmental Quality Act (CEQA) analyses, mitigation measures must nevertheless be considered.

Mitigation using conservation easements can be implemented by at least two alternative approaches: the outright purchase of conservation easements tied to the project or via the donation of mitigation fees to a local, regional or statewide organization or agency, including land trusts and conservancies, whose purpose includes the purchase, holding and maintenance of agricultural conservation easements.

For example, the California Farmland Conservancy Program is authorized to accept donations of funds if the Department of Conservation is the designated beneficiary and it agrees to use the funds for purposes of the program in a county specified by the donor. Information about conservation easements is available on the Division's website, or by contacting the Division at the address and phone number listed below. The Division's website address is:

<http://www.conservation.ca.gov/DLRP/>

The Department believes that the most effective approach to farmland conservation and impact mitigation is one that is integrated with general plan policies. For example, the measures suggested above could be most effectively applied as part of the Conservation and Open Space Element. Mitigation policies could then be applied systematically toward larger goals of sustaining an agricultural land resource base and economy. Within the context of a general plan mitigation strategy, other measures could be considered, such as the use of transfer of development credits, mitigation banking, and economic incentives for continuing agricultural uses.

Williamson Act Lands

The DEIR recognizes that development of lands agriculturally zoned and under Williamson Act contract as anticipated in the proposed general plan represents a significant impact.

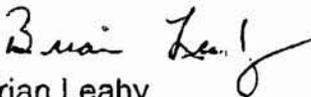
The Department recommends that the following information be included in the FEIR regarding Williamson Act land impacted by the project.

- As a general rule, land can be withdrawn from Williamson Act contract only through the nine-year nonrenewal process. Immediate termination via cancellation is reserved for "extraordinary", unforeseen situations (See Sierra Club v. City of Hayward (1981) 28 Cal.3d 840, 852-855). Furthermore, it has been held that "cancellation is inconsistent with purposes of the (Williamson) act if the objectives to be served by cancellation should have been predicted and served by nonrenewal at an earlier time, or if such objectives can be served by nonrenewal now" (Sierra Club v. City of Hayward).

If cancellation is proposed, notification must be submitted to the Department when the City accepts the application as complete (Government Code §51284.1). The council must consider the Department's comments prior to approving a tentative cancellation. Required findings must be made by the board or council in order to approve tentative cancellation. Cancellation involving Farmland Security Zone (FSZ) contracts include additional requirements. Notification must be submitted separately from the CEQA process and CEQA documentation. (The notice should be mailed to Bridgett Luther, Director, Department of Conservation, c/o Division of Land Resource Protection, 801 K Street MS 18-01, Sacramento, CA 95814-3528).

Thank you for the opportunity to comment on this DEIR. Pursuant to Public Resources Code §21092.5(a), the Department looks forward to receiving your response and a copy of the FEIR. If you have questions on our comments or require technical assistance or information on agricultural land conservation, please contact Adele Lagomarsino at 801 K Street, MS 18-01, Sacramento, California 95814; or, phone (916) 445-9411.

Sincerely,



Brian Leahy  
Assistant Director

cc: State Clearinghouse

East Stanislaus Resource Conservation District  
3800 Cornucopia Way, Ste. E  
Modesto, CA 95358

## DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836  
SACRAMENTO, CA 942360001  
(916) 653-5791



March 24, 2008

J.D. Hightower  
City of Riverbank  
6707 Third Street  
Riverbank, California 95367

City of Riverbank 2005-2025 General Plan Update  
State Clearinghouse (SCH) Number: 2006092051

The project corresponding to the subject SCH identification number has come to our attention. The limited project description suggests your project may be an encroachment on the State Adopted Plan of Flood Control. You may refer to the California Code of Regulations, Title 23 and Designated Floodway maps at <http://recbd.ca.gov/>. Please be advised that your county office also has copies of the Board's designated floodway for your review. If indeed your project encroaches on an adopted flood control plan, you will need to obtain an encroachment permit from the Central Valley Flood Protection Board prior to initiating any activities. The attached Fact Sheet explains the permitting process. Please note that the permitting process may take as much as 45 to 60 days to process. Also note that a condition of the permit requires securing all of the appropriate additional permits before initiating work. This information is provided so that you may plan accordingly.

If after careful evaluation, it is your assessment that your project is not within the authority of the Flood Board, you may disregard this notice. For further information, please contact me at (916) 574-1249.

Sincerely,

  
FOR Christopher Huft  
Staff Environmental Scientist  
Floodway Protection Section

Enclosure

Cc: Governor's Office of Planning and Research  
State Clearinghouse  
1400 Tenth Street, Room 121  
Sacramento, California 95814

## **Encroachment Permits Fact Sheet**

### **Basis for Authority**

State law (Water Code Sections 8534, 8608, 8609, and 8710 – 8723) tasks The Central Valley Flood Protection Board (“The Board”) with enforcing appropriate standards for the construction, maintenance, and protection of adopted flood control plans. Regulations implementing these directives are found in California Code of Regulations (CCR) Title 23, Division 1.

### **Area of The Central Valley Flood Protection Board Jurisdiction**

The adopted plan of flood control under the jurisdiction and authority of The Board includes the Sacramento and San Joaquin Rivers and their tributaries and distributaries and the designated floodways.

Streams regulated by The Board can be found in Title 23 Section 112.

Information on designated floodways can be found on The Board’s website at <http://www.recbd.ca.gov/maps/index.cfm> and CCR Title 23 Sections 101 - 107.

### **Regulatory Process**

The Central Valley Flood Protection Board ensures the integrity of the flood control system through a permit process (Water Code Section 8710). A permit must be obtained prior to initiating any activity, including excavation and construction, removal or planting of landscaping within floodways, levees, and 10 feet landward of the landside levee toes. Additionally, activities located outside of the adopted plan of flood control but which may foreseeable interfere with the functioning or operation of the plan of flood control is also subject to a permit of The Board.

Details regarding the permitting process and the regulations can be found on The Board’s website at <http://recbd.ca.gov/> under “Frequently Asked Questions” and “Regulations,” respectively. The application form and the accompanying environmental questionnaire can be found on The Board’s website at <http://www.recbd.ca.gov/forms/index.cfm>.

### **Application Review Process**

Applications when deemed complete will undergo technical and environmental review by The Board and/or Department of Water Resources staff.

### Technical Review

A technical review is conducted of the application to ensure consistency with the regulatory standards designed to ensure the function and structural integrity of the adopted plan of flood control for the protection of public welfare and safety. Standards and permitted uses of designated floodways are found in CCR Title 23 Sections 107 and Article 8 (Sections 111 to 137). The permit contains 12 standard conditions and additional special conditions may be placed on the permit as the situation warrants. Special conditions, for example, may include mitigation for the hydraulic impacts of the project by reducing or eliminating the additional flood risk to third parties that may be caused by the project.

Additional information may be requested in support of the technical review of your application pursuant to CCR Title 23 Section 8(b)(4). This information may include but not limited to geotechnical exploration, soil testing, hydraulic or sediment transport studies, and other analyses may be required at any time prior to a determination on the application.

### Environmental Review

A determination on an encroachment application is a discretionary action by The Board and its staff and subject to the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code 21000 et seq.). Additional environmental considerations are placed on the issuance of the encroachment permit by Water Code Section 8608 and the corresponding implementing regulations (California Code of Regulations – CCR Title 23 Sections 10 and 16).

In most cases, The Board will be assuming the role of a “responsible agency” within the meaning of CEQA. In these situations, the application must include a certified CEQA document by the “lead agency” [CCR Title 23 Section 8(b)(2)]. We emphasize that such a document must include within its project description and environmental assessment of the activities for which are being considered under the permit.

Encroachment applications will also undergo a review by an interagency Environmental Review Committee (ERC) pursuant to CCR Title 23 Section 10. Review of your application will be facilitated by providing as much additional environmental information as pertinent and available to the applicant at the time of submission of the encroachment application.

These additional documentations may include the following documentation:

- California Department of Fish and Game Streambed Alteration Notification (<http://www.dfg.ca.gov/1600/>),
- Clean Water Act Section 404 applications, and Rivers and Harbors Section 10 application (US Army Corp of Engineers),
- Clean Water Act Section 401 Water Quality Certification, and
- Corresponding determinations by the respective regulatory agencies to the aforementioned applications, including Biological Opinions, if available at the time of submission of your application.

The submission of this information, if pertinent to your application, will expedite review and prevent overlapping requirements. This information should be made available as a supplement to your application as it becomes available.

Transmittal information should reference the application number provided by The Board.

In some limited situations, such as for minor projects, there may be no other agency with approval authority over the project, other than the encroachment permit by The Board. In these limited instances, The Board may choose to serve as the "lead agency" within the meaning of CEQA and in most cases the projects are of such a nature that a categorical or statutory exemption will apply. The Board cannot invest staff resources to prepare complex environmental documentation.

Additional information may be requested in support of the environmental review of your application pursuant to CCR Title 23 Section 8(b)(4). This information may include biological surveys or other environmental surveys and may be required at anytime prior to a determination on the application.

TO THE RIVERBANK CITY COUNCIL AND PLANNING COMMISSION

March 24, 2008

This letter is to register an objection to the new Riverbank City Council plans for houses on the river bottom land west of Riverbank and nestled on the west side of the Stanislaus River.

This urban reserve area is flood plain land. This piece of top quality fertile bottom land has flooded several times when the levee did not hold. I saw the flood in 1955 when the levee failed. If there had been houses on this bottom land at that time, their roofs would have been under water. In the nineteen seventies the levee held but the land flooded from seepage coming from below at this time. Neighborhood children were paddling canoes in the flood plain now planned for houses by the Riverbank City Council.

The Modesto Bee on 3-10-05 mentioned the levee system in our region has failed about three dozen times in the past 25 years. The New Orleans levees were "250 year levees". Sacramento is now spending 90 million dollars for "100 year protection". The 1986 Yuba County levee break has resulted in lawsuits -- who pays?

Will the dams protect? The Modesto Bee on September 12, 2005, stated a late spring rain of four inches on heavy snow pack could lead to dam failure and widespread floods. In 1860 Modesto had 36" of rain in one season. Dams are a soft target for terrorists. *TIME* of September 19, 2005, stated a high terrorist risk: destroy a dam near an urban center. Predicted bigger earthquakes are also a concern for dams.

It is not fair that the taxpayers cover flood damage for people who knowingly build on a flood plain. It should be clear who is held responsible for flood damage before a single foundation is poured. FEMA does not consider even temporary shelters on a flood plain. Just as important as protecting people who might build on the flood plain, is the protection of the public from piecemeal

destruction of this urban forest, and from large resultant costs of any floods.

The bottom land has some of the highest quality soil in Stanislaus County. The 37,000 trees on this flood plain now absorb 700 plus tons of carbon dioxide per year. The Riverbank City Council plans on replacing a significant portion of the trees with houses which also have cars entering and exiting every day. Add that pollution to the pollution cleansing trees lost and one can see we are looking at a significant addition to pollution in the area.

In *TIME* of February 13, 2006, James Hansen, director of Goddard Institute for Space Studies stated we need to reduce the most important greenhouse gas, CO<sub>2</sub>. So the Riverbank City Council plans on replacing the trees, which now remove tons of carbon dioxide, with a “development”, adding obscene amounts of pollution to our air. If upscale houses are built, you can calculate the particulate matter pollution from all their fireplaces lodging deep in the alveoli of the lungs.

This bottom land has the highest quality soil. New land brought into production to replace it tends to have lower yields and higher production costs. Stanislaus County farm gate receipts exceed a billion dollars-that drive four billion dollars of economic activity within Stanislaus County. This fertile bottom land was owned by John Hancock Insurance Company. They sold it to a La Jolla Real Estate Company-“Barusa LLC”. If they still own this land, do they care about us-the people who live here, pay taxes here and breathe the air?

As good citizens, we naturally have questions about the thinking and motives of the Riverbank City Council in making this radical change from their previous sensible and responsible position for the preservation of this arboreal flood plain. Why is the Riverbank City Council now ignoring the obvious will of the people and the thoughtful position of dedicated planners and environmental groups? When this topic was on the agenda, over a year ago, the meetings were moved from Riverbank City Hall to the Riverbank Community Center to accommodate the large crowds of agitated people. The residents' sentiment was overwhelmingly against the development proposal at that time. Indeed, the history of the City Council itself seems to oppose development of this flood plain

area.

WORRIES ABOUT LAND: Quoted from the Modesto Bee September 4, 2005:

“[This land] is nestled against the Stanislaus River northwest of the city limit. The City's current general plan, last updated in 1985, noted the area as “some of the most productive agricultural land in the county”. The soil accounts for some of the richest farmland anywhere, said Charles Tyson, manager of the California Farmland Conservancy program, a division of the State Department of Conservation. “If it isn't preserved,” Tyson said, “the county will lose that base of economic income generated from farming. It's a continual trend. The more farming acreage that turns into housing, the harder it is to keep agriculture going next door,” he said.

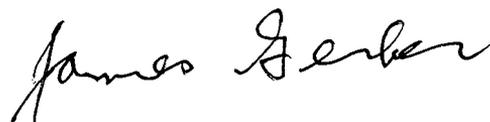
“In 2000, the Riverbank City Council passed a growth policy identifying the area as a “Community Separator,” noting it as a prime agricultural area and stated that growth should take place on the other side of Riverbank instead, to the east, where the agricultural potential is lower. But the policy changed, about two years ago, when the Riverbank City Council voted to update the policy and deleted language about growing east rather than west. The council also eliminated references to the areas as a Community Separator.”

On November 17, 2005, the Riverbank City Council and Riverbank Planning Commission meeting resolved to protect prime farmland to the west - “ag lands for aesthetic benefit and to balance environmental quality”. The Riverbank City plan of 2005 included Stanislaus River frontage to “protect the natural resource”.

It appears to be a fair question to ask: Why did the Riverbank City Council reverse its repeated position to preserve this fertile bottom land and trees to now go in the exact opposite direction? And why especially reverse position when the overwhelming number of concerned citizens at several open meetings strongly opposed building houses on this fertile bottom land?

Thank you for the opportunity to present these facts to you.

James Gerber

A handwritten signature in black ink that reads "James Gerber". The signature is written in a cursive, flowing style.

Draft General Plan Update Response  
Mr. JD Hightower  
City of Riverbank  
March 30, 2008

We do not need to expand the city limits. We would become like the bay area touching Oakdale and Modesto and losing are identity. We are already becoming a bedroom community for commuters. Growth has not paid for itself. We should protect our agriculture, the river and open spaces. We should be preserving our historical and cultural resources, such as our downtown area.

The vision and guiding principal about small town character will be lost in the destruction of agricultural land, growth, and increased traffic that this General Plan Update will bring as evidenced in this DEIR.

#### **The Riverbank 2025 Vision**

Riverbank in 2025 has a small-town character where residents can live, work, and play locally.

#### **Guiding Principles**

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

The following are my comments and questions.

#### **Aesthetics**

- ▶ Policy DESIGN-7.6: The City will support efforts to reduce the perceived scale of Downtown streets in relationship to building height and bulk, while allowing for automobile movements. The City will encourage wider sidewalks, additional landscaping, and accommodating a large portion of future parking demand with street, rather than surface parking. *If the City relies on street parking for downtown, how will it keep the commercial parking from spilling over in to the existing residential neighborhoods?*
- ▶ Policy DESIGN-9.1: The City will retain as many historic features as possible in the restoration or renovation of historical buildings. Wherever possible, maintain or restore original proportions, dimensions, and elements. Where applicable, follow historic preservation techniques appropriate to maintain historic registry status of subject buildings.
- ▶ Policy DESIGN-9.3: The City will encourage preservation and upgrades of the physical appearance and usability of buildings and sites with special historic and/or architectural interest, insofar as these actions do not jeopardize the historical registry status of subject buildings and sites. *There is no study of the historical aspects of downtown; there is no historical preservation ordinance. How will the city comply with Policy DESIGN 9.1 and 9.3?*

“However, the General Plan update anticipates that large, open spaces at the fringe of the City would be converted to urban development. Despite policies and land designations that will help to preserve open spaces and important views, urban development anticipated under the proposed General Plan will result in a **significant** impact to the existing visual identity and character of Riverbank, including potentially scenic views. This is a **significant and**

**unavoidable impact”** *This appears to be in conflict with the city vision statement. How will the city retain the small town character that is so important to the residents if they allow this significant impact to the existing visual identity and character?*

### **Agriculture Resources**

► (Policy CONS-3.1) Projects, plans, and subdivisions that propose to convert Important Farmland, as designated by maps maintained by the California State Department of Conservation, shall mitigate the loss of such lands through conservation easements or other mechanisms that prohibit urban development on agricultural lands of similar quality on a 1:1 acreage basis within Stanislaus County or San Joaquin County (within the Stanislaus River watershed), and on a 1.5:1 basis if land is preserved outside of Stanislaus or San Joaquin County *What mechanisms that prohibit urban development on agricultural lands would be used?*

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 be encouraged to do so in anticipation of urban growth. *How will the city encourage the cancellation of these contracts?*

There will a huge loss of farmland and agricultural products important to our city. There will also be a huge impact to the habitat. All the impacts are significant and unavoidable. *Why is there no attempt to mitigate all of this loss? Why is there no discussion of city agricultural conservation and mitigation policies under mitigation measures? Will the City “Right to Farm ordinance be adopted before any development is allowed on agricultural land?*

Under GOAL THREE the DEIR lists county polices for air quality, water resources and soil resources as county polices. *Why is there no city policies listed?*

### **Air Quality**

The impacts are listed as significant and unavoidable with no mitigation measures available. *Why didn't the DEIR address the option of annexing less land into the Sphere of Influence, which would result in less construction as mitigation?*

Policy LAND-3.5 Refers to Downtown as a mixed use, high density and high activity area. *Is this in reference to the commercial or residential downtown or both? Why has there been no discussion (the planning commission and the City County have refused to discuss land use changes) with the downtown residents?*

Policy AIR-3.2, 3.3, and 3.4 refer to “an adequate distance.” *What is an adequate distance?*

IMPACT 4.4-6 This impact does not address the impact of increased odor by new growth to the existing neighborhoods, which are closest to the sewer plant. *Why is this not addressed?*

MITIGATION MEASURE 4.4-6 This refers to “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” This would include existing older neighborhoods and the entire downtown commercial area. *What law would allow you to require existing neighborhoods to comply with this mitigation ?*

## **Biological Resources**

This does not adequately mitigate the impact of new growth to the habitat. The loss of trees will have a huge impact on the habitat, affection animals, birds, and other wildlife. *Why is there no policy for tree preservation? Where is the impact and mitigation for this issue?*

## **Cultural Resources**

Historical Resources 4.3-6 states: According to the State Office of Historic Preservation's Historic Property Data File for Stanislaus County, several historic properties within or adjacent to Riverbank are listed in State and Federal inventories (see Appendix A for complete listing). *Where is the listing, it is not in APPENDIX A?*

It is stated that the city has not done any studies regarding the historical and cultural resources in the city, *Why is there no policy for requiring the study? Why was no study done for the DEIR? How do conclude that there is no impact and therefore no mitigation required without a study?*

## **Energy Conservation**

Why is there no mention of polices for the use of alternative energy sources such as solar energy?

## **Geology, Soils, and Mineral Resources**

There is no discussion regarding the impact or mitigation of the existing contamination in the Ammunition plan area and the Patterson Road area downtown. There is a known plume of chromium and other contamination in these areas and heading westward. *Why aren't there any studies regarding this? What is the impact and mitigation of this contamination? What are the policies on this regarding future construction on the land above this contamination?*

## **Hazards and Hazardous Materials**

There is no mention of the underground contamination as addressed above. *Why isn't this considered hazardous?*

Goal 2 Policy 7 The fire department is unable to provide a second fire station now. Existing property owners should not have to pay for new growth. *How will you provide for this and police protection in regard to the proposed growth increase?*

Impact 4.9-5 Interfere **with Adopted Emergency Response Plans** The proposed in the general plan update would greatly increase traffic and directly affect evacuations. *Why is there no impact or mitigation for this?*

2. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect

*Why is there no impact or mitigation discussed?*

The DEIR would be in conflict with the existing zoning ordinance. The planning commission and the city council have refused to discuss the proposed zoning changes in the general plan update. General Plan amendments that affect the permitted uses of real property require a public hearing and noticing. (Gov Code 65353(b), 65091, 65854, et al) *Why wasn't this done?*

Ed-designating property usage or labeling it "infill" with no notification and a refusal this at the public meetings held regarding this element and the general plan is a violation of the law and property owner rights. *What is the legal justification for no notification and refusal of discussion?*

3. Conflict with any applicable habitat conservation plan or natural community conservation plan

*Why is there is no discussion of the Stanislaus County Ag Element, which is an Ag conservation element?* The large amount of agricultural land that would be developed would have a significant impact on this conservation element.

The DEIR states on page 4.11-3 "The Riverbank General Plan adoption does not include revision to the City's Sphere of Influence or City limits." All of the alternatives however expand the sphere on influence. *How do you explain these two conflicting statements?*

## **Noise**

First Street has been identified as a high noise area. The train, truck traffic, Highway 10 traffic, industry (cheese plant) and the skateboard park all contribute. Table 4.12-3 #57-*Why are there no results for First Street between Topeka and Patterson?*

Design 7.6 states the city would accommodate a large portion of future parking demand with street, rather than surface parking. *How do you address this impact on the residential areas?*

## **Housing and Population**

According to state law the Housing Element can only be updated every four years. *As it has not been four years since the last update why is the city updating it now?*

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. *Why was there no public notice or public hearing regard this "large amount of land use change"?*

**Housing and Population Replacement.** The General Plan encourages revitalization of vacant and underutilized portions of the existing city, although most land use change is anticipated to occur on agricultural lands surrounding the current city limits. A significance conclusion on this topic would be speculative. *What ids the definition of underutilized properties as it applies to the downtown area?*

## **Public Services and Facilities**

A new SCFPD needs assessment will soon increase the number of paid staff at each station from two to three. A second station in Riverbank will open in the Crossroads Specific Plan Area. The SCFPD anticipates the eventual need for a third fire station in the Bruinville area, which is located in the northeastern portion of the Riverbank Planning Area. *In a recent Modesto Bee article regarding alack of funds in the fire department, the comment was that there was no money for a second fire department and that they would have to run two man crews as a way to find money for a second fire department. What new assessment are you referring to?*

### **Traffic and Transportation**

The growth projected in the general plan update would have a significant impact on the city. The lack of mitigation is inadequate.

Table 4.15-4, 4,15-6

*Why is there no information for First Street between Topeka and Patterson? This is a designated truck route.*

The significant and unavoidable impacts of new growth would have a direct impact on emergency response times and evacuations. *Where is this impact discussed?*

Impact 4.15-5 was added after the DEIR was made available for comment. The comment period was extended. CEQA requires any additions with impacts require notification to the public. This is a violation. *Why was there was no notice posted or published regarding this change?*

### **Public Utilities**

The impact to water, sewer, and storm drainage would be huge and costly to the existing residents. There should be more mitigation.

**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**

*How would this be paid for? What environmental effects does this refer to?*

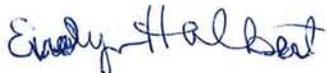
### **Alternatives to the Proposed Project**

*All the proposed alternatives have the same sphere of influence. Why wasn't the alternative submitted by the Riverbank Watch considered for this project considered per CEQA?*

### **NOP and Comments**

*Why were my submitted comments not included?*

Evelyn Halbert



April 1, 2008

Mr. JD Hightower, Community Development Director  
City of Riverbank Planning Department  
6617 Third Street  
Riverbank, CA 95367

**SUBJECT:** Draft Environmental Impact Report (DEIR) for the Riverbank General Plan Update

Dear Mr. Hightower:

Thank you for the opportunity to review and comment on the Riverbank General Plan Update Program Draft Environmental Impact Report (DEIR). The following comments are provided for the City's consideration, as Lead Agency, in the preparation of the Final EIR:

#### **4.3 Agricultural Resources**

The DEIR states there are active Williamson Act Contracts within the proposed General Plan update area, and that approximately 2,826 acres (32%) of the total Planning Area (8,683 acres) are currently in an active Williamson Act contracts.

One of LAFCO's main charges, as put forth by the Legislature, is to protect and promote agriculture. The Williamson Act is considered a mechanism to preserve agricultural land both in the short and long term. The Final EIR should discuss the location of these lands as it relates to possible phasing, general plan policies, development, and financing scenarios which would preserve the agricultural viability of this land as long as possible.

While Page 4.11-3 states that no sphere of influence is being proposed with the General Plan update, the territory proposed for inclusion in the City's proposed General Plan update includes land under Williamson Act Contracts. It must be noted, that Government Code Section 56426.5 prohibits LAFCO from approving a change to a Sphere of Influence if that territory is subject to a Williamson Act Contract, unless it makes certain findings. However, pursuant to Government Code Section 56426.5(c) (3), this section of the law does not apply to parcels under Williamson Act Contract for which a Notice of Non-Renewal has been filed.

In addition, under Government Code Section 51243.5, where a Williamson Act Contract was properly protested by the City upon execution and such protest upheld by LAFCO, the Commission shall determine whether the City shall succeed to the Williamson Act rights, duties, and powers of the County, or if the City may exercise its option to not to succeed to the contracts, upon annexation of the property to the City.

If the Commission determines the City can exercise its option to not succeed to a contract upon annexation, the City shall record a Certificate of Contract Termination with the County Recorder at the same time as the LAFCO Executive Officer files the Certificate of Completion under Government Code Sections 51243.5(h) and 57203.

The Agricultural Resources section contains a large excerpt of the Stanislaus County Agricultural Element which appears to have been taken from an older version of the document. No reference is included as to the date of this excerpt; however, the County's Agricultural Element was adopted on December 18, 2007 (prior to the City's DEIR cover date of January 2008).

#### Impacts and Mitigation Measures

Pages 4.3-11-17, identify several significant and unavoidable impacts regarding the loss of agricultural lands upon build-out of the City's proposed 2025 General Plan. It is recognized that the City's Draft General Plan Conservation and Open Space Element includes a policy (Policy CONS-3.1) which states the following:

"Policy CONS-3.1: Projects, plans, and subdivisions that propose to convert Important Farmland, as designated by maps maintained by the California Department of Conservation, shall mitigate the loss of such lands through conservation easements or other mechanisms that prohibit urban development on agricultural lands of similar quality on a 1:1 acreage basis within Stanislaus County or San Joaquin County (within the Stanislaus River watershed), and on a 1:5:1 basis if land is preserved outside of Stanislaus or San Joaquin County."

However, the summary in the DEIR (page 4.3-14) states that no specific mitigation measures have been identified to offset or reduce the impacts related to the conversion of agricultural lands (Impacts 4.3-1, -2, and -3 each state "no mitigation available"). The City is encouraged to include mitigation measure(s) which encourage the use of agricultural conservation easements or other mechanisms for the direct loss of agricultural land, in order to lessen the impact of the loss of important farmland.

#### **4.10 Hydrology and Water Quality**

The City of Riverbank is located within the Modesto Groundwater Basin. As noted on Page 4.10-4, due to annual urban and agricultural extractions, the basin is experiencing an overdraft of approximately 48,000 acre-feet, which is likely responsible in part for the gradual decrease in groundwater levels, as identified in the data from the Riverbank monitoring wells.

Although the General Plan Policies and Actions listed in Impact 4.10-4 identify ways to directly or indirectly mitigate the potential for groundwater supply impacts, no specific mitigation measures have been identified to ensure a less-than-significant impact.

In addition, what are the City's plans to address water quantity (and quality) for the long term? Will the City always be reliant on groundwater? Has the City considered utilizing surface water to complement the groundwater supplies?

### Wendt Ranch Reclamation District

The City's General Plan DEIR notes the risks of potential flooding hazards in the northwestern portion of the Riverbank Planning Area. Page 4.10-13 recognizes the recently formed Wendt Ranch Reclamation District. Although this District is not within the City's current sphere of influence, it is located within the City's proposed General Plan update area.

The District provides protection, by means of the existing levee system, to approximately 2.2 square miles of existing agricultural lands. It includes an area consisting of two parcels of approximately 760 acres of agricultural lowlands, which is bordered by the Stanislaus River on the north, with a steep terrace slope and hilly area bordering around the east, west, and south areas. The parcels (APN 074-002-001 and a portion of APN 074-003-001) are located within the unincorporated area of the County, just east of McHenry Avenue and north of Patterson Road. It should be noted that any future proposal that would affect this District would require review and subsequent approval by LAFCO.

### **General Comments**

- Page 4.11-3 outlines the factors that LAFCO must consider during a review of a proposal (Government Code Section 56668). As of January 1, 2008, recent changes to this section of the law include the addition of a new factor, which reads as follows: "(o) The extent to which the proposal will promote environmental justice. As used in this subdivision, 'environmental justice' means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services."
- Page 4.3-12 indicates a policy in the General Plan Land Use Element that may cause a future conflict with LAFCO policies. Specifically, Policy LAND-1.1 3) states, in part, the following: "The City will only allow annexation of land that is: ... 3) rural residential lands that does not need public infrastructure." If this is the case, there would be no need to annex the territory if the city does not intend to provide governmental services to the area, and urban development is not imminent (LAFCO Policy 2 B & C, and Policy 21). Also, included on Page 4.3-12, is the City's Goal Land -5: Full Range of Public Services and Facilities for All Areas of the Community, which may conflict with Policy LAND 1.1 (#3).
- The Public Services & Facilities Background Report incorrectly identifies the number of fire agencies within Stanislaus County (PS & F-14). There are 14 rural fire protection districts and 6 municipal fire departments within Stanislaus County.
- The Final EIR should discuss what specific measures will be implemented to improve and/or maintain the current level of services (e.g., water quality and quantity, wastewater infrastructure and capacity, adequate police and fire protection) prior to expansion of the City's boundaries. This information can also be utilized to prepare the "Plan for Services" required by LAFCO policy and State Law (Government Code Section 56653), which requires information on the present and future level of services, and evidence that the annexing agency can at least maintain the current level of public services already provided within its boundaries.

### **Sphere of Influence Policies**

Although the adoption of the Riverbank General Plan Update does not include a proposed Sphere of Influence (SOI) revision, as stated in the Notice of Preparation, a SOI proposal is to follow. In anticipation of this proposal, LAFCO offers the following comments regarding SOI policies and the requirements for a Municipal Service Review:

Government Code Section 56076 defines a sphere of influence as "a plan for the probable physical boundaries and service area of a local agency, as determined by the commission". It is an area within which a city or district may expand, over an undefined period of time, through the annexation process. In simple terms, a sphere of influence is a planning boundary within which a city or district is expected to grow at some future time.

LAFCO will designate a Sphere of Influence line for each local agency that represents the agency's probable physical boundary and includes territory eligible for annexation and the extension of that agency's services within a zero to twenty-year period. LAFCO shall also designate a Primary Area line for a local agency, which represents the agency's short-term growth area. Areas within an adopted Primary Area shall be eligible for annexation and extension of urban services within a zero to ten-year period.

Territory not in need of urban services, including open space, agriculture, non-protested, or protested and not upheld Williamson Act contracted lands, shall not be assigned to an agency's sphere of influence, unless the area's exclusion would impede the planned orderly and efficient development of this area.

The expansion of the sphere of influence triggers a requirement for City of Riverbank representatives to meet with the County to discuss the proposed sphere and explore methods to reach agreement on its boundaries, development standards, and zoning requirements within the sphere (Government Code Section 56425). If an agreement is reached, LAFCO is required to give great weight to that agreement in the consideration of any proposed sphere of influence. If no agreement is reached, an application may be submitted to the Commission and the Commission shall consider a sphere of influence for the City consistent with the policies adopted by the Commission.

### **Municipal Service Review**

State law, effective January 1, 2001, requires that a Municipal Service Review (MSR) be conducted of the municipal services provided in order to update a Sphere of Influence.

In addition, LAFCO must now review and update, as necessary, the adopted sphere not less than once every five years. A Sphere of Influence (SOI) is defined as "a plan for the probable physical boundary and service area of a local agency or municipality as determined by the Commission". The Cortese-Knox-Hertzberg Act describes the function of a SOI as an important tool for "planning and shaping the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the County and its communities".

**SUBJECT: Draft EIR - Riverbank General Plan Update**  
**Page 5**

Government Code Section 56430 outlines the factors which must be addressed and a written statement of the Commissions' determinations prepared in determining a SOI. In order to address these factors with respect to the Sphere of Influence, information relative to the entire city, their general plan, and their adopted facility and financing master plans must be provided.

In addition, since there are special districts, including the Eastside Mosquito Abatement District, the Modesto Irrigation District, and the Stanislaus Consolidated Fire Protection District, which provide public services within the boundaries of the proposed SOI, the service review study must include these agencies.

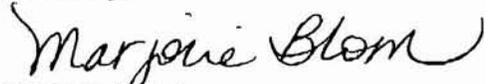
In conducting the review of the City's Sphere of Influence update, the Commission will need certain information from the City in order to prepare its written determinations, as outlined in Government Code Sections 56425 and 56430.

It is the intent of the Commission to use existing documents and information and not to require any new studies to be prepared. Therefore, a logical time to conduct the Municipal Service Review and Sphere of Influence Update would be upon a request by the City to expand their existing SOI to accommodate a proposed development project or after the City prepares, updates, or adopts new planning documents, such as a general plan or master facility plans.

The preparation of the service review is considered to be a project under CEQA and maybe exempt under Section 15262 of the CEQA Guidelines as feasibility and planning study, as the City, as Lead Agency, anticipated and included the expansion of the SOI and ultimate development in this EIR.

Should you have any questions regarding the above comments, please feel free to contact me at (209) 525-7660.

Sincerely,



Marjorie Blom  
Executive Officer

(I:\BLOMERC\DEIR.RiverbankGP)



## CITY of MODESTO

*Community and  
Economic  
Development*

*Planning  
Division*

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*Hearing and Speech  
Impaired Only  
TDD 209/526-9211*

April 1, 2008

J.D. Hightower, Director  
Department of Community Development  
City of Riverbank  
6617 Third Street  
Riverbank, CA 95367

RE: Riverbank General Plan Environmental Impact Report (SCH  
#2006092051)

Dear Mr. Hightower:

The City of Modesto has reviewed the Draft Environmental Impact Report (DEIR) for the Riverbank General Plan and has the following comments.

1. Various commercial and industrial uses are planned for future development along Claribel Road. These include Commercial/Regional/Business Park, Highway Commercial, and Industrial. The Crossroads Shopping Center was constructed without respect to the designation of Claribel Road as a regional expressway and has multiple driveways and intersections with Claribel Road. As a result, the portion of Claribel Road adjacent to the Crossroads Shopping Center cannot function as an expressway. This results in a significant impact on the 1991 StanCOG Regional Expressway Plan, and upon Modesto's Urban Area General Plan and the Stanislaus County General Plan, both of which are consistent with the Regional Expressway Plan in designating Claribel Road as an expressway. Riverbank's General Plan should be consistent with the Regional Expressway Plan, and future development along the Claribel Road corridor should be designed accordingly, in order to reduce the occurrence of additional significant impacts to the regional system.
2. The environmental setting section should indicate that Kiernan Avenue is also State Highway 219. The state highway designation has a potential effect on transportation planning efforts.
3. On page 4.15-12 of the DEIR is a statement indicating that buildout of the Riverbank General Plan could generate 192,095 additional automobile trips per day, which may have a significant impact on the roadway networks in Riverbank, Modesto, Oakdale, and Stanislaus County. The

analysis should, at a minimum, compare the increase to existing average daily trips in Riverbank and to the trips expected with the existing Riverbank General Plan. It should also identify the expected impacts at major Modesto intersections near Riverbank.

4. The DEIR indicates Riverbank may need to add twenty-six new traffic signals or roundabouts for intersection traffic control at General Plan buildout. The General Plan does not indicate how they will maintain those new traffic signals. At the present time Modesto provides signal maintenance service to Riverbank but we may not be able to continue such service with the numerous additional signals indicated. As a result, a significant impact may occur. The EIR should address this issue.
5. The Stanislaus County General Plan, the Modesto General Plan, and the StanCOG Regional Expressway Plan all show Claribel Road from McHenry Avenue to Claus Road as a six-lane expressway. Mitigation Measure 4.15-1 incorrectly states that a six-lane arterial would mitigate impacts to a less-than-significant level. Mitigation measure 4.15-1 is further described as being possibly infeasible and that the impact may be significant and unavoidable, all of which is incorrect. Because the majority of the land adjacent to Claribel Road is agricultural and has only been minimally developed, other mitigation measures can readily be applied to development along Claribel Road to prevent impacts on the aforementioned plans for Claribel Road and upon traffic flow. Appropriate mitigation measures include constructing Claribel Road as a six-lane expressway and limiting direct-access driveways and intersections to the standards adopted by Stanislaus County, the City of Modesto, and StanCOG, as approved by their various governing bodies. The traffic analysis should be revised to reflect these comments and an appropriate statement of significance applied to the outcome with mitigation that reflects the region's intention that Claribel Road be an expressway.
6. The City of Riverbank is encouraged to coordinate with the City of Modesto to determine whether mitigation measures might be available to reduce or avoid Impact 4.15-5. The proposed Riverbank General Plan update will likely have significant impacts on numerous roadways and intersections in Modesto and Stanislaus County. This analysis should be included in the EIR.
7. The traffic analysis failed to address potential impacts from vehicular trips to and from State Route 99 along major travel corridors such as Pelandale Avenue, State Route 219, and Ladd Road. Potential impacts at the interchanges with State Route 99 at State Route 219 and Pelandale Avenue should also be analyzed. Similarly, the impacts at the intersection of State Route 108 and McHenry Avenue should be included in the traffic analysis.
8. Stanislaus County and the City of Modesto completed a Regional Sports Facility Study in March, 2002. The study indicated that in order to satisfy the anticipated demand for sports facility development at that time, Riverbank would need to develop 28.7 acres of sports facilities (*Regional Sports Facility Study, Stanislaus County and City of Modesto*, March 2002, p. 70 – 71).

J.D. Hightower, Director  
Page 3  
April 1, 2008

Mitigation for the impacts of the additional population projections on regional sports facilities, as well as the findings from the original study should be considered in the development of the Riverbank Urban area General Plan update. Modesto is particularly concerned that the demands for sports facilities generated from Riverbank will impact City of Modesto sports facilities if these mitigation measures are not accounted for and implemented in the Riverbank Urban Area General Plan Update.

Thank you for the opportunity to comment on the Draft EIR. If you have any questions concerning these comments, please contact me at 209-577-5267.

Regards,

Patrick Kelly, AICP  
Planning Manager



ARNOLD SCHWARZENEGGER  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT  
DIRECTOR

April 2, 2008

J.D. Hightower  
City of Riverbank  
6707 Third Street  
Riverbank, CA 95367

Subject: City of Riverbank 2005-2025 General Plan Update  
SCH#: 2006092051

Dear J.D. Hightower:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on April 1, 2008, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

Document Details Report  
State Clearinghouse Data Base

**SCH#** 2006092051  
**Project Title** City of Riverbank 2005-2025 General Plan Update  
**Lead Agency** Riverbank, City of

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**Type** EIR Draft EIR  
**Description** The General Plan Update represents the City's comprehensive policy guide for development and conservation over the next 15 to 20 years. Up to 10,700 new dwelling units and up to 3.3 million square feet of new commercial, office, and industrial building space could be accommodated during the General Plan time horizon, as well as schools, parks, and other uses. The General Plan describes the comprehensive transportation network that will serve new neighborhoods and the existing City and the full range of other infrastructure and public services that will be required. This General Plan includes a comprehensive array of policies designed to reduce environmental impacts associated with new growth.

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**Lead Agency Contact**

**Name** J.D. Hightower  
**Agency** City of Riverbank  
**Phone** (209) 863-7120 **Fax**  
**email** jdhightower@riverbank.org  
**Address** 6707 Third Street  
**City** Riverbank **State** CA **Zip** 95367

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**Project Location**

**County** Stanislaus  
**City** Riverbank  
**Region**

**Cross Streets**

**Parcel No.**

**Township**

**Range**

**Section**

**Base**

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**Proximity to:**

**Highways** 108, 120  
**Airports** Peterson  
**Railways** BNSF  
**Waterways** Stanislaus River  
**Schools** Various  
**Land Use** Various

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**Project Issues** Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Cumulative Effects; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Growth Inducing; Landuse; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian

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**Reviewing Agencies** Resources Agency; Regional Water Quality Control Bd., Region 5 (Sacramento); Department of Parks and Recreation; Native American Heritage Commission; Office of Emergency Services; Department of Housing and Community Development; Office of Historic Preservation; Cal Fire; Department of Fish and Game, Region 4; Department of Water Resources; Department of Conservation; California Highway Patrol; Caltrans, District 10; Caltrans, Division of Aeronautics

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**Date Received** 02/14/2008 **Start of Review** 02/15/2008 **End of Review** 04/01/2008

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March 30, 2008

J. D. Hightower  
Community Development Department  
City of Riverbank  
6707 Third Street  
Riverbank, CA 95367

Re: Notice of Availability (NOA) of the Draft Program Level Environmental Impact Report associated with The General Plan Update

State Clearinghouse (SCH) Number: 2006092051

Dear Mr. Hightower,

This is a response to the Draft EIR from Riverbank Watch, a group of concerned citizens. We appreciate your consideration of our document and look forward to receiving your response and comments.

## **Introduction**

Riverbank Watch, a group of concerned citizens, has reviewed the Draft Program Level Environment Impact Report (DEIR) associated with the General Plan Update. The proposed Project area includes the area within the city limits, the sphere of influence, plus the area surrounding the City limits.

In analyzing the cumulative impacts and indirect impacts to fulfill CEQA requirements, we feel that the environmental impacts described in said documents are not specific and the “significant and unavoidable impacts” are too numerous.

## **Comments on Riverbank General Plan DEIR:**

The Draft EIR (DEIR) must analyze all potential impacts related to the projected growth under the proposed Riverbank General Plan. The DEIR notes that the Planning Area buildout would include a future population of 52,500. This represents a 150% increase over the estimated 2006 population of 21,215 (Table 3-1).

### “Reserve” Areas are Not Adequately Described or Analyzed

The Draft EIR (DEIR) is fundamentally flawed throughout its analysis because it fails to analyze potential impacts of ALL potential development areas shown on the proposed land use map (Exhibit 3-1, the proposed Land Use Diagram). In particular, two significant areas on the west side of the Planning Area, between McHenry Ave. and Coffee Road are designated as “Reserve.” These two areas of agricultural lands appear to be a total of about 1,000 acres.

The DEIR fails to quantify the size of these two “Reserve” areas and fails to describe what the ultimate land use or intended use is for these lands. Why doesn’t the DEIR describe the acreage and ultimate use?

The project description for the draft plan on page 3-17 of the DEIR includes a discussion of the “Reserve” areas that is vague and contradictory. The text states “This designation does not necessarily imply urban development,” but then goes on to offer “performance criteria before development takes place.” The criteria indicate that urban development could occur on these lands when “the rest of the Riverbank Planning Area is sufficiently built out such that the Reserve area is now needed to meet the demand for urban development...”

The approximately 1,000 acres designated as “Reserve” areas represents about one sixth (15%) of the total 6,000 acres that the DEIR states is land planned for “future growth” (Table 3-1), but is not included in the table.

The City cannot pretend that urban development will not occur on these specific lands designated “Reserve” when the General Plan designation clearly indicates the terms under which development may be considered by the City. The lands are either designated for non-urban uses or for urban uses. You can’t be half-pregnant.

If the designation of “Reserve” continues to set criteria for development, then to comply with the requirements of the California Environmental Act (CEQA) the City must assume a certain density of urban development and analyze potential traffic, air quality, and other environmental impacts.

### Inclusion of “Reserve” Lands within Sphere Must Assume Development and Be Analyzed

The DEIR states on page 1-1 that “the City’s Planning Area generally represents the proposed ultimate SOI, but the City does not intend to propose one SOI expansion to include the entire area with land use designations under the proposed General Plan (please refer to Exhibit 3-1, which illustrates the proposed Land Use Diagram).”

This discussion is also vague and must be clarified. Inclusion of the Reserve areas within the city's Sphere of Influence (SOI) would clearly indicate that these properties have been designated for future urban growth and should be analyzed for impacts. Lands included by the Local Agency Formation Commission (LAFCO) within a city SOI are defined by Government Code Section 56076 as "a plan for the probable physical boundaries and service area of a local agency, as determined by the commission" (emphasis added). When lands are included within a City SOI, the State LAFCO statutes assume that the City will, within the planning period, extend public services such as water, sewer, and fire service to the lands and these lands will be developed for urban uses.

### Deferral of Analysis of "Reserve" Impacts is Illegal Piecemealing

The failure of the DEIR throughout to assume a "worst case" level of growth for the 1,000 acres of Reserve lands constitutes an illegal "piecemealing" of the project, which is specifically prohibited by the California Environmental Quality Act (CEQA). CEQA defines any "project" as "the whole of an action, which has a potential for resulting in either a direct physical change" or "a reasonably foreseeable indirect change in the environment." CEQA Guidelines § 15378(a) (emphasis added). Courts interpret the term "project" so as to "maximize protection of the environment." See *McQueen v. Bd. of Directors* (1988) 202 Cal.App.3d 1136, 1143 (disapproved on other grounds in *Western States Petroleum Assn. v. Superior Court* (1995) 9 Cal.4th 559, 570). Moreover, CEQA requires that, "[w]here individual projects are, or a phased project is, to be undertaken and where the total undertaking comprises a project with significant environmental effect, the lead agency shall prepare a single program EIR for the ultimate project." CEQA Guidelines § 15165; see also CEQA Guidelines § 15168. Thus, CEQA requires that an agency take an expansive view of any particular project as it conducts the environmental review for that project.

The City violated this fundamental tenet of CEQA by narrowly describing the project as excluding the 1,000 acres of Reserve land, when these lands are included for potential development on the proposed General Plan land use map.

### Traffic and Transportation

It must be acknowledged that unsatisfactory traffic circulation is a chronic and frequent problem throughout California. Many factors have contributed to this state of affairs, one of which is a lack of regional planning that offers people real transportation choice. However, with regard to automobile travel, what is proposed in the DEIR will create new traffic circulation problems with no adequate mitigation in sight.

These new traffic circulation problems will be cumulative. The Traffic and Transportation Element in the DEIR addresses the impact of what it is proposing on particular roads, but lacks an adequate overview -- a summary of what is being proposed and the cumulative and combined effects it will have on current road conditions and quality of life.

The DEIR acknowledges that two major roads (Claribel and the 108) are now significantly below the level of service (LOS) standard of the current General Plan. Several railroad crossings within the city are also problematic. There is no secured funding at this point for any regional controlled expressway that might significantly improve the LOS of these critical roads. Despite the inability to solve existing F-LOS conditions, the City is proposing three alternatives which would open up current agricultural lands to new development thereby further increasing the amount of traffic and the risk of accidents (particularly around the railroad crossings). The current inadequate state of important roadways, the lack of secure funding for a regional expressway and the proposed new development in agricultural areas now outside the city's sphere are combined with a proposal that lowers the current LOS standard (going from a C to a D) for all roadways. The cumulative impact of all these factors, though not addressed in the DEIR, will very likely mean the continuance, if not worsening, of unsafe and unsatisfactory road conditions, a deterioration in the quality of life due to increased wait-times and an increase in air pollution caused by the stopping, starting and idling of automobiles. In the DEIR, new development is too heavily weighted at the expense of an adequate and sustainable infrastructure.

A recent addition to the DEIR (4.15-5) acknowledges the more regional impacts of what it is proposing and the lack of adequate mitigation. However, it still does not constitute an adequate summary.

(4.15.3) The rationale for lowering the LOS standard in the DEIR was twofold: first, "many" communities are doing it and second, the LOS-C standard leads to the "overbuilding of roadways." What does "many" communities refer to? Are we speaking of communities in California, the county, the nation or what? Please provide a list. And what consequences are those communities experiencing? As a rationale, the fact that many are doing the same thing is fairly lame, especially given California's track record – if "many" was referring to communities in California. And the "overbuilding of roadways," while being a possible consequence of the LOS-C standard, is not the only one. Obviously, another consequence is the limitation on new development. The wording of this rationale reflects a bias towards unsustainable development.

(4.15.3) It was estimated that 192,095 additional trips would be generated from development under the new General Plan. It is not clear how this figure was calculated. The three new G.P. alternatives allowing for development in areas not currently included within city limits are ambiguous as to type and density. Given this, a range of additional trips, rather than a single figure, would be a more accurate measure.

(5.4.1) The DEIR minimizes ("reduced somewhat") any significant difference in trip generation between the current G.P.s footprint and the enlarged footprint represented by the three alternatives. This seems rather implausible. Both the current General Plan and the new General Plan prioritize infill because it tends to generate fewer trips. You cannot say in the same document that infill is preferable because it reduces the number of trips and then say that the difference is negligible or insignificant.

(4.15-5) The recent addition to the DEIR addresses the north McHenry Bridge. The bridge and anticipated new traffic on McHenry had been noticeably absent from the original draft EIR made available to the public. The DEIR states that north McHenry Ave. could accommodate an additional 2,080 daily trips. It is not clearly stated what level of service is meant. The DEIR foresees that 192,095 additional trips would be generated by development under Riverbank's new General Plan. This means that if only 2% of the additional trips used the north McHenry Bridge the limit would be exceeded. Since the bridge would also need to accommodate trips generated by any new development in north Modesto, the percentage for Riverbank should be smaller – perhaps closer to 1%. With development being planned to the West, perhaps as far as McHenry Ave., and the use of the McHenry Bridge intensifying, it is easy to predict that even with the current proposed expansion of the bridge, the LOS would quickly go below acceptable levels on the bridge itself and on north McHenry Ave.

There is no mention of any developer incentives for building in locations and in a manner that would generate fewer trips. There are tools available (UREMBIS) that would help calculate trips based on the type and location of development that then could be used to provide financial incentives to builders.

Given the significant problems with traffic circulation and the lack of adequate mitigation measures, Riverbank Watch's alternative, (found in the appendix to the new G.P.) which basically keeps the city boundaries of the current General Plan, would best serve to keep a balance between new development and infra-structure capacity and should be seriously considered.

### Farmland Conversion Must be Mitigated

Approximately 5,351 acres (62%) of the Riverbank Planning Area consists of important farmland (Prime Farmland, Unique Farmland, and Farmland of Statewide Importance), of which 3,431 acres (40%) consists of Prime Farmland soils (see Table 4.3-1, and Exhibit 4.3-1.)

The California Environmental Quality Act requires a lead agency to identify and implement feasible mitigation measures to reduce significant impacts, even if the impact cannot be reduced to a "less-than-significant" level. The analysis of agricultural conversion issues is deficient because it leads to the conclusion that "the loss of farmland is significant and unavoidable" and "no mitigation is available" (page 4.3-14). The impact issue is not whether the loss of farmland can be avoided, but whether the loss can be mitigated.

Implementation Strategy CONS-1 states only the vague intent of the City “to work with the County, other nearby cities, the Dept. of Conservation, and other interested agencies to establish a regional agricultural mitigation fee and conservation program.” The strategy sets no timetable for accomplishing this and carries no penalty if such a program is never established (or if the other agencies refuse to establish a regional program). The implementation strategy as written is useless and will probably accomplish little if anything.

The DEIR fails to discuss potential mitigation in the form of the City adopting an Ag mitigation program which includes a requirement that all new development that converts valuable Ag lands must purchase an Ag easement at a 1:1 ratio (1 acres conserved with an easement for each acre converted). Alternatively, smaller projects (less than 10 or 20 acres) could be eligible to pay an in-lieu fee to be used by a land trust to purchase an Ag easement.

The DEIR fails to identify and discuss the recently formed Central Valley Farmland Trust or the several legal settlements between the Sierra Club and the cities of Stockton, Lathrop, Manteca, and Tracy that will provide millions of dollars of funding for the trust to acquire tens of thousands of easements over the next 20 to 30 years.

The trust is now operational in four counties, including Stanislaus County, and is charged to purchase conservation easements according to adopted strategic plans in each county. The Final EIR should be amended to reflect this. Please contact director Bill Martin of the Central Valley Farmland Trust at (916) 687-3178, or see [www.valleyfarmland.org](http://www.valleyfarmland.org) for further details.

It is time for the City of Riverbank to take the initiative and provide leadership by including a specific policy and implementation measures in the new General Plan that sets forth a mandatory Ag conservation program that applies to all new development in Riverbank that paves over valuable Ag lands.

### DEIR Must be Recirculated

To comply with CEQA, this DEIR must be withdrawn, re-written, and re-circulated. The project description must be re-written to accurately describe the total amount of urban growth that would be allowed on ALL lands designated for possible growth in the land use map. The City may wish to characterize the first 20 or so years of growth as “short-term” and the remainder of the planned growth on Reserve lands as “long term,” but a detailed analysis must be included in the revised DEIR for both short term and total (or long term) growth.

Alternatively, the City could redefine or re-name the Reserve areas to clarify that these areas would not be allowed to develop during this General Plan under any circumstances (in which case these areas should be removed from the City SOI).

The General Plan Update EIR is made available for public review via the City's website as well as a hard copy edition available for purchase at \$25 per copy. However, impact 4.15-5 was updated via the City website. Residents who purchased the hardcopy edition were not made aware of subsequent changes and add-ons. Thus, some residents were reviewing documents that were old and not up-to-date.

In addition, we believe the Northwest area described in the General Plan Update should not be included in the project area for the following reasons:

1. It consists of important farmland.
2. It is in the flood plain.
3. Aquifers are present.
4. It is riparian habitat and drains into the Stanislaus River with potential impact on salmon spawning.
5. Development of the northwest area would include another school district. Three districts already divide the city. This impact was not discussed.

Additionally, the DEIR states on page 4.11-3, "The Riverbank General Plan adoption does not include revision to the City's Sphere of Influence or City limits." However, the project site discussed in the DEIR expands the sphere of influence of Riverbank.

The DEIR also does not adequately address greenhouse gas analysis and contains no affordable or inclusionary housing component. The water supply analysis is inadequate and there is a lack of an adequate range of alternatives studied. Furthermore, the City of Modesto's Tivoli Project and its impacts to Riverbank was not discussed or addressed in the DEIR.

Sincerely,  
Riverbank Watch

We look forward to your response:

Riverbank Watch  
2130 Cedarwood Dr.  
Riverbank, Ca 95367  
Email: [riverbankwatch@yahoo.com](mailto:riverbankwatch@yahoo.com)



Stanislaus Consolidated Fire Protection District  
3324 Topeka Street  
Riverbank, CA 95367  
(209) 869-7470  
Fax (209) 869-7475

March 21, 2008

J.D. Hightower  
Community Development Director  
City of Riverbank  
6617 Third Street  
Riverbank, CA 95367

Dear Mr. Hightower,

The following are comments from the Stanislaus Consolidated Fire Protection District regarding the Riverbank General Plan Update Draft EIR. Some of the information in the plan has changed since the process was started, so a few comments are directed at updating the information. It appears some of the information submitted to the City by the District appears to be inaccurate, so the recommendations remedy this issue as well. Page numbers and sections or paragraphs have been referenced for convenience.

1. Page 1-7, Paragraph 4: This statement is accurate regarding the City of Riverbank response area only. All growth within the Fire District will impact our ability to provide services and result in the need for additional facilities.
2. Page 1-18, Impact 4.9-6: Fire code requirements should state "California Fire Code with adopted Fire District amendments", instead of City Fire Code.
3. Page 1-27, Impact 4.15-11: Last sentence should state "This could be a significant impact".
4. Page 3-3, Paragraph 2: Last sentence should state "Another fire station is being planned for the Crossroads area. And another is planned to be built in the Bruinville development on the east side of Riverbank. There is no specific date chosen for opening either of these stations currently".
5. Page 4.2-6, Policy Design-3.3: Fire District agrees to use of roads that meet current code and minimum fire apparatus access requirements. Public safety can't be compromised due to limited or restricted access.

6. Page 4.2-7, Policy Design-3.5: Alleyway access is usually discouraged from a safety response aspect. Alleyway access will have to meet current fire code requirements, ordinances and standards, for roadway and street widths.
7. Page 4.2-8, Policy Design-7.4: Fire District understands the land use issue regarding taller buildings. This will drive the need for an aerial apparatus (Ladder Truck) to be required in the City. Ground ladders are virtually useless in buildings at or above 20 feet in height.
8. Page 4.3-12, Policy Land-5.2: Agree in whole to this policy. Cooperation between the City and the District will be extremely important to insure needs of both entities are met.
9. Page 4.9-7, Paragraph 4: Change from 47 paid employees to 51. District now handles in excess of 4200 calls per year. Add an additional sentence stating “SCFPD also has automatic aid agreements with Salida Fire Protection District, Oakdale Rural Fire Protection District, Oakdale City Fire Department, Cal Fire (CDF), Denair Fire Protection District, Hughson Fire Protection District, Ceres Emergency Services, and Modesto Fire Department”.
10. Page 4.9-7, Paragraph 5: First sentence should now state “Station #36 serves Riverbank, and is currently staffed with a Captain, Engineer and a Firefighter”. Third sentence should state “The engine company ladder can service up to approximately 18-20 feet”.
11. Page 4.9-7, Paragraph 6: Should state “The Stanislaus County Fire Warden’s Office currently provides fire prevention services to the Riverbank Planning Area through a contract. Plans are currently in motion for the Fire District and the City to provide for the fire prevention services in the near future. Fire investigation services are currently provided by the City of Modesto Fire Department through a contract. Both agencies provide the services to the District under contract with Stanislaus County from the Less Than County Wide Tax”.
12. Page 4.9-7, Paragraph 7: Sentence should state “Ambulance service within the Planning Area is provided by the Oak Valley Hospital District and American Medical Response”.
13. Page 4.9-12, Policy 7, Agree. City should support NFPA 1710 or SCFPD response requirements to insure adequate fire protection is available.
14. Page 4.9-12, Policy 14, Uniform Fire Code should be replaced with California Fire Code.
15. Page 4.9-19, Policy Safe-2.1: Agree.
16. Page 4.9-19, Impact 4.9-6: Change “City Fire Code” to California Fire Code”.
17. Page 4.9-19, Policy Safe-1.2: Change “Uniform” to “California” regarding fire code.

18. Page 4.9-19, Policy Safe-1.5: Second sentence should state “The installation of automatic fire sprinklers may, at the discretion of the City and the Fire Chief, allow for a reduction in the required fire flow, while still complying with the California Fire Code requirements”.
19. Page 4.9-19, Policy Safe-2.2, Policy Safe-2.3: Agree
20. Page 4.9-20, Policy Safe-2.4: Agree.
21. Page 4.14-1, Paragraph 4: First sentence should now state “The paid staff at this station consists of a Captain, Engineer and a Firefighter”. Second sentence should state “The station is also served by the SCFPD’s reserve/intern firefighters, which number between 20 and 30 at any given time district-wide. A typical fire response in Riverbank may include 1 to 5 reserve/interns”. Third sentence change in the parenthesis to “(a pumper truck carrying water and hose and equipped with a 24-foot ladder)” Last sentence change in parenthesis to (a small engine better suited for off-road use, primarily used for vegetation fires)”.
22. Page 4.14-1, Paragraph 7: First sentence should state “SCFPD is currently increasing the number of paid staff at each station from two to three and also intends to place another fire station in Riverbank within the Crossroads Specific Plan Area”. Last sentence should state “The SCFPD anticipates the eventual need for another fire station in the Bruinville area on the east side of Riverbank”.
23. Page 4.14-10, Paragraph 2: Third sentence stating “SCFPD expects this to improve to a rating of two or three after facilities demanded in the new SCFPD needs assessment are operational” needs to be modified to read “A goal of the SCFPD is to obtain an ISO rating of three within the City of Riverbank assuming facilities and staffing can be provided through the creation of Community Facilities/Services District(s), and an adequate water supply (fire hydrants) are available”.
24. Page 4.14-10, Paragraph 3: Second sentence should state “A second station in Riverbank is planned in the Crossroads Specific Plan Area”. Third sentence needs to replace “third” with “another fire station in the Bruinville area”.
25. Page 4.14-10, Paragraph 4: First sentence needs to be modified to “the proposed General Plan includes goals and policies to ensure adequate facilities, staffing, equipment and operational costs are funded and provided to meet future growth”.
26. Page 4.14-10, Policy Public-7.3: Agree.
27. Page 4.14-11, Policy Public-7.4, Policy Public-7.5: Agree.
28. Page 4.14-11, Policy Land-5.5: Agree. Fire facilities need to be considered part of the public infrastructure included with the service needs of the General Plan.

29. Page 4.15-18, Paragraph 5: A reference for fire department emergency service pre-emption of traffic signals needs to be added.
30. Page 4.15-32, Impact 4.15-11: Last sentence should state "This could be a significant impact". As long as the General Plan abides by the access requirements needed for emergency response, the subject should be of limited concern.
31. Page 4.15-34, Policy CIRC-1.2: Fire District agrees to use of roads that meet current code and minimum fire apparatus access requirements. Public safety can't be compromised due to limited or restricted access.
32. Page 4.16-24, Policy Public-7.1, 7.2, and 7.6: Agree.
33. Page 6-7, Paragraph 1: This statement is accurate regarding the City of Riverbank response area only. All growth within the Fire District will impact our ability to provide services and result in the need for additional facilities. In other areas of the Fire District the impact could be significant.
34. Page 6, Paragraph 6, Notice of Preparation, Draft EIR: Last sentence should state "Another fire station is being planned for the Crossroads area, and could possibly open in the near future".
35. Another recommendation would be a reference to the SCFPD strategic plan, possibly in 3.1.5 under the Public Services and Facilities paragraph, or where deemed appropriate.

Please contact me directly with questions regarding this issue.

Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Mayotte', with a long horizontal flourish extending to the right.

Stephen Mayotte  
Fire Chief



**CHIEF EXECUTIVE OFFICE**  
Richard W. Robinson  
Chief Executive Officer

Patricia Hill Thomas  
Chief Operations Officer/  
Assistant Executive Officer

Monica Nino-Reid  
Assistant Executive Officer

Stan Risen  
Assistant Executive Officer

1010 10<sup>th</sup> Street, Suite 6800, Modesto, CA 95354  
P.O. Box 3404, Modesto, CA 95353-3404  
Phone: 209.525.6333 Fax 209.544.6226

## STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE

March 12, 2008

J.D. Hightower  
Community Development Director  
City of Riverbank  
6617 Third Street  
Riverbank, CA 95367

**SUBJECT: ENVIRONMENTAL REFERRAL – CITY OF RIVERBANK – NOTICE OF PUBLIC AVAILABILITY DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) RIVERBANK GENERAL PLAN UPDATE**

Mr. Hightower:

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and has determined that it will not have a significant effect on the environment.

The following comments/conditions are submitted for consideration:

- Applicant shall determine, to the satisfaction of the Department of Environmental Resources (DER), that a site containing (or formerly containing) residences or farm buildings, or structures, has been fully investigated (via Phase I study and Phase II study if necessary) prior to the issuance of a grading permit. Any discovery of underground storage tanks, former underground storage tank locations, buried chemicals, buried refuse, or contaminated soil shall be brought to the immediate attention of DER.
- The Agricultural Resources Section of the DEIR does not reflect the currently adopted Agricultural Element of the Stanislaus County General Plan. The Stanislaus County Agricultural Element was updated in December of 2007.

The ERC appreciates the opportunity to comment on this project.

Sincerely,

Raul Mendez, Senior Management Consultant  
Environmental Review Committee

cc: ERC Members

# **APPENDIX F**

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State Floodways





Encroachment on local interest project levees, or project levees, must be approved by The Reclamation Board before they will be permitted.

Application forms for encroachment permits can be obtained from The Reclamation Board in Sacramento, California.

Encroachments on the remainder of the designated floodway, and the project floodway, will require approval in writing by the District Engineer, U.S. Army District Sacramento in accordance with the Corps of Engineers easements.

The authority to control floodways is vested in The Reclamation Board by Division 5, Part 4 of the California Water Code. Procedures to administer The Designated Floodway are set forth in Title 23, California Administrative Code, Section 45 through 95.

THE ENCROACHMENT LINES AS SHOWN, OR LOCAL INTEREST PROJECT LEVEES, DELINEATE THE BOUNDARY OF THE DESIGNATED FLOODWAY.

AREAS OUTSIDE THIS FLOODWAY MAY ALSO FLOOD.

THIS FLOODWAY IS BASED UPON A FLOW OF 8,000 CFS. PROJECT LEVEES DELINEATE THE PROJECT FLOODWAY.

SCALE APPROX 1" = 500'

FLOODWAY DESIGN AND MAP PREPARATION

J. E. BAUGHER C. E. 13022  
RECOMMENDED

J. ANGEL C. E. 9322  
CHIEF, DAM FLOODWAY (MANAGEMENT) SECTION  
APPROVED

G. DONALD MEYNER C. E. 9389  
CHIEF, DAM FLOODWAY PROTECTION BRANCH  
ACCEPTED

DATE: Jan. 25, '83

ELDON E. RINEHART  
GENERAL MANAGER, THE RECLAMATION BOARD

THIS PHOTOMOSAIC MAP IS FROM  
U. S. ARMY CORPS OF ENGINEERS' FILE

ST-1-20-301

Photographed on 4-10-74

FLOW APPROX. 3,600 CFS

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
THE RECLAMATION BOARD

STANISLAUS RIVER DESIGNATED FLOODWAY  
AND PROJECT FLOODWAY

SAN JOAQUIN RIVER TO GOODWIN DAM  
San Joaquin, Stanislaus, Calaveras and Tuolumne Counties

SHEET  
D9  
OF  
D21



Encroachment on local interest project levees or project levees must be approved by the Reclamation Board before they will be permitted.

Application forms for encroachment permits can be obtained from the Reclamation Board in Sacramento, California.

Encroachments on the remainder of the designated floodway and the project floodway will require approval in writing by the District Engineer, U.S. Army District Sacramento in accordance with the Corps of Engineers easements.

The authority to control floodways is vested in the Reclamation Board by Division 5 Part 4 of the California Water Code. Project levees are under the Department of State's jurisdiction under Title 23, California Administrative Code, Sections 45 through 45.95.

THE ENCROACHMENT LINES AS SHOWN, OR LOCAL INTEREST PROJECT LEVELS, DELINEATE THE BOUNDARY OF THE DESIGNATED FLOODWAY.

AREAS OUTSIDE THIS FLOODWAY MAY ALSO FLOOD.

THIS FLOODWAY IS BASED UPON A FLOW OF 8,000 CFS. PROJECT LEVELS DELINEATE THE PROJECT FLOODWAY.

SCALE APPROX. 1" = 500'

FLOODWAY DESIGN AND MAP PREPARATION

J. E. BAUSER, C. E. 13029  
RECOMMENDED

J. ANGEL, C. E. 9322  
CHIEF, LOW FLOODWAY MANAGEMENT SECTION  
APPROVED

S. DONALD MEIXNER, C. E. 9099  
CHIEF, LOW FLOODWAY PROTECTION BRANCH  
ACCEPTED

ELDON E. RINEHART, GATE  
5 MAR. 25, '83

ELDON E. RINEHART  
GENERAL MANAGER, THE RECLAMATION BOARD

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ST-1-20-301

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FLOW APPROX. 3,600 CFS

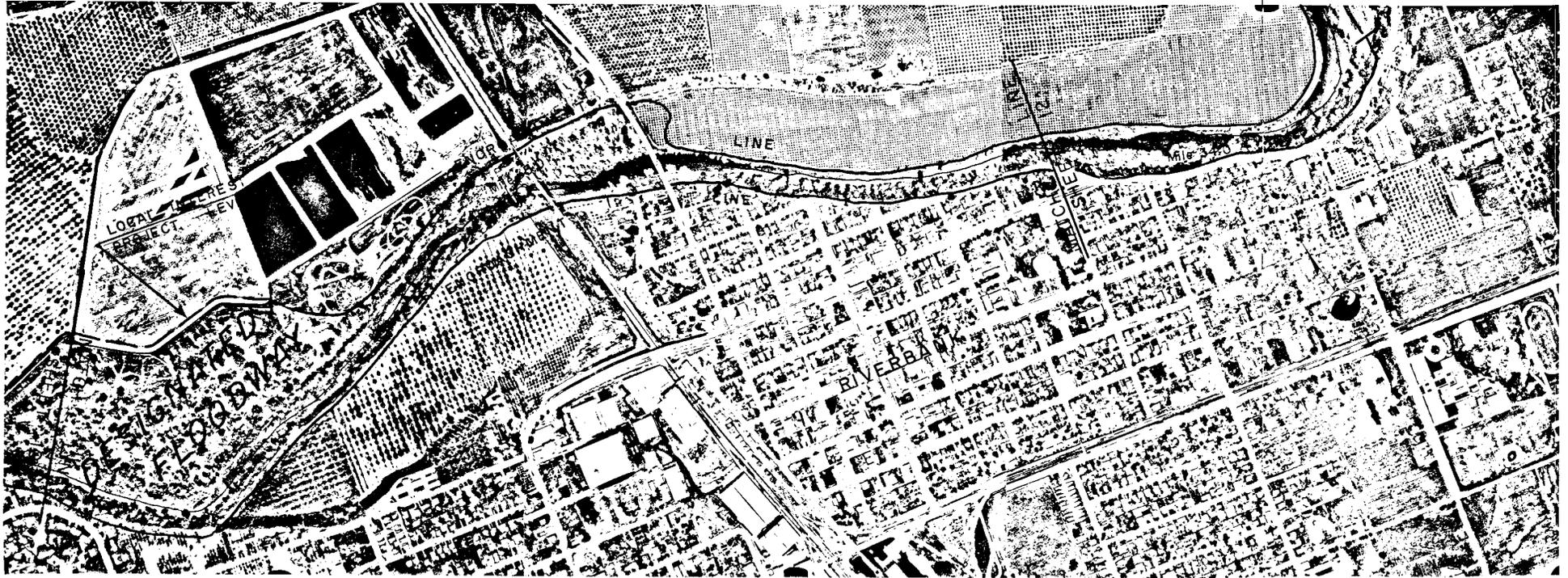
STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
THE RECLAMATION BOARD

STANISLAUS RIVER DESIGNATED FLOODWAY  
AND PROJECT FLOODWAY

SAN JOAQUIN RIVER TO GOODWIN DAM

San Joaquin, Stanislaus, Calaveras and Tuolumne Counties

SHEET  
D10  
OF  
D21



Encroachment on local interest project levees, or project levees, must be approved by the Reclamation Board before they will be permitted.

Application forms for encroachment permits can be obtained from The Reclamation Board in Sacramento, California.

Encroachments on the remainder of the designated floodway, and the project floodway, will require approval in writing by the District Engineer, U. S. Army District Sacramento in accordance with the Corps of Engineers easements.

The authority to control floodways is vested in The Reclamation Board by Division 5, Part 4 of the California Water Code. Procedures to administer The Designated Floodway are set forth in Title 23, California Administrative Code, Sect. an 45 through 95.

THE ENCROACHMENT LINES AS SHOWN, OR LOCAL INTEREST PROJECT LEVEES, DELINEATE THE BOUNDARY OF THE DESIGNATED FLOODWAY.

AREAS OUTSIDE THIS FLOODWAY MAY ALSO FLOOD.

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SCALE APPROX. 1" = 500'



FLOODWAY DESIGN AND MAP PREPARATION

J. E. RAUBNER C.E. 19022  
RECOMMENDED  
J. ANGEL C.E. 9382  
CHIEF, DWR FLOODWAY MANAGEMENT SECTION  
APPROVED  
O. DONALD MEIKNER C.E. 9889  
CHIEF, DWR FLOODWAY PROTECTION BRANCH  
ACCEPTED  
DATE: Jan. 25, '83  
Eldon E. Rinehart  
GENERAL MANAGER, THE RECLAMATION BOARD

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Photographed on 4-10-74

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STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
THE RECLAMATION BOARD

STANISLAUS RIVER DESIGNATED FLOODWAY  
AND PROJECT FLOODWAY

SAN JOAQUIN RIVER TO GOODWIN DAM

San Joaquin, Stanislaus, Colaveras and Tuolumne Counties

SHEET

D11

OF

D21



Encroachment on local interest project levees, or project levees, must be approved by the Reclamation Board before they will be permitted.

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SCALE APPROX. 1" = 500'



FLOODWAY DESIGN AND MAP PREPARATION

J. E. RAUBER, C.E. 19022  
RECOMMENDED  
J. ANGEL, C.E. 9382  
CHIEF, DWR FLOODWAY MANAGEMENT SECTION  
APPROVED  
O. DONALD MEIKER, C.E. 9889  
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STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
THE RECLAMATION BOARD

STANISLAUS RIVER DESIGNATED FLOODWAY  
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SAN JOAQUIN RIVER TO GOODWIN DAM

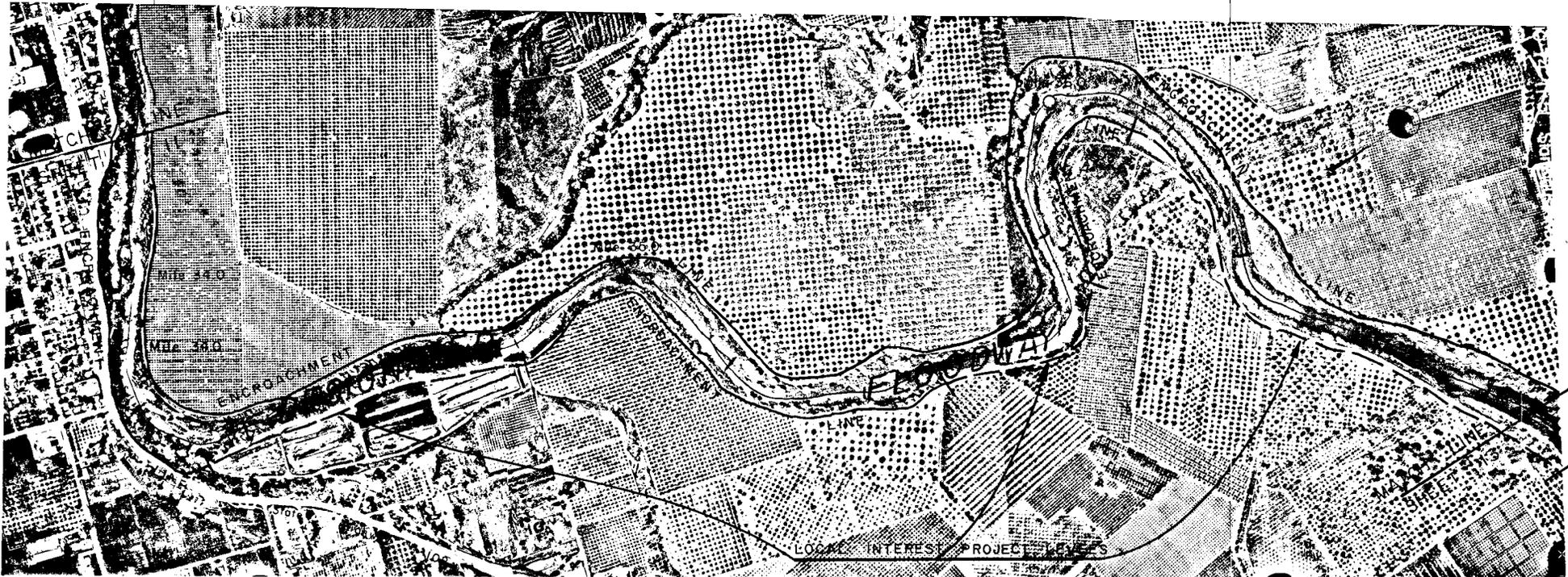
San Joaquin, Stanislaus, Colaveras and Tuolumne Counties

SHEET

D11

OF

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Encroachments on designated project levees, or project levees, must be approved by the Reclamation Board before they will be permitted.

Application forms for encroachment permits can be obtained from The Reclamation Board in Sacramento, California.

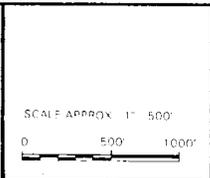
Encroachments on the remainder of the designated floodway and the project floodway will require approval in writing by the District Engineer, U.S. Army District Sacramento in accordance with the Corps of Engineers easements.

The authority to control floodways is vested in The Reclamation Board by Division 5 Part 4 of the California Water Code. Provisions in subdivision The Designated Floodway are set forth in Title 23, C.F.R. under the Regulatory Code, Sections 45 through 95.

THE ENCROACHMENT LINES AS SHOWN, OR LOCAL INTEREST PROJECT LEVEES, DELINEATE THE BOUNDARY OF THE DESIGNATED FLOODWAY.

AREAS OUTSIDE THIS FLOODWAY MAY ALSO FLOOD.

THIS FLOODWAY IS BASED UPON A FLOW OF 8,000 CFS. PROJECT LEVEES DELINEATE THE PROJECT FLOODWAY.



FLOODWAY DESIGN AND M&D PREPARATION

J. E. BAUMER C.E. 13029 *J. E. Baumer*  
 H. COMMERCE  
 J. ANGEL C.E. 9322 *J. Angel*  
 CHIEF, DWR FLOODWAY MANAGEMENT SECTION  
 APPROVED: *[Signature]*  
 S. SCHILD MEYER C.E. 2089  
 CHIEF, DWR FLOODWAY PROTECTION BRANCH  
 ACCEPTED: *[Signature]* DATE: **JAN. 25, 83**  
 ELDON E. RINEHART  
 GEN'L. MGR., THE RECLAMATION BOARD

THIS PHOTOMOSAIC MAP IS FROM  
 U. S. ARMY CORPS OF ENGINEERS' FILE  
 ST-1-20-301  
 Photographed on 4-10-74  
 FLOW APPROX. 3,600 CFS

STATE OF CALIFORNIA  
 THE RESOURCES AGENCY  
 THE RECLAMATION BOARD

STANISLAUS RIVER DESIGNATED FLOODWAY  
 AND PROJECT FLOODWAY

SAN JOAQUIN RIVER TO GOODWIN DAM  
 San Joaquin, Stanislaus, Calaveras and Tuolumne Counties

SHEET  
 D12  
 OF  
 D21



Encroachment on local interest project levees, or project levees, must be approved by the Reclamation Board before they will be permitted.

Application forms for encroachment permits can be obtained from The Reclamation Board in Sacramento, California.

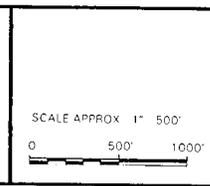
Encroachments on the remainder of the designated floodway and the project floodway will require approval in writing by the District Engineer, U.S. Army District, Sacramento in accordance with the Corps of Engineers easements.

The authority to control floodways is vested in The Reclamation Board by Division 5, Part 4, of the California Water Code. Procedures for administering The Designated Floodway are set forth in Title 23, California Administrative Code, Section 45 through 95.

THE ENCROACHMENT LINES AS SHOWN, OR LOCAL INTEREST PROJECT LEVEES, DELINEATE THE BOUNDARY OF THE DESIGNATED FLOODWAY.

AREAS OUTSIDE THIS FLOODWAY MAY ALSO FLOOD.

THIS FLOODWAY IS BASED UPON A FLOW OF 8,000 CFS. PROJECT LEVEES DELINEATE THE PROJECT FLOODWAY.



FLOODWAY DESIGN AND MAP PREPARATION

J. E. BAUGHER CE 13029  
RECOMMENDED

J. ANGEL C.E. 9322  
CHIEF, DWR FLOODWAY MANAGEMENT SECTION  
APPROVED

DONALD McVENER C.E. 9580  
CHIEF, DWR FLOODWAY PROTECTION BRANCH  
ACCEPTED

DATE: Jan. 25, 1973

Edwin E. Rinehart  
GENERAL MANAGER, THE RECLAMATION BOARD

THIS PHOTOMOSAIC MAP IS FROM  
U. S. ARMY CORPS OF ENGINEERS' FILE

ST-1-20-301

Photographed on 4-10-74

FLOW APPROX. 3,600 CFS

STATE OF CALIFORNIA  
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SHEET  
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