

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



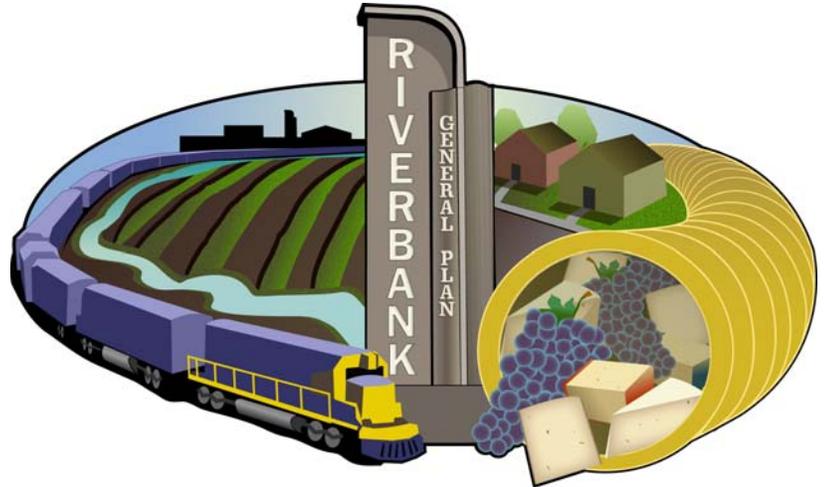
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Prepared for:
City of Riverbank

October 2008

EDAW | AECOM

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2005-2025 General Plan Update



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ACRONYMS AND ABBREVIATIONS

ACE	Agricultural Conservation Easements
AG	Agricultural Resource Conservation Area
CEQA	California Environmental Quality Act
CIP	Capital Improvements Plan
CVFT	Central Valley Farmland Trust
DEIR	Draft General Plan Draft Environmental Impact Report
DER	Department of Environmental Resources
EIR	Environmental Impact Report
ERC	Environmental Review Committee
FEIR	Final Environmental Impact Report
gpd	gallons per day
GPU	General Plan Update
ISO	Insurance Service Office
LAFCO	Local Agency Formation Commission
MID	Modesto Irrigation District
MUR/R	Multi-Use Recreation/Resource Management
SOI	Sphere of Influence

1 INTRODUCTION

1.1 OVERVIEW AND PURPOSE OF THIS DOCUMENT

The final environmental impact report (FEIR) for the Riverbank 2025 Draft General Plan includes comment letters and responses to comments on the Riverbank 2025 Draft General Plan draft environmental impact report (DEIR). This document, combined with the non-recirculated sections of the February 2008 DEIR and the July 2008 partly recirculated DEIR, together comprise the FEIR.

1.2 PUBLIC COMMENTS

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

The partly recirculated DEIR was made available for review between July 11, 2008 and August 25, 2008. There were 7 comment letters received during this latter public review period. The City received comment letters from the Modesto Irrigation District on August 28th, Modesto City Schools on August 27th, and the City of Modesto dated August 28th, which are also included. There was also one letter dated May 4, 2008 (League of Women Voters), which was not received by the City during either public review period, but is nonetheless included in Final EIR. Comment letters on the February Draft EIR and July Partly Recirculated Draft EIR are included in their entirety as Appendix E and Appendix I, respectively.

1.3 RESPONSES TO COMMENTS

Consistent with the City's obligations under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.), this FEIR was prepared to respond to agency and public comments received on the DEIR during the statutorily prescribed public review period. (Pub. Resources Code, § 21091, subd. (d)(2)(A)). As noted previously, the City has also elected to include and respond to comment letters that were not received during the public review period, although the City is not obliged to do so. (Pub. Resources Code, § 21091, subd. (d)(2)(A); State CEQA Guidelines (Cal. Code Regs., Tit. 14), § 15088, subd. (a).)

The City has provided responses to (1) comments received on sections of the February 2008 Draft EIR that are not being recirculated, and (2) comments received during the public review period on sections of the Draft EIR being recirculated (CEQA Guidelines Section 15088.5(f)(2)).

1.4 ORGANIZATION OF THE DOCUMENT

This FEIR includes the following sections:

- ▶ Chapter 1, "Introduction," describes the purpose and content of the FEIR.
- ▶ Chapter 2, "Comments and Responses," contains excerpts from comment letters and responses to each comment, including references to any changes to the DEIR or General Plan raised by comment letters.
- ▶ Chapter 3, "City of Riverbank General Plan DEIR," contains the non-recirculated sections of the February 2008 DEIR and the July 2008 partly recirculated DEIR.

1.5 FEBRUARY 2008 DRAFT GENERAL PLAN EIR

The Draft General Plan EIR was first circulated for public review between February 15th and April 1st of 2008. This document included the following sections (boldface type indicates those sections that were not recirculated):

- ▶ 1 Executive Summary
- ▶ 2 Introduction
- ▶ 3 Project Information
- ▶ 4.0 Environmental Analysis
 - ▶ 4.1 Organization and Presentation of Environmental Impact Analysis
 - ▶ 4.2 Aesthetics
 - ▶ 4.3 Agriculture
 - ▶ **4.4 Air Quality**
 - ▶ **4.5 Biological Resources**
 - ▶ **4.6 Cultural Resources**
 - ▶ **4.7 Energy Conservation**
 - ▶ **4.8 Geology, Soils, and Mineral Resources**
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 - ▶ 4.14 Public Facilities
 - ▶ 4.15 Transportation
- ▶ **5 Alternatives**
- ▶ 6 Other CEQA Required Analysis
- ▶ 7 References
- ▶ 8 Report Preparers
- ▶ 9 Acronyms

1.6 JULY 2008 PARTLY RECIRCULATED DRAFT GENERAL PLAN EIR

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

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

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

2 COMMENTS AND RESPONSES

This section contains excerpts from comment letters that are relevant to the DEIR and require response, as well as the City's written responses.

Each comment within a letter has been given an identification number. Responses are numbered so that they correspond to the appropriate comment. Where appropriate, responses are cross-referenced between letters or with a master response. Complete comments letters are included as a part of Appendix E and Appendix I.

The City received comments during two public review periods. The first public review period occurred between February 15th and April 1st of 2008. The City received 11 comment letters during this time, including letters from the following individuals and agencies:

- ▶ City of Modesto
- ▶ California Department of Conservation
- ▶ California Department of Water Resources
- ▶ Stanislaus Local Agency Formation Commission (LAFCO)
- ▶ Governor's Office of Planning and Research State Clearinghouse
- ▶ Stanislaus Consolidated Fire Protection District
- ▶ Stanislaus County
- ▶ Riverbank Watch
- ▶ Bernard Aggers
- ▶ James Gerber
- ▶ Evelyn Halbert

The second public review period occurred between July 11th and August 25th of 2008. The City received 7 comment letters during this time, one letter in May of 2008, and three letters after the end of the review period, including:

- ▶ Central Valley Farmland Trust
- ▶ City of Modesto
- ▶ Jojo Espiritu
- ▶ Annie Gammon
- ▶ Stanislaus Local Agency Formation Commission (LAFCO)
- ▶ League of Women Voters (May 4, 2008 letter)
- ▶ Modesto City Schools
- ▶ Modesto Irrigation District
- ▶ Governor's Office of Planning and Research State Clearinghouse
- ▶ Stanislaus County
- ▶ Stanislaus Property Rights Institute

Comments from the abovementioned letters and the City's responses are included below.

CITY OF MODESTO LETTER, APRIL 1, 2008

Each of the comments in the April 1st, 2008 City of Modesto comment letter relates to a section of the July 2008 Partly Recirculated DEIR. No response is required. The City of Modesto did submit a comment letter also on the partly recirculated DEIR, which simply states that the City has no comments on the recirculated DEIR.

DEPARTMENT OF CONSERVATION LETTER, APRIL 1, 2008

Each of the comments in the April 1st, 2008 Department of Conservation comment letter relates to a section of the July 2008 Partly Recirculated DEIR. No response is required. Some of the information from the April 1st Department of Conservation letter was used in revisions to Section 4.3 of the DEIR, Agricultural Resources. The Department of Conservation provided information on Williamson Act cancellations, which was used in the DEIR. Additionally, the City has made reference to the California Farmland Conservancy Program, administered by the California Department of Conservation, in Implementation Strategy CONS-1. Please refer to the City's draft Conservation and Open Space Element.

DEPARTMENT OF WATER RESOURCES LETTER, APRIL 1, 2008

Each of the comments in the April 1st, 2008 Department of Water Resources comment letter relates to a section of the DEIR that was recirculated in July and August of 2008. No response is required. Some of the information from the April 1st Department of Water Resources letter was used in revisions to Section 4.10 of the DEIR, Hydrology and Water Quality. Regulatory information related to flood control was added. Appendix F was added, which addresses information provided by the Department of Water Resources.

STANISLAUS LAFCO LETTER, APRIL 1, 2008

The Stanislaus Local Agency Formation Commission (LAFCO) submitted comment letters during both public review periods. Below are LAFCO comments and City responses to the April 1, 2008 letter, which was also re-submitted as a part of an August 18th, 2008 comment letter on the July 2008 Partly Recirculated DEIR.

COMMENT 1

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.

RESPONSE 1

The City, as established in the draft General Plan, shares this goal of protecting and promoting agriculture, both the land resources on which agriculture is based, as well as promoting agriculture as a fundamental economic practice in the San Joaquin Valley.

Policies throughout the General Plan establish the City's intent to avoid premature conversion of agricultural land by phasing new growth, encouraging infill development, and placing conservation easements over agricultural land as the City develops new growth areas. But most importantly, the City's general plan encourages more compact development patterns that use land more efficiently. Since cities do not typically maintain large areas of active agricultural land within their boundaries, the best way to avoid premature conversion of agricultural land is through accommodating future growth needs on an overall smaller footprint. From the Conservation and Open Space Element:

Preservation of open land is one way to achieve open space and natural resource conservation goals. In fact, for many open space and conservation goals, protecting natural features and resources through planning and site design is by far the most effective approach. Urban development patterns play an extremely important role in this preservation. With more efficient use of land in cities, there is more open space available outside of cities for

permanent land preservation. For many reasons, however, recent urban growth has been land inefficient.¹ Most quickly growing areas in the country convert open land to urban use at a much greater rate than population growth. In fact, for the nation as a whole, land consumption occurred at more than twice the rate of population growth between 1982 and 1997.^{2,3}

Compared to typical low-density development patterns, compact growth preserves more open land and natural resource areas. Roads are narrower, excessive surface parking is reduced, some back yards are smaller, and land is generally used more efficiently. There are fewer miles of roadways, water lines, sewer lines, and consequently more efficient public service and infrastructure delivery with compact growth. This reduces use of resources of all types and reduces the long-term expense to taxpayers. Shorter trips and trips on foot, by bicycle, and via transit are possible with compact growth patterns, thus reducing the use of fossil fuel resources and conserving air quality. Compact growth is a fundamental strategy employed throughout this General Plan to achieve open space, conservation, and other environmental, social, and economic goals. But, this Element also includes other strategies to achieve the community's goals, including those related to methods, materials, and timing for both development and conservation efforts.

LAND USE DIAGRAM REFLECTS CONSERVATION STRATEGY

The City has created a land use diagram that targets the Highway 108 corridor and Downtown Riverbank as an Infill Opportunity Area, where public investments, entitlement streamlining, and fee incentives will be designed to encourage redevelopment. The new growth areas in the City use neighborhood centers, around which housing density and development intensity is focused. Broad density ranges are provided, with a substantial mix of medium- and higher-density residential land. The City has matched emerging regional density targets. As emphasized in the Community Character and Design, Land Use, Circulation, Air Quality, Public Services and Facilities, Conservation and Open Space, and Housing Elements, the City will promote compact development patterns to achieve various economic, environmental, and social goals, including agricultural land preservation.

Please refer to the City's Land Use Element, with special attention to Land Use Classification definitions for: Agricultural Resource Conservation Area, Multi-Use Recreation/Resource Management, Clustered Rural Residential, and Reserve. These land use designations are designed to avoid premature conversion of agricultural land. From the Land Use Element:

AGRICULTURAL RESOURCE CONSERVATION AREA (AG)

This designation provides for ongoing agricultural operations and land uses compatible with ongoing agricultural operations. Generally, this designation occurs in areas with large properties, where agricultural practices are more feasible. This designation also tends to occur in areas with high-quality soils (for cultivation purposes). Examples of land uses compatible with ongoing agricultural operations include equestrian uses, groundwater recharge areas, public infrastructure, farmer's market stands and other on-site sales of local produce, and farmworker housing.

The primary purpose of the Agricultural Resource Conservation Area is for agricultural production, related processing, services in support of agriculture, and preservation of other natural resources. Residential uses, such as the farmer's home, in these categories are secondary uses and are permitted on a limited basis to assist and support agriculture.

MULTI-USE RECREATION/RESOURCE MANAGEMENT (MUR/R)

¹ Aspects of land inefficient development include, but are not limited to: high land consumption; fragmented open space lacking biological, agricultural, and other use value; low residential population densities; dependence on automobile travel; higher service and infrastructure costs; lack of housing choices for many households; and, over-parked commercial buildings and unnecessarily large amounts of impervious surfaces, including roads.

² <http://www.epa.gov/watertrain/smartgrowth/growthwater.pdf>

This designation would provide opportunities for stormwater management, renewable energy production, and community recreation amenities. This area would accommodate stormwater detention facilities, groundwater recharge areas, wind generators, solar collectors, wind breaks, as well as trails, benches, and other passive recreational areas. Areas designated MUR/R could also act as a buffer between ongoing agriculture and new residential areas and provide an identifiable and permanent boundary to outward expansion of the City. Areas designated MUR/R between new growth areas and ongoing agricultural operations will be identified and appropriate widths established through Specific Plans. The width of MUR/R areas will vary depending on the intended uses taking place within a particular area. The width of the MUR/R for agricultural buffering purposes will be designed to minimize noise, dust, and any adverse impacts related to application of agricultural chemicals as experienced by encroaching residential uses.

CLUSTERED RURAL RESIDENTIAL

This category provides an opportunity to preserve usable open space, including ongoing agricultural operations, or to protect natural resource areas. Residential development in this area must be clustered to preserve large and unbroken pieces of property for agriculture or open space, including both cultivation and grazing activities.

Open space may be owned and maintained privately by a homeowner's association or similar mechanism, or by a public entity with ongoing funding for maintenance provided by the project applicant.

The density range of residential development in this area is 0.2 to 1 dwelling unit per acre (one to five acres per dwelling unit). One unit per acre is the maximum development yield on any given parcel proposed for subdivision. Any residential development in the Clustered Rural Residential land use designation requires clustering of proposed development areas such that at least 80 percent of the parent parcel in unimproved open space use, and is not to be included in any property with a residence or any other urban use.

Within areas designated Clustered Rural Residential, this General Plan provides for a total of 250 dwelling units to be developed. The City may allow density to be transferred between parcels designated for Clustered Rural Residential where the City's open space preservation objectives are furthered. The City will implement the Clustered Rural Residential land use designation through an ordinance to be drafted following this General Plan update (see Implementation Measures at end of this Element).

The City recognizes the value of not only open space preservation, but also open space-oriented improvements such as habitat restoration, groundwater recharge areas, and open-space oriented recreational facilities. The City also recognizes that the habitat, agricultural, buffering, topographic, aesthetic/viewshed, and other open space considerations of different properties may require different strategies for clustered development. With this recognition, the City, at its sole discretion, may allow some flexibility in the density and open space standards in extraordinary situations where high-quality, publicly accessible, open space-oriented uses can be provided consistent with General Plan policy.

Residential lots in a clustered development shall:

- ▶ Minimize impacts to agriculture by avoiding development of Prime Farmland (as shown on Department of Conservation maps) or permanently protect other Prime Farmland via an approved irrevocable easement;
- ▶ Provide buffers, as necessary, between residential uses and adjacent ongoing agricultural uses;
- ▶ Avoid trees, wetlands, and other biological resources;
- ▶ There shall be zero net urban storm run-off leaving the site compared to previous conditions;
- ▶ Orient all dwelling units for maximum passive and active solar energy efficiency;
- ▶ Locate developed portion of the site as close as possible to existing and planned roadways; and,
- ▶ Locate developed portion of the site to optimize the efficiency of, and minimize extension of any necessary infrastructure.

RESERVE

The Reserve category is intended for land that the City has not yet planned for a specific urban, agricultural, or resource land use. This designation does not necessarily imply urban development, but rather could be areas to preserve in natural open space or for agricultural use, for example. This area offers an opportunity to plan for future land uses by setting specific performance criteria before development takes place in sensitive areas.

The Reserve designation does not denote any specific land use, but rather is an overlay designation that specifies additional requirements related to timing of development, analysis required by the City, infrastructure and service standards, and related topics. Before making Reserve areas eligible for consideration for urban development, the City will hold a public hearing and make required findings, including the following:

- ▶ Development of the Reserve area is adjacent to developed areas of the City and infrastructure and services can efficiently be extended to serve the Reserve area;
- ▶ The City has had prepared infrastructure planning and financing to serve the needs of the proposed development area, including financing of any necessary citywide facilities to accommodate the planned level of growth;
- ▶ Either 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, or the proposal includes a desired land use unique to the Planning Area that cannot be accommodated on lands within the City limits or portions of the Planning Area without the Reserve overlay designation;
- ▶ Completion of an environmental analysis in compliance with the California Environmental Quality Act (CEQA), including a mitigation monitoring program, pursuant to the California Environmental Quality Act, has been prepared by the City;
- ▶ A fiscal impact assessment has been prepared by the City demonstrating that, in the short- and long-term, the project would not negatively affect the City from a fiscal perspective; and,
- ▶ A Specific Plan, pursuant to Government Code Section 65450, has been prepared to show the specific land uses, development standards, compliance with the General Plan, infrastructure and public service planning and financing, and phasing, in addition to any other requirements of State law and the Community Development Director.

Please refer also to Response 2 to the Riverbank Watch comment letter, which addresses the Reserve and Clustered Rural Residential designations.

GROWTH MANAGEMENT POLICIES

Please refer to policies throughout the Land Use Element, with a special focus on policies under Goal LAND-1 and LAND-5, as well as Land Use Element Implementation Strategies. These goals, policies, and implementation strategies outline the City's approach to phasing, master planning, financing development, and serving development.

GOAL LAND-1: MANAGED URBAN GROWTH THAT BENEFITS THE ENTIRE COMMUNITY

Policy LAND-1.1: The City will only allow annexation of land that is: 1) adjacent to existing, developed portions of the City, or, 2) adjacent to lands with available urban services and located within an area designated in the General Plan for urban development.

Policy LAND-1.2: The City supports LAFCO policy to develop vacant and underutilized land within the City prior to entertaining any annexation if such land can meet the same need as the land proposed for annexation.

Policy LAND-1.3: Annexation will be preceded by a City evaluation to determine the level of urban services necessary and financing of infrastructure and services by annexation proponents.

Policy LAND-1.4: Existing infrastructure in areas seeking annexation will be evaluated to determine the costs necessary to bring such infrastructure up to City standards.

Policy LAND-1.5: The City will pre-zone land within the Sphere of Influence consistent with the General Plan prior to annexation.

GOAL LAND-5: FULL RANGE OF PUBLIC SERVICES AND FACILITIES FOR ALL AREAS OF THE COMMUNITY

Policy LAND-5.1: The City will maintain public services and facilities in the existing developed City and make improvements as necessary to maintain a consistent Citywide level of service.

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.

Policy LAND-5.3: Approved projects, plans, and subdivisions in new growth areas will set aside, in areas convenient and safe for all travel modes, adequate land for parks and schools; or, in-lieu of parkland and school property dedication, approved projects, plans, and subdivisions in new growth areas will participate in joint funding and siting of such facilities.

Policy LAND-5.4: New growth areas will provide usable places that are conveniently accessible by walking or bicycling, where people can gather for a variety of activities. Gathering places can include parks, plazas, and other publicly accessible land uses.

Policy LAND-5.5: Approved projects, plans, and subdivisions in new growth areas will set aside adequate land for, and shall otherwise accommodate public infrastructure and service needs consistent with General Plan policy.

Policy LAND-5.6: Large-scale community facilities are appropriate in neighborhood centers and downtown. Places for religious assembly are allowed in neighborhood centers and downtown, subject to appropriate development standards and review to ensure neighborhood compatibility. Certain civic uses are allowed in areas with other Land Use Designations, as described in the Land Use Classifications section of the Land Use Element.

IMPLEMENTATION STRATEGIES

Implementation Strategy LAND-2: The Community Development Department will maintain an inventory of vacant and underutilized land to (a) evaluate proposed annexations and (b) ensure an adequate supply of vacant land to meet the community's needs.

Implementation Strategy LAND-7: The City will draft an implementing ordinance for the Clustered Rural Residential land use designation consistent with the policies presented in the General Plan. This land use designation shall be used to preserve usable open space, while clustering residential development on appropriate areas of project sites. The City may allow density to be transferred between parcels designated for Clustered Rural Residential where the City's open space preservation objectives are furthered. The ordinance will encourage open space preservation and open space-oriented improvements such as habitat restoration, groundwater recharge areas, and open-space oriented recreational facilities.

AGRICULTURAL MITIGATION

Please refer also to policies in the Conservation and Open Space Element under Goal CONS-3, as well as Implementation Strategies in that Element, which establish the City's approach to mitigation the loss of agricultural land.

The City will proactively look to form regional arrangements for mitigating the loss of agricultural land. The City recommends a more holistic approach that considers land resources, but also human resources, value-added strategies, research and development, marketing of local produce, and other methods to make what land is left more productive. From the Conservation and Open Space Element:

GOAL CONS-3: SUPPORT THE PRACTICE OF AGRICULTURE AND THE RESOURCES ASSOCIATED WITH FARMING IN THE RIVERBANK PLANNING AREA AND BEYOND

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

Policy CONS-3.2: Ongoing agricultural practices on fertile lands in the western portion of the Riverbank Planning Area shall be protected from encroachment of urban use through the use of buffers. Buffers shall be designed to reduce complaints of new residents attributable to noise, dust, odor, and other typical complaints.

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

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

The information gathered will be used as inputs within Land Evaluation and Site Assessment (LESA) system. LESA is a point-based approach that is generally used for rating the relative value of agricultural land resources. In basic terms, a given LESA model is created by defining and measuring two separate sets of factors. The first set, Land Evaluation, includes factors that measure the inherent soil based qualities of land as they relate to agricultural suitability. The second set, Site Assessment, includes factors that are intended to measure social, economic, and geographic attributes that also contribute to the overall value of agricultural land. While this dual rating approach is common to all LESA models, the individual land evaluation and site assessment factors that are ultimately utilized and measured can vary considerably, and can be selected to meet the needs and conditions of the Stanislaus River Watershed. In short, the LESA methodology lends itself well to adaptation and customization by the City in determining the level of significance of a project within the Stanislaus River Watershed.

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

The California Agricultural LESA Model is composed of six different factors. Two Land Evaluation factors are based upon measures of soil resource quality. Four Site Assessment factors provide measures of a given project's size, water resource availability, surrounding agricultural lands, and surrounding protected resource lands. For a given project, each of these factors is separately rated on a 100 point scale. The factors are then weighted relative to one another and combined, resulting in a single numeric score for a given project, with a maximum attainable score of 100 points. It is this project score that becomes the basis for making a determination of a project's potential significance, based upon a range of established scoring thresholds. If a project is deemed to have significant impact, then a project shall be responsible for mitigating this impact via applicable components of the Sustainable Agricultural Strategy.

It is the intent of the City that projects that will lead to the conversion of agricultural land to urban uses, to the extent that it is considered a significant impact, will fund either a single component or a combination of the following described components on a reasonable fair-share basis. The goal and structure of this program will be to minimize the net loss of agricultural production within the Stanislaus River Watershed, to the maximum extent feasible.

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

The preparation and update of the Sustainable Agricultural Strategy shall be overseen by a City Council selected committee. The City's Sustainable Agriculture Committee will cooperate with nearby cities, the County, and UC Extension, the Farm Bureau, and other experts and stakeholders. The Riverbank Sustainable Agricultural Strategy should be adaptable with the region's Sustainable Community Strategy, pursuant to SB 375, to the maximum extent feasible. The City's Sustainable Agriculture Committee shall be charged with developing the following components of the Sustainable Agricultural Strategy:

- 1) Priority Agricultural Land Inventory Component. This component is intended to be an inventory of the productivity of land within the Stanislaus River Watershed, conferring with experts in the field. This inventory should use as a reference Department of Conservation (DOC) or other updatable spatially referenced information (such as DOC Important Farmlands GIS). It is intended that the committee will give direction on the type of information to gather based on any potential local modifications to the LESA model deemed appropriate. The Priority Agricultural Land Inventory Component is targeted for completion by April 2009.
- 2) Agricultural Land Conversion Component. This component is intended to identify the pattern and trends of agricultural lands converted to urban use and lands put into agricultural production within the Stanislaus River Watershed and the acreage and type of agricultural land conversion, as well as the value of this production. The Agricultural Land Conversion Component is targeted for completion by July 2009.
- 3) Agricultural Resource Conservation Component. This component is intended to tie the findings of the Priority Agricultural Land Inventory and Agricultural Land Conversion components with the intent to avoid urban/rural land use conflicts to the maximum extent feasible. The component is expected to include for Planning Commission and City Council consideration such conservation policies as right-to-farm and other ordinances, resolutions, and policies – such as Measure “E” – that minimize urban/rural land use conflicts. Development of this component shall be coordinated with Stanislaus County, as the County controls land use change outside City limits. The Agricultural Resource Conservation Component is targeted for completion by November 2009.
- 4) Agricultural Loss Mitigation Component. This component is intended to establish a systematic approach for mitigating impacts from the loss of farmland, in accordance with the California Environmental Quality Act. The component is also intended to use or modify the Land Evaluation and Site Assessment (LESA) model, to determine if the loss of farmland is significant. Potential modifications to the LESA model could include minimizing the “stair step” effect of the rating system; deemphasizing the significance of site size; emphasizing the importance of existing agricultural operations in the area and/or other modifications seen fit by the committee. In cases when the loss of farmland is considered significant, this strategy will investigate methodology for sustained mitigation measures, including potential funding mechanisms that could correlate to land use efficiency benchmarks.

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

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

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

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

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

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

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

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

Implementation Strategy CONS-2: The City will adopt a "right-to-farm" ordinance (or adopt the County's right-to-farm ordinance, as appropriate) that informs residents of ongoing agricultural practices at the edges of Riverbank and protects farmers and other agriculture interests from dumping, nuisance complaints, and other problems typically associated with new residents on the City fringe. The City will coordinate with Stanislaus County regarding the design of the County's Right-to-Farm Ordinance to develop consistency, where appropriate.

Please refer to Section 4.3 of the DEIR, which identifies Williamson Act lands in the Planning Area and discusses comprehensively the direct and reasonably foreseeable indirect impacts on agriculture of General Plan implementation.

AVOID GROWTH INDUCEMENT

Please also refer to policies under Goal PUBLIC-1 in the Public Services and Facilities Element and policies throughout that Element which establish that the City will not allow infrastructure development that could be growth inducing:

GOAL PUBLIC-1: PUBLIC SERVICE AND INFRASTRUCTURE PROVISION TO MEET OR EXCEED LEVEL OF SERVICE STANDARDS CONSISTENT WITH OTHER COMMUNITY GOALS

Policy PUBLIC-1.1: The City will coordinate the planning and construction of capital improvements with the timing of urban development within the Planning Area.

Policy PUBLIC-1.2: New development must pay for the public facilities, services, and infrastructure required to serve the needs of such development based on service standards applied by the City. The mechanisms for such funding will be part of the development approval, or as set forth in any applicable development agreement or specific plan, which, with the approval of the City Council, may provide for alternative financing mechanisms in-lieu of City development fee programs and ordinances. The use of in-lieu fees or in-lieu financing will be reserved for communitywide facilities that serve areas beyond the proposed project or plan. Construction and dedication of facilities will be the method for providing facilities that serve the proposed project or plan area. The City may make exceptions on the basis of financial hardship or small projects or plans, allowing payment of an in-lieu fee.

Policy PUBLIC-1.3: The City will require that new developments, depending on their size, either: 1) designate lands in appropriate locations, sizes, and free of constraints to accommodate public facilities and infrastructure needed to serve such development, or 2) pay a fee proportional to the development's cost of acquiring such land at the time acquisition will be required.

Policy PUBLIC-1.4: The City shall give priority to serving areas within the existing City limits as of the adoption of this General Plan based on current infrastructure and service capacity. New growth proposed outside existing City limits is responsible for providing, or paying a proportionate share of the cost of, public facilities and infrastructure adequate to serve the needs of such development according to the General Plan, a specific plan (if prepared for such development), and/or any infrastructure Master Plan that covers such development through the use of a City-approved development agreement. The use of in-lieu fees or in-lieu financing will be reserved for communitywide facilities that serve areas beyond the proposed project or plan. Construction and dedication of facilities will be the method for providing facilities that serve the proposed project or plan area. The City may make exceptions on the basis of financial hardship or small projects or plans, allowing payment of an in-lieu fee.

GOAL PUBLIC-2: ADEQUATE SUPPLY OF QUALITY WATER TO SERVE EXISTING AND FUTURE PROJECTED DEVELOPMENT NEEDS

Policy PUBLIC-2.2: The City will manage and enhance the City's water supply and facilities to accommodate existing and planned development, as identified in the City's Water Master Plan, Urban Water Management Plan, and Groundwater Source Efficiency Report.

Policy PUBLIC-2.4: The City will condition approval of new developments on demonstrating the availability of adequate water supply and infrastructure, including multiple dry years, as addressed in the City's Water Master Plan, Urban Water Management Plan, and Groundwater Source Efficiency Report.

Policy PUBLIC-2.5: The City will not induce urban development by providing provide water services in areas outside the Planning Area or areas not planned for urban development, such as areas designated for agriculture or open space.

GOAL PUBLIC-3: ADEQUATE WASTEWATER SERVICE TO MEET EXISTING AND FUTURE PROJECTED DEVELOPMENT DETERMINED IN THE GENERAL PLAN

Policy PUBLIC-3.3: The City will not induce urban growth by providing wastewater facilities to areas outside the Planning Area or areas not planned for urban development, such as areas designated for agriculture or open space.

GOAL PUBLIC-4: STORM DRAINAGE SYSTEMS THAT PROTECT PUBLIC SAFETY, PRESERVE NATURAL RESOURCES, AND PREVENT EROSION AND FLOOD POTENTIAL

Policy PUBLIC-4.5: New development shall be designed to control surface runoff discharges to comply with the National Pollutant Discharge Elimination System Permit and the receiving water limitations assigned by the Regional Water Quality Control Board.

GOAL PUBLIC-5: ADEQUATE CAPACITY FOR SOLID WASTE DISPOSAL

Policy PUBLIC-5.1: The City will approve new development projects only if adequate capacity exists to accommodate solid waste demand, including processing, recycling, transportation, and disposal.

GOAL PUBLIC-7: FIRE PROTECTION SERVICES, STAFFING, AND DEPLOYMENT ADEQUATE TO SERVE THE NEEDS OF EXISTING AND PLANNED DEVELOPMENT

Policy PUBLIC-7.1: The City will ensure that adequate fire flow pressure is available in relation to structure size, design, requirements for construction, and/or built-in fire protection systems. Maintenance of adequate fire flows includes factors such as adequate storage, system gridding, hydrant spacing, and spacing and sizing of water mains, as specified in the City's Water Master Plan.

Policy PUBLIC-7.2: For new development, the City will require a minimum fire flow pressure of 1,500 GPM (sustainable for at least two hours) for residential use. For new development, the City will require a minimum fire flow pressure of approximately 3,600 GPM (sustainable for longer periods) for larger residences and for other building types, depending on the particular use and structure characteristics, and in coordination with the fire service provider.

Policy PUBLIC-7.3: The City will require that fire stations be located to ensure the appropriate level of service (including adequate response time per Policy Public 7.5), community compatibility, and efficiency, including the location of such facilities relative existing and planned public parks, libraries, and other activity centers.

Policy PUBLIC-7.4: The City will coordinate with fire protection providers, including through reciprocity arrangements, to ensure equipment, staffing, and facilities for emergency medical services, urban search and rescue, hazardous materials emergency response, and other relevant needs, as appropriate. The City will ensure consistency with National Fire Protection Association and Stanislaus Consolidated Fire Protection District response requirements.

GOAL PUBLIC-8: POLICE ENFORCEMENT SERVICES, STAFFING AND DEPLOYMENT ADEQUATE TO SERVE THE NEEDS OF EXISTING AND PLANNED DEVELOPMENT

Policy PUBLIC-8.1: New developments shall fund and/or construct adequate law enforcement facilities to serve new growth areas, as required, in coordination with law enforcement service providers.

Policy PUBLIC-8.2: The City's goal is to provide 1.25 sworn officers per 1,000 residents. The City will plan and budget and coordinate with service providers with this service standard as a goal.

Policy PUBLIC-8.3: The City will coordinate with law enforcement service providers to ensure a four-minute average response time for emergency calls within the City.

Policy PUBLIC-8.5: The City will coordinate with applicable law enforcement service providers to ensure adequate funding, staffing, training, and direction to provide City residents with responsive and effective law enforcement services of all types, including investigative, patrol, and other non-emergency services.

GOAL PUBLIC-9: SCHOOL FACILITIES THAT SERVE EXISTING AND FUTURE NEEDS AND COMPLEMENT OUR NEIGHBORHOODS

Policy PUBLIC-9.1: New development projects shall provide impact fees, land dedication, school construction, special taxes, and/or other means to the satisfaction of affected school districts to ensure levels of service, in accordance with State law.

GOAL PUBLIC-10: PUBLIC LIBRARY FACILITIES ADEQUATE TO ACCOMMODATE EXISTING AND FUTURE NEEDS

Policy PUBLIC-10.1: The City will develop additional library facilities, whether through expansion of existing facilities or new facilities, as feasible, and assist the library administration to secure State and federal funds for facilities and services.

Policy PUBLIC-10.3: The City's goal is to have 0.5 square feet of public library facilities per capita within the City. The City will plan and budget and coordinate with service providers with this service standard as a goal.

IMPLEMENTATION STRATEGIES

Implementation Strategy PUBLIC-1: The City will coordinate with area reclamation districts, Stanislaus County, the City of Modesto, and other agencies and jurisdictions for planning and coordinating drainage programs and policies on an areawide and regional basis.

Implementation Strategy PUBLIC-3: The City will update the water, wastewater, and stormwater drainage master plans at least every five years to ensure the appropriate level of service is maintained as the City grows, and to ensure that appropriate projects are included in capital improvements planning and can be funded.

IMPLEMENTING THE CITY'S CONSERVATION AND DEVELOPMENT STRATEGY

The Implementation chapter of the General Plan also provides information on how new growth will occur in the City that is relevant for this comment. In particular, please refer to the information under the headings "Infrastructure Master Plans," "Specific Plans," "Specific Plan Content," and "Utilities."

COMMENT 2

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.

RESPONSE 2

The commenter is correct to note that the General Plan does not itself establish any Sphere of Influence for the City. It is likely that some portion of the City's Planning Area would someday be within Riverbank's Sphere of Influence, but that determination has not been made and will not be pursued by the City until following General Plan adoption. State law regarding Sphere of Influence changes and Williamson Act lands is noted by the City.

COMMENT 3

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).

RESPONSE 3

The updated version of the County Agricultural Element is now reflected.

COMMENT 4

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.

RESPONSE 4

The commenter is correct to observe the City's policy on mitigating for the loss of agricultural land as expressed in Policy CONS-3.1. Consistent with the commenter's suggestion, Policy CONS-3.1 directs the City to require mitigation for the loss of Important Farmland through conservation easements and other mechanisms. In addition, Implementation Strategy CONS-1 directs the City to work with the County, nearby cities, the Department of Conservation, and other interested agencies to establish a regional agricultural land mitigation fee and conservation program, which could include a conservation easement program. These programs would lessen the

significant impact of converting Prime Farmland, Unique Farmland, and Farmland of Statewide Importance to non-agricultural use; however, the EIR concludes that these programs would not lessen the impact to a less-than-significant level. Thus, the EIR concludes that the impacts, even with conservation measures such as commenter suggests, would remain significant and unavoidable.

For additional clarity, the Agriculture section of the DEIR has been revised. The text under Impacts 4.3-1, 4.3-2, and 4.3-3, in the subsection "Mitigation Measures," has been changed to reference General Plan policy. General Plan policy in Riverbank includes all available mitigation for agriculture related impacts. The text for each impact now reads:

Mitigation Measures: See above-referenced General Plan policies, which represent all available mitigation.

The City's intent is to create a General Plan that is specifically designed to avoid environmental impacts. For many impact statements throughout the DEIR, there is reference to General Plan policy that would serve as mitigation. Though not technically structured as mitigation measures, as might be typical of most CEQA documents, these General Plan policies and implementation measures would, in fact, have mitigating effects on environmental impacts. The City will review and condition projects consistent with General Plan policies.

COMMENT 5

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 compliment the groundwater supplies?

RESPONSE 5

Please refer to policies under Goal CONS-6 in the Conservation and Open Space Element and policies under Goal PUBLIC-1 and Goal PUBLIC-2 in the Public Services and Facilities Element, which relate to water supply and conservation.

To support the General Plan Update and other long-range planning efforts, the City also had prepared a Groundwater Source Efficiency Report, a Water Supply Assessment, a Water Master Plan, and an Urban Water Management Plan. These documents are available for review at the Community Development Department.

According to the November 2007 Water Supply Assessment, the existing water demand within City limits is approximately 4,300,000 gallons per day (gpd). The City would need to provide an additional 8,008,646 gpd of water to meet the average daily demand of the projected buildout of the General Plan. General Plan policy requires compliance with water conservation measures identified in the City's Urban Water Management Plan. The City's Water Supply Assessment estimates that application of identified water conservation measures could

reduce the water demand at buildout by 10 to 15%. Existing City wells 2 through 9 have a total capacity of 7,785 gpm. The planned addition of well 10 (1,500 gpm) in 2008 would increase the total capacity of wells 2 through 10 to 9,285 gpm. Additional wells will be required for central Riverbank to meet reserve capacity requirements and maximum day demand at buildout. East Riverbank and West Riverbank are primarily undeveloped and will require additional wells to meet the demands of future development.

To support this General Plan update, the City has analyzed water supply for single normal, single dry, and multiple dry years for a 20-year period of assessment. For the groundwater basin used for local water supply, the total water demand met through groundwater in 2000 was 206,500 acre feet per year, while groundwater recharge was 310,000 acre feet per year. For each of the conditions listed above, after considering buildout of the General Plan and various other factors, the City would have a groundwater supply reserve of greater than 29,000 acre feet per year.

The City is not currently pursuing surface water or conjunctive use for municipal needs, although this is a possibility for the long term future. The City has revised the Public Services and Facilities Element to include the City's intent to explore surface water supply opportunities. From the revised Public Facilities and Services Element:

Implementation Strategy PUBLIC-3: The City will update the water, wastewater, and stormwater drainage master plans at least every five years to ensure the appropriate level of service is maintained as the City grows, and to ensure that appropriate projects are included in capital improvements planning and can be funded. The City will cooperate with local irrigation districts and public agencies to explore feasible surface water supplies or conjunctive use opportunities.

Implementation Strategy Public-3 would not cause a significant environmental impact, because it is limited to planning and analysis and does not authorize any physical activities.

COMMENT 6

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.

RESPONSE 6

The City understands that Sphere of Influence expansions and annexations involving lands within the Wendt Ranch Reclamation District will require future review and approval by LAFCO.

COMMENT 7

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."

RESPONSE 7

The City notes LAFCO factors, including the recently added section on environmental justice.

COMMENT 8

- **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).

RESPONSE 8

The referenced policy has been revised to correlate with LAFCO comments. Whereas the previous policy referred to possible annexation of lands that would require no urban services, this criteria has been removed. The policy has been revised to read:

Policy LAND-1.1: The City will only allow annexation of land that is: 1) adjacent to existing, developed portions of the City, or, 2) adjacent to lands with available urban services and located within an area designated in the General Plan for urban development.

COMMENT 9

- **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.

RESPONSE 9

The 2005 General Plan Background Reports were used in part to develop General Plan alternatives and later policies. However, the information in this set of background reports was comprehensively updated for the purposes of the DEIR, given the time that elapsed between preparation of the background reports and preparation of the DEIR. The City notes this error

COMMENT 10

- 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.

RESPONSE 10

There are a few documents available with the Community Development Department that may be helpful in terms of specific measures for public services. These include:

- ▶ City of Riverbank Water Supply Study and Updated Water Master Plan. November 2007.
- ▶ City of Riverbank 2007 Sewer Collection System Master Plan – Volumes 1 and 2. November 2007.
- ▶ City of Riverbank Storm Drain System Master Plan – Volumes 1 and 2. November 2007.

The General Plan requires the master plans to be implemented as projects are proposed. It is likely that aspects of the City's master plans would also be used in the drafting of the "Plan for Services," referenced by the commenter.

Please also refer to extensive City policy on public infrastructure, facilities, and services throughout the Public Services and Facilities Element. This Element summarizes the City's policies relative to level of service, financing, and other components of service and infrastructure provision in Riverbank.

COMMENT 11

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 56078 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".

RESPONSE 11

The City notes LAFCO Sphere of Influence policies and Municipal Service Review requirements and will use these policies in City Specific Plans, Plans for Services, and Municipal Service Review work. The City anticipates that an application may be submitted at some point to revise the City's Sphere of Influence, but the timing and the nature of such an application remain uncertain.

COMMENT 12

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.

RESPONSE 12

The City notes LAFCO Sphere of Influence policies and findings. The City as Lead Agency will coordinate with LAFCO on any CEQA-related aspects of future Sphere of Influence changes.

STATE OFFICE OF PLANNING AND RESEARCH LETTER, APRIL 2, 2008
ACKNOWLEDGEMENT OF RECEIPT AND CIRCULATION FOR PUBLIC REVIEW



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

STANISLAUS CONSOLIDATED FIRE PROTECTION DISTRICT LETTER, MARCH 21, 2008

The comments in this letter were addressed in the July 2008 Partly Recirculated DEIR, including Section 4.14, Public Facilities and Services, which addresses fire protection services. No comment letter was received from Stanislaus Consolidated Fire Protection District during the public review period on the July 2008 Partly Recirculated DEIR.

STANISLAUS COUNTY LETTER, MARCH 12, 2008

COMMENT 1

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.

RESPONSE 1

Comment noted.

COMMENT 2

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.

RESPONSE 2

Please refer to policies included in the Safety Element under Goal SAFE-1, which are related to this comment.

COMMENT 3

- 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.

RESPONSE 3

The DEIR has been updated to reflect current County policies.

RIVERBANK WATCH LETTER, MARCH 30, 2008

COMMENT 1

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.

RESPONSE 1

The commenter may be interested in Section 2 of the DEIR, which describes the purpose and intent of programmatic environmental analysis in the CEQA context. In sum, a program EIR is more generalized than a project EIR. The City cannot know all the details of land use change that could be implemented under the General Plan between present and 2025. A program level environmental document allows lead agencies to analyze and mitigate environmental impacts associated with implementation of this comprehensive plan without the need to speculate on the details of every development project. Please refer to subsection 2.3 of the DEIR for more information. Project-level environmental review will be conducted for specific projects, where appropriate as such projects arise.

COMMENT 2

“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.

RESPONSE 2

The Reserve overlay described in the Land Use Element is not a land use designation but rather a policy overlay. This overlay is intended for land that the City has not yet planned for development or resource preservation. This designation does not necessarily imply urban development. The City may instead adopt policies to preserve areas with the Reserve overlay for natural open space or ongoing agricultural use, for example. The Reserve overlay area offers an opportunity to plan for future land uses by setting specific performance criteria that must be fulfilled before the City will entertain development proposals for these areas.

The Reserve designation does not carry any specific land use designation per say. But, this overlay does specify additional planning requirements related to timing of development, analysis required by the City prior to approving development, required infrastructure and service standards, and other guidelines, standards, and requirements. From the Land Use Element:

RESERVE

The Reserve category is intended for land that the City has not yet planned for a specific urban, agricultural, or resource land use. This designation does not necessarily imply urban development, but rather could be areas to preserve in natural open space or for agricultural use, for example. This area offers an opportunity to plan for future land uses by setting specific performance criteria before development takes place in sensitive areas.

The Reserve designation does not denote any specific land use, but rather is an overlay designation that specifies additional requirements related to timing of development, analysis required by the City, infrastructure and service standards, and related topics. Before making Reserve areas eligible for consideration for urban development, the City will hold a public hearing and make required findings, including the following:

- ▶ Development of the Reserve area is adjacent to developed areas of the City and infrastructure and services can efficiently be extended to serve the Reserve area;
- ▶ The City has had prepared infrastructure planning and financing to serve the needs of the proposed development area, including financing of any necessary citywide facilities to accommodate the planned level of growth;
- ▶ Either 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, or the proposal includes a desired land use unique to the Planning Area that cannot be accommodated on lands within the City limits or portions of the Planning Area without the Reserve overlay designation;
- ▶ Completion of an environmental analysis in compliance with the California Environmental Quality Act (CEQA), including a mitigation monitoring program, pursuant to the California Environmental Quality Act, has been prepared by the City;
- ▶ A fiscal impact assessment has been prepared by the City demonstrating that, in the short- and long-term, the project would not negatively affect the City from a fiscal perspective; and,

- ▶ A Specific Plan, pursuant to Government Code Section 65450, has been prepared to show the specific land uses, development standards, compliance with the General Plan, infrastructure and public service planning and financing, and phasing, in addition to any other requirements of State law and the Community Development Director.

The Reserve areas would not be available for urban development without completing the above-described steps. However, for full analysis and reporting purposes, this DEIR does use assumptions about the underlying land use of areas with the Reserve overlay. These assumptions are used in the analysis, mitigation, and reporting in the DEIR. Because the Reserve overlay is a policy overlay, and not a land use designation, listing the Reserve areas in a separate category for analysis would result in double-counting.

For all areas that have the Reserve designation in the current Land Use Diagram, the underlying land use is assumed to be “Clustered Rural Residential.” The DEIR assumes that a total of 250 dwelling units would be developed on areas with the Reserve overlay, which all have the Clustered Rural Residential designation. These 250 units are analyzed in the transportation, biological, geologic, utilities, facilities and services, and other relevant sections of the DEIR. The Clustered Rural Residential designation also has specific guidelines and standards that are designed to avoid environmental impacts if development does occur:

CLUSTERED RURAL RESIDENTIAL

This category provides an opportunity to preserve usable open space, including ongoing agricultural operations, or to protect natural resource areas. Residential development in this area must be clustered to preserve large and unbroken pieces of property for agriculture or open space, including both cultivation and grazing activities.

Open space may be owned and maintained privately by a homeowner’s association or similar mechanism, or by a public entity with ongoing funding for maintenance provided by the project applicant.

The density range of residential development in this area is 0.2 to 1 dwelling unit per acre (one to five acres per dwelling unit). One unit per acre is the maximum development yield on any given parcel proposed for subdivision. Any residential development in the Clustered Rural Residential land use designation requires clustering of proposed development areas such that at least 80 percent of the parent parcel in unimproved open space use, and is not to be included in any property with a residence or any other urban use.

Within areas designated Clustered Rural Residential, this General Plan provides for a total of 250 dwelling units to be developed. The City may allow density to be transferred between parcels designated for Clustered Rural Residential where the City’s open space preservation objectives are furthered. The City will implement the Clustered Rural Residential land use designation through an ordinance to be drafted following this General Plan update (see Implementation Measures at end of this Element).

The City recognizes the value of not only open space preservation, but also open space-oriented improvements such as habitat restoration, groundwater recharge areas, and open-space oriented recreational facilities. The City also recognizes that the habitat, agricultural, buffering, topographic, aesthetic/viewshed, and other open space considerations of different properties may require different strategies for clustered development. With this recognition, the City, at its sole discretion, may allow some flexibility in the density and open space standards in extraordinary situations where high-quality, publicly accessible, open space-oriented uses can be provided consistent with General Plan policy.

Residential lots in a clustered development shall:

- ▶ Minimize impacts to agriculture by avoiding development of Prime Farmland (as shown on Department of Conservation maps) or permanently protect other Prime Farmland via an approved irrevocable easement;
- ▶ Provide buffers, as necessary, between residential uses and adjacent ongoing agricultural uses;
- ▶ Avoid trees, wetlands, and other biological resources;

- ▶ There shall be zero net urban storm run-off leaving the site compared to previous conditions;
- ▶ Orient all dwelling units for maximum passive and active solar energy efficiency;
- ▶ Locate developed portion of the site as close as possible to existing and planned roadways; and,
- ▶ Locate developed portion of the site to optimize the efficiency of, and minimize extension of any necessary infrastructure.

COMMENT 3

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.

RESPONSE 3

Please refer to Response 2 to this comment letter.

COMMENT 4

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.

RESPONSE 4

Please refer to response 2 to this comment letter.

COMMENT 5

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.

RESPONSE 5

This comment relates to Section 4.15 of the July 2008 Partly Recirculated DEIR. This DEIR addresses traffic congestion, regional transportation planning, traffic mitigation, and Section 6 of the DEIR, which addresses cumulative impact analysis.

COMMENT 6

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

RESPONSE 6

This comment relates to Section 4.15 of the July 2008 Partly Recirculated DEIR. The DEIR addresses highway traffic, railroad impacts, regional transportation planning, the Level of Service standards, and Section 6, which addresses cumulative impacts.

COMMENT 7

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.

RESPONSE 7

This comment relates to Section 4.15 of the July 2008 Partly Recirculated DEIR. The DEIR addresses air quality impacts, Level of Service standards, and infrastructure.

COMMENT 8

(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.

RESPONSE 8

This comment relates to Section 4.15 of the July 2008 Partly Recirculated DEIR. The DEIR addresses Level of Service, and induced travel demand from overbuilding roads.

COMMENT 9

(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.

RESPONSE 9

This comment relates to Section 4.15 of the July 2008 Partly Recirculated DEIR. The DEIR addresses trip generation, density and type of development, and a description of traffic analysis methodology.

COMMENT 10

(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.

RESPONSE 10

Section 5.4.1 of the DEIR states that the proposed General Plan Update would increase overall trip generation somewhat compared to buildout of the existing General Plan. The existing General Plan (that in place prior to the draft General Plan Update) has large areas designated “Neighborhood,” as shown on Exhibit 5-1. The proposed General Plan Update has specific land use designations for much of the same land area, plus additional lands (as shown in Exhibit 3-1. Because more land will be developed with uses that would produce and attract vehicular trips

in the proposed General Plan Update, the Alternatives section of the DEIR indicates that, “traffic volumes would be reduced somewhat by buildout of the existing General Plan compared to the proposed General Plan update.”

However, a larger number of trips does not necessarily produce significant transportation impacts. Impacts are determined relative to specific Level of Service Standards. This section of the DEIR goes on to describe that, (Section 5, Alternatives to the Proposed Project):

“it is anticipated that significance conclusions would be similar. LOS would still be unacceptable along the Claribel Road corridor, two-lane sections of SR 108 would have LOS deficiencies, Morrill Road may have LOS in exceedance of D, existing developed areas of Riverbank may experience congestion, the intersections requiring improvements to achieve LOS D would still require similar improvements, and additional traffic would be sent over the railroad tracks.”

COMMENT 11

(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.

RESPONSE 11

This comment relates to Section 4.15 of the July 2008 Partly Recirculated DEIR. The DEIR addresses the bridges from Riverbank leading outside of the County, overall trip generation, and Level of Service standards.

COMMENT 12

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.

RESPONSE 12

This comment relates to Section 4.15 of the July 2008 Partly Recirculated DEIR. The DEIR and references to the General Plan identify many policies, standards, and incentives for travel demand management practices. For example, (from the Circulation Element):

Policy CIRC-1.1: Approved plans, projects, and subdivision requests in new growth areas shall include the construction or pro-rata funding of transportation infrastructure that includes a connected and integrated system of bicycle facilities and pedestrian facilities, designed to comply with the Americans with Disabilities Act.

Policy CIRC-1.2: Approved plans, projects, and subdivision requests in new growth areas shall provide a fully connected network of smaller roadways that provide many alternative routes between each point of origin and destination.

Policy CIRC-1.3: Approved projects, plans, and subdivision requests in new growth areas shall arrange streets in an interconnected block pattern, so that pedestrians, bicyclists, and drivers are not forced onto arterial streets for inter- or intra-neighborhood travel. This approach will also ensure safe and efficient movement of emergency responders.

Policy CIRC-1.4: Approved projects, plans, and subdivision requests with an internal street network shall provide an internal connectivity index of 1.4 or higher. The connectivity index is calculated by dividing the total number of road segments the number of nodes. Nodes are intersections plus cul-de-sacs. Roadway segments are between intersections. Cul-de-sacs are prohibited except where physical constraints make any other roadway solution impossible. The City may require higher levels of connectivity, beyond this standard, and will review plans and projects to take advantage of opportunities to provide more connectivity.

Policy CIRC-1.5: Approved projects, plans, and subdivision requests shall connect with adjacent roadways and stubbed roads and shall provide frequent stubbed roadways in coordination with future planned development areas. Plans and projects shall connect to adjacent planned development areas and adjacent roadways at a minimum of 600-foot intervals. This minimum interval does not apply to development areas that are adjacent to existing or planned future limited-access highways, freeways, or expressways.

Policy CIRC-1.6: Approved projects, plans, and subdivision requests shall provide a roadway network such that driving distance from any dwelling to the nearest collector street is a maximum of 2,000 feet and no more than three turning movements at intersections are required in order to travel from any home to a collector street.

Policy CIRC-1.7: The City will ensure frequent street and trail connections between new residential developments and established neighborhoods, between downtown and surrounding neighborhoods, across the railroad, across the river, and between other important origin and destination points.

Policy CIRC-1.8: City street improvement standards and the street classification system will reflect the need to accommodate the full range of locally available travel modes.

Policy CIRC-1.9: In new and existing developed areas, the City will invest in a convenient, well-maintained, and safe system of pedestrian and bicycle paths that connect residences with shopping centers, public buildings, parks, places of employment, and schools.

Policy CIRC-1.10: The City will incorporate pedestrian and bicycle improvement projects into the City's Capital Improvements Program.

Policy CIRC-1.11: The City's level of service standards will balance the need to provide convenient vehicular travelways during peak hours of demand with other community goals, such as the desire to accommodate pedestrian and bicycle access.

Policy CIRC-1.12: The City will use Level of Service D as the goal for roadway segments, as measured on a daily basis. The City's goal for peak-hour intersection level of service is LOS D. The City may elect to exceed of these standards in favor of other community planning and environmental goals and policies.

Policy CIRC-1.13: City environmental documents and associated mitigation programs will explicitly consider compact development, mixing of land uses, affordable housing, and other pedestrian, bicycle, and transit oriented design elements that generate fewer vehicle trips. Such approved plans, projects, and subdivision requests will have a correspondingly lower contribution toward any roadway or intersection improvement mitigation measures required in City environmental documents.

Policy CIRC-1.14: The City will ensure provision of signage and secure storage facilities in appropriate locations for bicycles.

Policy CIRC-1.15: The City will ensure that the pedestrian network is safe, accessible, attractive and efficient, running largely along public spaces (including streets and open spaces) fronted by houses, and avoids uses that generate major breaks in surveillance on routes to and from public transport and other routes used at night.

GOAL CIRC-2: THE CITY'S URBAN DEVELOPMENT PATTERN SUPPORTS ALL LOCALLY AVAILABLE MODES OF TRANSPORTATION

Policy CIRC-2.1: Approved plans, projects, and subdivision requests in new growth areas will provide an appropriate balance of higher-activity land uses, such as schools, parks, retail and commercial services, small offices, civic uses, apartments, in accessible neighborhood centers. Higher-activity land uses shall not be focused in a linear pattern along large roadways.

Policy CIRC-2.2: The City will not allow large, unbroken surface parking lots, which unnecessarily inhibit travel on foot and by bicycle. Please refer also to Community Character and Design Element policies that address the location and nature of surface parking.

Policy CIRC-2.3: Approved projects, plans, and subdivisions shall provide shade trees in parking areas at a ratio of at least one tree for every four parking spaces. These trees shall be dispersed throughout the parking area.

Policy CIRC-2.4: The City will ensure that redevelopment and revitalization efforts in the existing City are designed to accommodate and encourage pedestrian and bicycle travel, as well as public transit options, as such options become more widely available.

Policy CIRC-2.5: The City will be flexible in parking requirements or eliminate off-street parking requirements for redevelopment, infill, and multi-family projects by allowing cooperative shared use of parking between properties with different parking demand peaking periods, utilization of on-street parking spaces to meet parking requirements, allowing parking reductions for projects located in walkable areas with improvements that accommodate alternative forms of travel, and allowing parking reductions for multi-family development to reflect the trip generation characteristics of this type of development.

Policy CIRC-2.6: The City will pursue in the existing developed area, and require in new growth areas pedestrian amenities, such as street furniture, shade trees, pedestrian lighting, water fountains, and pedestrian-oriented signage.

GOAL CIRC-3: INCREASE THE AVAILABILITY AND USE OF TRANSIT

Policy CIRC-3.2: The City will promote the development, improvement, expansion, and increased ridership of transit within the City, including the development of new transit agencies and new forms of transit, as they become available.

Policy CIRC-3.3: Approved plans, projects, and subdivision requests will accommodate transit facilities consistent with transit agency planning.

Policy CIRC-3.4: When transit stops are required in existing developed portions of Riverbank or new growth areas, the City will ensure that stops are safe, convenient, comfortable, well maintained, and complementary to the urban design in the surrounding vicinity.

Policy CIRC-3.6: The City will support and provide incentives to encourage local businesses and transit providers to develop transit incentive programs.

Policy CIRC-3.7: The City will coordinate with all agencies involved in planning for a future east-west expressway through northern Stanislaus County to ensure that transit service is provided along the route, including potentially the use of HOV/transit only lanes during peak hours.

IMPLEMENTATION STRATEGIES

Implementation Measure CIRC-3: The City will work with outside agencies, employees, and employers to optimize the use of alternative travel modes and reduce the use of the automobile, especially during peak periods of

congestion. To support this effort, the City will develop a Travel Demand Management ordinance that requires large employers to provide incentives for employees to commute via transit, bicycle, on foot, or by carpool, rather than the single-occupant vehicular commute.

Implementation Measure CIRC-4: The City will revise street improvement standards to be consistent with this Circulation Element, including consideration on equal footing of all locally available forms of travel. Standards will ensure, among other things: a complete and comprehensive pedestrian and bicycle system to allow such travel for daily needs; sidewalks are wide and shaded by trees; trees are placed to provide separation between pedestrians and auto traffic; avoid sidewalk damage by tree roots; the width and number of curb cuts (driveways) on City streets protects the safety of pedestrians; lower speed limits on roads cyclists will share with motorists; automatic traffic signal actuators where cyclists may reach them without leaving the roadway; and, adequate paved shoulders on arterial and collector roadways for bicycles. The City will also include in street improvement standards strategies for using pervious pavement for access streets and rubberized asphalt made from recycled tires for newly constructed collector and arterial roadways. Access will be designed to allow for future City control (and therefore increased access) along Patterson Road and the possible use of the Claribel Road alignment (and therefore limited access) as a future regional expressway and/or State Highway.

Implementation Measure CIRC-5: The City shall coordinate with relevant transit providers and include, as appropriate, transit improvements in the Capital Improvements Plan (CIP).

Implementation Measure CIRC-7: The City will develop and implement a Parking Master Plan to coordinate and manage parking in the City. The Master Plan will include strategies and implementation measures for addressing the City's parking supply and parking requirements and design standards. The plan will include strategies to optimize the parking supply, especially in the downtown area, through shared parking; development of shared parking facilities; use of on-street parking to meet demand of nearby properties; ensuring parking standards reflect actual parking demand; ensuring parking standards are reduced for properties in walkable and bicycle friendly areas of the City; use innovative design standards, such as tandem parking, stacked parking, and valet parking; and other strategies. The City will develop and include maximum, as well as, minimum parking requirements for new growth areas.

COMMENT 13

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.

RESPONSE 13

The City notes the commenter's preference for Riverbank Watch's alternative. Please refer to Section 5 of the DEIR, which describes the impacts of two reduced development footprint alternatives similar to that submitted by Riverbank Watch. The City understands that the Riverbank Watch alternative referenced by the commenter avoids development of the northwestern portion of the Planning Area. Alternatives 2 and 3, which are analyzed in the DEIR, also envision a scenario in which the northwestern portions of the Planning Area are not developed with urban uses.

COMMENT 14

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.

RESPONSE 14

This comment relates to Section 4.3 of the July 2008 Partly Recirculated DEIR. The DEIR addresses agricultural mitigation, loss of agricultural land, and the fact that the significant loss of agricultural land, despite all feasible mitigation, cannot in this case be fully mitigated to a less-than-significant level. Please refer to Section 4.3 of the DEIR and Conservation and Open Space Element policies CONS-3.1, CONS-3.2 Implementation Strategy CONS-1, and Implementation Strategy CONS-2. Please see also Response 4 to the April 1, 2008 Stanislaus LAFCO comment letter.

COMMENT 15

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.

RESPONSE 15

This comment relates to Section 4.3 of the July 2008 Partly Recirculated DEIR. The DEIR addresses agricultural mitigation in the short term with Conservation and Open Space Element policies CONS-3.1 and 3.2, which the City will apply in the context of review of proposed projects. The City has also addressed agricultural mitigation in the long term through Implementation Strategy CONS-1 and Implementation Strategy CONS-2, which the City will implement in coordination with willing regional partners. As a city with a smaller population and economic base, compared to certain other cities in the area, Riverbank must cooperate and coordinate with other jurisdictions on issues such as protection of agricultural lands. Otherwise, Riverbank risks putting itself at a substantial disadvantage relative to the other jurisdictions, and reduce the feasibility of this agricultural mitigation program, if it were implemented in isolation.

COMMENT 16

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.

RESPONSE 16

This comment relates to Section 4.3 of the July 2008 Partly Recirculated DEIR. The DEIR addresses agricultural mitigation ratios. As a city with a smaller population and economic base, compared to certain other cities in the area, Riverbank must cooperate and coordinate with other jurisdictions on issues such as protection of agricultural lands. Otherwise, Riverbank risks putting itself at a substantial disadvantage relative to the other jurisdictions, and reduce the feasibility of this agricultural mitigation program, if it were implemented in isolation.

COMMENT 17

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 for further details.

RESPONSE 17

This comment relates to Section 4.3 of the July 2008 Partly Recirculated DEIR. The DEIR addresses agricultural mitigation, including conservation easements and potential agency partners in this effort. Please refer to Implementation Strategy CONS-1 in the Open Space and Conservation Element. The commenter's input regarding the Central Valley Farm Trust is noted.

COMMENT 18

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.

RESPONSE 18

This comment relates to Section 4.3 of the July 2008 Partly Recirculated DEIR. The DEIR and General Plan address agricultural land loss, mitigation, and the City's intent to lead in the region on this issue.

COMMENT 19

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).

RESPONSE 19

The City, based on the level of interest in the General Plan and this EIR, elected to provide additional and clarifying information as a part of the July 2008 Partly Recirculated DEIR. Please refer to the DEIR. Please refer to the Response 12 to this comment letter.

COMMENT 20

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.

RESPONSE 20

The City provided the State Clearinghouse with the DEIR, including the referenced impact analysis to start the public review period of the January 2008 DEIR. The version of the January 2008 DEIR provided to the State Clearinghouse and made available at City Hall always included Impact 4.15-5. To further promote public review and comment, the City also posted the DEIR on its web site, inadvertently posting an outdated version that did not include updated information in Impact 4.15-5. This error was corrected on February 8th, 2008, prior to the formal start of the public review period. To promote public access and review, the City released the DEIR as soon as it was available, even prior to submitting to the State Clearinghouse to start the public review period on February 15th. Following the close of the public comment period on the January 2008 DEIR, section 4.15 was revised and was part of the July 2008 Partly Recirculated Draft EIR. The City provided another 45-day public review period for the public to comment on Section 4.15. Refer to Section 4.15 of the DEIR.

COMMENT 21

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.

RESPONSE 21

The commenter's preference for General Plan design is hereby noted. The information provided by the commenter is reflected in the analysis presented in the Draft EIR.

COMMENT 22

5. Development of the northwest area would include another school district. Three districts already divide the city. This impact was not discussed.

RESPONSE 22

This comment relates to Section 4.14 of the July 2008 Partly Recirculated DEIR. The DEIR addresses school district information. The division of a City into different school districts is not in and of itself a physical adverse environmental impact that would be addressed in a CEQA document. In this case, the division is not anticipated to have any indirect environmental impacts either.

COMMENT 23

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.

RESPONSE 23

As noted in the DEIR, the General Plan itself is not a SOI amendment request or application. There are specific requirements and processes administered by the Stanislaus Local Agency Formation Commission (LAFCO) for SOI amendment requests. The City would prepare supporting materials and pursue any SOI amendment request separately from the General Plan Update and EIR process. The City does not anticipate one SOI expansion that would include the entire area with land use designations under the proposed General Plan. Rather, a phased SOI and annexation process, to be coordinated with LAFCO, is envisioned.

COMMENT 24

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.

RESPONSE 24

The General Plan and EIR both address greenhouse gas emissions. Please refer to the Air Quality Element of the General Plan and Section 4.4 of the DEIR. Affordable housing and inclusionary housing are not within the scope of CEQA analysis. Water supply is comprehensively addressed in the Public Services and Facilities Element of the General Plan and Section 4.16 of the DEIR. Alternatives are analyzed in Section 5 of the DEIR.

The Tivoli project is analyzed and reported in Section 4.15 of the DEIR.

BERNARD AGGERS, JR. LETTER, MARCH 31, 2008

COMMENT 1

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."

RESPONSE 1

This comment relates to Section 4.3 of the July 2008 Partly Recirculated DEIR. The DEIR addresses agricultural land loss, directly and cumulatively. The City addresses alternative growth patterns that would avoid more Prime Farmland. Please see Section 5 of the DEIR, which discusses alternatives to the proposed General Plan.

COMMENT 2

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.

RESPONSE 2

Agriculture impacts are addressed in Section 4.3 of the DEIR. Flood related impacts are comprehensively addressed in Section 4.10 of the EIR. The City notes the commenter's desire to focus growth away from flood-prone areas.

JAMES GERBER LETTER, MARCH 24, 2008

COMMENT 1

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.

RESPONSE 1

Commenter's input regarding flood safety is noted. Flood related impacts are comprehensively addressed in Section 4.10 of the DEIR. The Safety Element of the draft Riverbank General Plan also addresses flood safety. Specifically, Policy SAFE-1.6 may be of interest to the commenter:

Policy SAFE-1.6: The City will not allow the development of housing in the 100-year floodplain, as determined by the Federal Emergency Management Agency. The City may permit placement of non-residential improvements within the 100-year floodplain under a very limited set of circumstances. Any development project that includes structures or disturbances of natural features within the 100-year floodplain shall prove that the proposal does not:

- ▶ Create danger to life and property due to increased flood heights or velocities caused by excavation, fill, roads, or intended use.
- ▶ Create difficult emergency vehicle access in times of flood.
- ▶ Create a safety hazard due to the unexpected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
- ▶ Create excessive costs in providing governmental services during and after flood conditions, including maintenance and repair of public facilities.
- ▶ Interfere with the existing waterflow capacity of the floodway.
- ▶ Substantially increase erosion and/or sedimentation.
- ▶ Contribute to the deterioration of any watercourse or the quality of water in any body of water.

COMMENT 2

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, CO₂. 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

RESPONSE 2

Commenter's input regarding air pollution, agricultural resources, flood safety, and opposition to development of fertile land in the floodplain is noted. Section 4.4 of the DEIR addresses Air Quality impacts, including both greenhouse gases and particulate matter, as addressed by the commenter.

Flood related impacts are comprehensively addressed in Section 4.10 of the DEIR. Agricultural impacts are comprehensively addressed in Section 4.3 of the DEIR.

COMMENT 3

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.

RESPONSE 3

Commenter's input regarding agricultural resources, flood safety, aesthetic resources, growth management and community separators, and opposition to building on fertile land in the floodplain is noted. Agricultural impacts are comprehensively addressed in Section 4.3 of the DEIR.

EVELYN HALBERT LETTER, MARCH 30, 2008

COMMENT 1

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.

RESPONSE 1

Transportation impacts are addressed in Section 4.15 of the DEIR. Public services and facilities are addressed in Section 4.14 and public utilities are addressed in 4.16 of the DEIR. Commenter's input regarding agriculture, the review, open space, historic and cultural resource, small-town character, and traffic are hereby noted.

COMMENT 2

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?*

RESPONSE 2

Policy DESIGN-7.6 addresses the location of parking in the Downtown area, not the amount of parking. Policy DESIGN 7.6 would not reduce the amount of parking available in the Downtown area. Furthermore, changes to the location or accessibility of parking do not themselves constitute an environment impact, although in certain situations such changes can cause indirect environmental impacts. However, based on typical parking demand rates, Riverbank anticipates that the demand for parking in the Downtown area will generally be met without any measurable adverse impact related to traffic or time necessary to find parking.

COMMENT 3

► 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?*

RESPONSE 3

As with many General Plan policies, the City would implement Policy DESIGN 9.1 and 9.3 through various means. Perhaps the most frequent venue for policy implementation would be development project proposals. In the case of this policy, the City would study the historic architectural value of buildings potentially affected by proposed project and implement Policy DESIGN 9.1 and 9.3 in that context.

In particular, for any project that requires a discretionary permit from the City, such as a conditional use permit, CEQA requires that the City evaluate whether the project would cause a substantial adverse change in the significance of a historical resource (Public Resources Code sec. 21084.1).

COMMENT 4

“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?*

RESPONSE 4

Commenter refers to the Vision and Guiding Principles set forth in the Introduction to the General Plan. The General Plan is a comprehensive policy document that sets forth a broad range of sometimes-competing goals and policies. The General Plan contains various statements and policies which, if considered in isolation or interpreted to the extreme, could conflict with other statements and policies in the General Plan. However, the General Plan is intended to be interpreted as a whole, with the understanding that competing policies should be balanced, and not mutually exclusive.

The Draft EIR, as indicated in the text quoted by the commenter, finds that the General Plan would have a significant impact on visual identity and visual character of the City. However, this impact does not appear to conflict with the General Plan as a whole, since the impact is caused by the balance of policies in the General Plan.

COMMENT 5

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?*

RESPONSE 5

This comment relates to Section 4.3 of the July 2008 Partly Recirculated DEIR. The DEIR addresses loss of agricultural land, mitigation, agricultural mitigation ratios, and the mechanisms used for these conservation easements.

COMMENT 6

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?*

RESPONSE 6

This comment relates to Section 4.3 of the July 2008 Partly Recirculated DEIR. The DEIR addresses Williamson Act lands. The City recognizes that land owners may have an incentive to cancel Williamson Act contracts in anticipation of urban growth. However, the City does not wish to encourage cancellation of Williamson Act contracts.

COMMENT 7

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?*

RESPONSE 7

This comment relates to Section 4.3 of the July 2008 Partly Recirculated DEIR. The DEIR addresses loss of agricultural land, agricultural mitigation, conservation easements, and the Right to Farm ordinance.

COMMENT 8

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?*

RESPONSE 8

County policies are referenced in certain sections of the DEIR for the reader's reference. City policies are comprehensively provided in the draft General Plan Update itself. Please refer to Appendix G of the DEIR, which provides the entire draft General Plan.

COMMENT 9

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?*

RESPONSE 9

Please refer to Section 5 of the DEIR, which addresses the mitigating effects of different General Plan alternatives, including alternatives similar to that suggested in this comment.

COMMENT 10

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?*

RESPONSE 10

The General Plan does not alter land use designations Downtown. Under both existing and future land use designations and zoning, both residential and commercial development would be allowed in different portions of Downtown.

As described in Section 3.1.3, the City conducted extensive public outreach to support the General Plan update. The City circulated a Notice of Preparation in September 2006 inviting comments on the proposed General Plan and held a public hearing to accept comments on December 11, 2006. The Draft EIR was made available for public review and comment between February 15th and April 1st, 2008. Based on comments received during this public review period and the level of interest in the General Plan and its environmental documentation, the City elected to revise the General Plan and EIR and recirculate sections of the EIR with clarifying information for public review. The City partly recirculated the draft EIR in July and August of 2008.

COMMENT 11

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

RESPONSE 11

Adequate distance for public safety would depend on the location of proposed development, the type of proposed development, and the various characteristics of proposed development related to airborne pollutant concentrations. The City will implement policies AIR-3.2 through 3.4 as mechanisms to assist in reducing exposure to air pollution for sensitive receptors. Adequate distance would also depend on existing and future homes, schools, and other sensitive receptors relative to proposed polluting land uses.

COMMENT 12

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?*

RESPONSE 12

Please refer to Section 4.4 of the DEIR, which addresses odor impacts, including odor impacts related to the wastewater treatment plant. Please refer also to Section 4.16 of the DEIR, which addresses Utilities (including wastewater treatment). Please refer also to the draft Public Services and Facilities Element of the General Plan, which establishes City policy to ensure appropriate improvements at the wastewater treatment plant to accommodate new growth.

COMMENT 13

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 ?*

RESPONSE 13

As indicated in the proposed mitigation measure, the City intends to apply this notification requirement to proposed uses that are subject to approval by the City, not to existing uses. Some such proposed uses may occur in existing neighborhoods.

COMMENT 14

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?*

RESPONSE 14

Biological resources impacts are comprehensively addressed in Section 4.5 of the DEIR, including natural communities with tree canopies, as well as other types of vegetation.

Please also refer to the various habitat and species preservation policies in the draft Conservation and Open Space Element, including those cross-referenced in the DEIR.

Refer also to the definition of the Clustered Rural Residential land use designation, which is applied to some areas with substantial existing vegetation. Development projects located on lands with this designation, some of which have wooded areas, are required to “avoid trees, wetlands, and other biological resources.”

COMMENT 15

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?*

RESPONSE 15

The reference to Appendix A was erroneous. The DEIR includes Appendix H, which is the complete listing of historic properties in Stanislaus County. The DEIR now refers to Appendix H:

HISTORICAL RESOURCES

A historical resource is defined as a building, structure, object, prehistoric or historic archaeological site, or district possessing physical evidence of human activities over 45 years old. Because the entire City has not been subject to an extensive historic resource investigation, there may be unidentified features that are 45 years or older and considered as potentially historical resources requiring further study and evaluation by a qualified professional.

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 H for complete listing).

COMMENT 16

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?*

RESPONSE 16

Cultural and historic resources research and analysis was conducted to support the General Plan and EIR. Please consult Section 4.6 of the EIR, which summarizes that analysis. The General Plan does not propose changes to

any historically or culturally significant properties. The General Plan contains policies to avoid adverse impacts to such properties, including:

GOAL CONS-1: MAINTAIN RIVERBANK’S HISTORIC RESOURCES

Policy CONS-1.1: Historically significant buildings shall not be demolished or changed in way that affects their historic value, except to protect public health and safety, or where saving the structure is infeasible.

Policy CONS-1.2: Buildings and other cultural resources that are not historically significant but have historical or architectural value should be preserved or relocated, wherever feasible. Where this is not feasible, the resource shall be documented and the information retained in a secure, but publicly accessible location. An acknowledgment of the resource should be incorporated in historic signage and the reuse or display of historic materials and artifacts.

Policy CONS-1.3: The City will promote and encourage adaptive reuse of historic buildings. Consistent with health, safety, and other basic considerations, the City will be flexible in applying building and zoning standards to encourage continued use and adaptive reuse of historic buildings.

Policy CONS-1.4: The City shall coordinate with local, State, and federal agencies to ensure that historic preservation regulations are implemented.

COMMENT 17

Energy Conservation

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

RESPONSE 17

Please refer to the Community Character Element, which addresses the comment:

GOAL DESIGN-17: ENVIRONMENTAL SENSITIVITY AND LOW-IMPACT DEVELOPMENT PRINCIPLES IN THE DESIGN AND CONSTRUCTION OF ALL PROJECTS

Policy DESIGN-17.1: The City will support development standards that minimize environmental impacts of development through an appropriate balance of regulations and incentives. Incentives could be tied to compliance with criteria applied throughout the development process.

Policy DESIGN-17.2: Lighting in development projects shall include low, pedestrian scaled, ornamental street lights, and shall otherwise design lighting as to prevent glare and spillover onto adjacent properties and to prevent any glare that could affect motorists or bicyclists.

GOAL DESIGN-18: RENEWABLE RESOURCE USE AND ENERGY-EFFICIENCY IN SITE AND ARCHITECTURAL DESIGN

Policy DESIGN-18-1: The City will promote safe and sustainable energy collection and distribution systems that draw from renewable energy sources.

Policy DESIGN-18.2: The City will encourage passive and natural lighting systems in architectural design to conserve electricity.

Policy DESIGN-18.3: The City will encourage building-site orientation, articulated windows, roof overhangs, appropriate insulation materials and techniques, and other architectural features that allow for improved passive interior climate control.

Policy DESIGN-18.4: The City will ensure that municipal buildings are LEED certified and promote LEED certification of multi-family, commercial, and industrial properties.

Please refer also to the Conservation and Open Space Element, which addresses energy conservation:

GOAL CONS-8: MINIMIZE THE USE OF ENERGY THROUGH SUSTAINABLE DEVELOPMENT PATTERNS, CONSTRUCTION PRACTICES, AND CONSTRUCTION MATERIALS

Policy CONS-8.1: The City will encourage the use of cost effective, renewable energy sources as a part of new construction projects, as well as existing buildings and facilities.

Policy CONS-8.2: The City will encourage material and energy-efficient building design, including strategies certified by the U.S. Green Building Council's LEED (Leadership in Energy and Environmental Design) Program.

Policy CONS-8.3: The City will encourage the incorporation of energy conservation features in the design of all new construction and the installation of conservation devices in existing development.

Policy CONS-8.4: The City will encourage the use of passive design concepts that make use of the natural climate to increase energy efficiency. New development shall be designed to allow access to natural light by adjoining properties for solar energy systems. Approved plans, projects, and subdivisions shall orient the majority of proposed single-family detached housing structures in a north/south orientation (along east-west streets) in order to increase energy efficiency. The City's goal in this respect will be 80 percent of proposed single-family detached housing structures.

Policy CONS-8.5: New development areas shall be located and designed to encourage travel by pedestrians and bicyclists.

Policy CONS-8.6: The City will encourage compact development to achieve more efficient use of resources and provision of public facilities and services.

Policy CONS-8.7: The City will incorporate conservation practices and sustainable energy sources and in existing and new City facilities.

Policy CONS-8.8: The City will locate any new government offices in pedestrian-friendly, mixed-use areas where the urban design promotes pedestrian and bicycle travel.

Policy CONS-8.9: Approved projects, plans, and subdivision requests shall include native, drought-tolerant, landscaping.

Finally, please refer to Section 4.7 of the DEIR, which addresses energy, including the following mitigation that will be implemented by the City during General Plan buildout:

Mitigation Measures

- ▶ The City will coordinate with Modesto Irrigation District, PG&E, and other responsible companies to provide for the continued maintenance, development, and expansion of energy efficient electricity and natural gas systems.
- ▶ The City will participate in regional siting plans for energy facilities.
- ▶ The City will use local utilities infrastructure planning and financing strategies to promote energy efficient land use practices. The City's goal for energy conservation strategies will be to reduce energy demand generated by

infrastructure to serve new development and offset remaining demand through generation of renewable sources within the development.

- ▶ The City will identify opportunities and support programs to reduce electricity demand related to the water supply system during peak hours and opportunities to reduce the energy needed to operate water conveyance and treatment systems.

COMMENT 18

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?*

RESPONSE 18

Please refer to Section 4.9 of the DEIR, which discusses the Ammunition Plant toxic release. Refer also to the Safety Element of the draft General Plan:

IMPLEMENTATION MEASURES

Implementation Measure SAFE-1: The City will work with the Department of the Army to ensure successful clean-up and reuse of the decommissioned Riverbank Army Ammunition Plant.

COMMENT 19

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?*

RESPONSE 19

The General Plan does not propose to charge existing property owners for upgrades to fire stations, police stations, or similar improvements to the extent that such improvements serve new development. New development is required to pay for the cost of service for all the different types of public infrastructure and services to serve the new development. Please refer to the Public Services and Facilities Element of the General Plan:

GOAL PUBLIC-7: FIRE PROTECTION SERVICES, STAFFING, AND DEPLOYMENT ADEQUATE TO SERVE THE NEEDS OF EXISTING AND PLANNED DEVELOPMENT

Policy PUBLIC-7.1: The City will ensure that adequate fire flow pressure is available in relation to structure size, design, requirements for construction, and/or built-in fire protection systems. Maintenance of adequate fire flows includes factors such as adequate storage, system gridding, hydrant spacing, and spacing and sizing of water mains, as specified in the City's Water Master Plan.

Policy PUBLIC-7.2: For new development, the City will require a minimum fire flow pressure of 1,500 GPM (sustainable for at least two hours) for residential use. For new development, the City will require a minimum fire flow pressure of approximately 3,600 GPM (sustainable for longer periods) for larger residences and for other building types, depending on the particular use and structure characteristics, and in coordination with the fire service provider.

Policy PUBLIC-7.3: The City will require that fire stations be located to ensure the appropriate level of service (including adequate response time per Policy Public 7.5), community compatibility, and efficiency, including the location of such facilities relative existing and planned public parks, libraries, and other activity centers.

Policy PUBLIC-7.4: The City will coordinate with fire protection providers, including through reciprocity arrangements, to ensure equipment, staffing, and facilities for emergency medical services, urban search and rescue, hazardous materials emergency response, and other relevant needs, as appropriate. The City will ensure consistency with National Fire Protection Association and Stanislaus Consolidated Fire Protection District response requirements.

Policy PUBLIC-7.5: The City will coordinate with fire protection providers to an emergency response system capable of achieving the following standards in 95% of all cases: first fire emergency response unit within six minutes of dispatch; full alarm assignment within 10 minutes of dispatch; second alarm assignment within 15 minutes of dispatch; and an Insurance Service Office (ISO) rating of Class 2 for areas within the City.

Policy PUBLIC-7.6: The City will work with property owners in existing developed portions of the City to achieve a minimum fire flow pressure of 1,500 GPM (sustainable for at least two hours) for residential use and approximately 3,600 GPM (sustainable for longer periods) for larger residences and for other building types, depending on the particular use and structure characteristics, and in coordination with the fire service provider.

GOAL PUBLIC-8: POLICE ENFORCEMENT SERVICES, STAFFING AND DEPLOYMENT ADEQUATE TO SERVE THE NEEDS OF EXISTING AND PLANNED DEVELOPMENT

Policy PUBLIC-8.1: New developments shall fund and/or construct adequate law enforcement facilities to serve new growth areas, as required, in coordination with law enforcement service providers.

Policy PUBLIC-8.2: The City's goal is to provide 1.25 sworn officers per 1,000 residents. The City will plan and budget and coordinate with service providers with this service standard as a goal.

Policy PUBLIC-8.3: The City will coordinate with law enforcement service providers to ensure a four-minute average response time for emergency calls within the City.

Policy PUBLIC-8.4: The City will require design of structures, streetscapes, pathways, project sites, and other elements of the urban environment to allow for surveillance of publicly accessible areas.

Policy PUBLIC-8.5: The City will coordinate with applicable law enforcement service providers to ensure adequate funding, staffing, training, and direction to provide City residents with responsive and effective law enforcement services of all types, including investigative, patrol, and other non-emergency services.

COMMENT 20

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?*

RESPONSE 20

This comment relates to Section 4.15 of the July 2008 Partly Recirculated DEIR. Refer to Impact 4.15-2. Refer also to the City's Safety Element:

GOAL SAFE-1: MINIMIZE THE LOSS OF LIFE AND DAMAGE TO PROPERTY NATURAL AND HUMAN-CAUSED HAZARDS

Policy SAFE-1.1: The City will ensure that approved development projects and public investments are consistent with the information provided in the Stanislaus County Multi-Jurisdictional Hazard Mitigation Plan.

Policy SAFE-1.4: The City will require set backs, ignition resistant building materials, or other measures to reduce exposure to potential wildfires in areas designated for natural open space preservation, in coordination with California Department of Forestry and Fire Protection recommendations and Maintenance of Defensible Space Measures, as appropriate.

Policy SAFE-1.5: Approved plans, projects, and subdivision requests will ensure adequate fire flow per City and Fire District standards. 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.

GOAL SAFE-2: PROVIDE ADEQUATE ACCESS FOR EMERGENCY RESPONSE

Policy SAFE-2.1: The City will require development and maintenance of a road system that provides adequate access for emergency equipment.

Policy SAFE-2.2: The City will consult with fire protection service providers in reviewing development proposals. Development proposals will include City conditions that respond to concerns of fire protection service providers.

Policy SAFE-2.4: The City will coordinate with the County Office of Emergency Services to identify evacuation routes and operational plans to be used in case of dam failure, flood disaster, and wildfire for any new growth areas in addition to any updates required to serve the existing developed City.

Implementation Measure SAFE-2: The City will, in coordination with the County Office of Emergency Services, implement and periodically update disaster plans, including the City's Emergency Operations Plan, to meet federal, State, and local emergency requirements. Included in this work will be the identification and planning for evacuation routes for dam failure, flooding, and wildfire that may affect existing developed areas of the City, as well as new growth areas.

Implementation Measure SAFE-4: The City will work with emergency responders serving the City to support the purchase and maintenance of proper emergency communication systems and equipment, and other necessary tools dealing with emergencies.

Implementation Measure SAFE-5: The City will coordinate with emergency service responders serving the City to prepare design guidelines for development projects that ensure appropriate emergency access and other requirements for appropriately serving proposed development. The City will require adherence to such design guidelines as a routine part of project and environmental review.

COMMENT 21

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?*

RESPONSE 21

The "project" being evaluated in this EIR is the updated Riverbank General Plan. The General Plan update involves a comprehensive revision of the City's goals, policies, and implementation programs. This General Plan update addresses many environmental issues about which the existing General Plan was silent. The zoning code and other regulations that implement the General Plan would be revised following the General Plan update to ensure consistency. There are no other agencies with jurisdictional authority over land use decisions within the City that have policies conflicting with the updated General Plan. Therefore, this topic is not discussed further in this EIR.

The City Planning Commission and the City Council are each required to hold at least one public hearing before the City adopts the General Plan update. Typically the hearings are scheduled to coincide with the planning commission's and the City's consideration of the proposed General Plan for recommendation and adoption. Refer to Response 10 to this comment letter.

COMMENT 22

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.

RESPONSE 22

Please refer to Section 4.3, which addresses the Stanislaus County Agriculture Element.

COMMENT 23

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?*

RESPONSE 23

As noted in the General Plan and EIR, this Update does not itself propose to expand Riverbank's Sphere of Influence. Sphere expansions and annexations would occur later under separate actions of LAFCO. The City anticipates that planned growth areas outside the current Sphere would develop under phased Sphere expansions and annexations, with specific infrastructure, public service, and financing information provided by Specific Plans, which will be initiated and prepared by the City.

It is likely that some portion of the City's Planning Area would someday be within Riverbank's Sphere of Influence, but that determination has not been made and will not be considered by the City until following General Plan adoption.

COMMENT 24

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?

RESPONSE 24

Train, vehicular, and industrial noise are all addressed by the DEIR and the General Plan. Not all roadway segments are addressed by the traffic analysis that supports this programmatic DEIR and the General Plan update. In general, major roadways that would be affected most by the General Plan Update are the focus of reporting and analysis. Roadway segments and intersections anticipated to be more affected by implementation of the General Plan are addressed. Please refer to Table 4.12-9, which does address this roadway segment.

COMMENT 25

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?

RESPONSE 25

Policy DESIGN-7.6 addresses the location of parking in the Downtown area, not the amount of parking. Policy DESIGN 7.6 would not reduce the amount of parking available in the Downtown area. Furthermore, changes to the location or accessibility of parking do not themselves constitute an environment impact, although in certain situations such changes can cause indirect environmental impacts. However, based on typical parking demand rates, Riverbank anticipates that the demand for parking in the Downtown area will generally be met without any measurable adverse impact related to traffic or time necessary to find parking.

COMMENT 26

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?

RESPONSE 26

State law does not limit the frequency of Housing Element Updates, as is suggested by the commenter. Rather, State law requires updates approximately every 5 years. The last Housing Element Update for Riverbank was in 2004. The City is beginning work on another Housing Element Update, as of the writing of this document. The 2025 General Plan Update did not include the Housing Element, which was newly updated when the General Plan Update process began in 2004/2005. While the Housing Element is part of the General Plan as a whole, it is typically reviewed and updated on a different cycle and for that reason is not included in this General Plan update.

COMMENT 27

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"?*

RESPONSE 27

There were many public notices, public hearings, and public workshops addressing the General Plan Update, including events that explicitly discussed the type, amount, and extent of land use change anticipated under this General Plan Update. Please refer to the General Plan (INTRODUCTION) and the DEIR (Section 2, Introduction and Section 3, Project Information) for a brief summary of the extensive public outreach, hearings, and workshops that accompanied this General Plan Update.

The City and General Plan consultants met early in the process to define the work scope and set a General Plan Update schedule. After the overall work program was finalized, the General Plan team collected background information and prepared a series of background reports concerning each topic covered in the updated General Plan. Each background report was made broadly available via the City's web site, at City Hall, and at various General Plan related public hearings and meetings.

Community awareness was raised beginning with the commencement of the update process. The City held a communitywide open house at the beginning of the process to inform citizens about the General Plan process and also to gather initial input and ideas. City staff and consultants conducted extensive outreach including visiting local schools and churches, holding public workshops at City Hall or the Community Center, collecting input from an email list serve, web site communications, and through various other methods.

Community input from the first phase of public outreach was summarized for the decision makers (Planning Commission and City Council) at a June 16th, 2005 public workshop. The City followed up with a series of joint workshops on land use and circulation alternatives, soliciting input by various methods throughout this process.

Stakeholder outreach involved property owners; interested land development groups; elected officials; community groups and organizations; community leaders; government agencies; neighborhood and business associations; and, other pertinent stakeholders.

After completing the initial phase of citizen and stakeholder outreach and compiling the General Plan background information, City staff and consultants summarized the consensus viewpoints in a General Plan Vision and Guiding Principles document. This Vision and Guiding Principles document was officially adopted by the Planning Commission on July 18, 2006. The results of the visioning process are discussed above in the Vision Statement and Guiding Principles section of this chapter.

The Vision and Guiding Principles were used to draft several conceptual land use and circulation alternatives, which represent different paths to achieving the community's vision. Alternatives are broad, conceptual representations of future growth that focus mainly on land use and circulation (transportation).

A multi-media outreach program continued to inform and update the Riverbank community about input opportunities and milestones that were occurring throughout this process. Many public workshops were held in the alternatives phase of the General Plan update. These workshops provided a forum for citizens and stakeholders to have their questions answered, and also to continue providing input to staff and decision makers. Several joint study sessions were held with the Planning Commission and City Council. Maps and planning documents were created to inform the General Plan process on issues ranging from biological resources to current land use. Also at this stage in the process, the City's web site contained frequent updates on the process and notice of scheduled events related to the General Plan update. An email distribution list was also used to disseminate documents, updates, and other information supporting the process.

On February 15, 2006, staff presented the Planning Commission and City Council with three conceptual land use and circulation alternatives for consideration, deliberation, and direction (Alternatives 1, 2, and 3). Staff and consultants reworked the alternatives based on decision maker and public input. The Planning Commission and City Council elected to lengthen the schedule by roughly eight months to facilitate additional public workshops and encourage substantial additional public input regarding a preferred alternative. Alternative 4 was presented at a March 30, 2006 public workshop. Land use and circulation concepts were discussed further at a May 18, 2006 public workshop. At a June 20, 2006 public workshop, a Staff Recommended Preferred Alternative was presented to the joint body for consideration, public input, and direction to staff. The Planning Commission and City Council expressed support for the concepts presented in the Staff Recommended Preferred Alternative.

The Planning Commission further considered Land Use and Circulation conceptual alternatives during a July 18th, 2006 public hearing. As a part of that hearing, the Planning Commission recommended to the City Council for adoption the Staff Recommended Preferred Alternative (also known as Alternative 5). The City Council adopted a Preferred Alternative at an August 14, 2006 hearing.

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

Copies of the EIR and Revised General Plan are available for review and comment at the Riverbank Community Development Department: 6617 Third Street, Riverbank, CA 95367. The subject documents can also be viewed on the City's website, at www.riverbank.org.

The City is required to hold one public hearing before the Planning Commission regarding adoption of the General Plan. The City is also required to hold a public hearing before the City Council to certify the EIR and adopt the General Plan.

COMMENT 28

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 is the definition of underutilized properties as it applies to the downtown area?*

RESPONSE 28

Underutilized properties are generally those that have very little in the way of improved structures on the property. Underutilized properties could be those that have substantially fewer dwelling units or building square footage compared to the allowed density/intensity.

COMMENT 29

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 a lack 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?*

RESPONSE 29

Information on fire facilities is from the Stanislaus Consolidated Fire Protection District. Updated information from the District was provided to the City during public review of the January 2008 DEIR. This comment references a section of the DEIR that was included in the July 2008 Partly Recirculated DEIR. Please refer to Section 4.14.

COMMENT 30

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.

RESPONSE 30

The General Plan DEIR acknowledges potentially significant impacts related to traffic congestion, including some that the City characterizes as significant and unavoidable. All available and feasible mitigation is included. Please refer to Section 4.15 of the DEIR.

COMMENT 31

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.

RESPONSE 31

Not all roadway segments are addressed by the traffic analysis that supports this programmatic DEIR and the General Plan update. During the early stages of the EIR process, the City conducted a preliminary analysis of the impacts of the General Plan on traffic to determine which roadway segments and intersections warranted further study. In general, major roadways that would be affected most by the General Plan Update are the focus of reporting and analysis. Roadway segments and intersections anticipated to be more affected by implementation of the General Plan are addressed. Please refer to Table 4.15-6, Projected Daily Traffic Volumes and Associated Levels of Service, which does address this roadway segment. Level of service B is anticipated for this specific roadway segment after full buildout of the General Plan.

COMMENT 32

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

RESPONSE 32

Please see the Safety Element of the General Plan, which establishes the City's approach for emergency response. Please see Section 4.14 of the DEIR, which addresses public services, such as law enforcement and fire response. Please see Section 4.15 of the DEIR, which addresses emergency related access.

COMMENT 33

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?

RESPONSE 33

The City provided the State Clearinghouse with the DEIR, including the referenced impact analysis to start the public review period of the January 2008 DEIR. The version of the January 2008 DEIR provided to the State Clearinghouse and made available at City Hall always included Impact 4.15-5. To further promote public review and comment, the City also posted the DEIR on its web site, inadvertently posting an outdated version that did not include updated information in Impact 4.15-5. This error was corrected on February 8th, 2008, prior to the formal start of the public review period. To promote public access and review, the City released the DEIR as soon as it was available, even prior to submitting to the State Clearinghouse to start the public review period on February 15th. Following the close of the public comment period on the January 2008 DEIR, section 4.15 was revised and

was part of the July 2008 Partly Recirculated Draft EIR. The City provided another 45-day public review period for the public to comment on Section 4.15. Refer to Section 4.15 of the DEIR.

COMMENT 34

Public Utilities

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

RESPONSE 34

As noted in both the General Plan and included by reference in the DEIR, development in the new growth area will be funded by project applicants that will benefit from development of this infrastructure. For more information, please read the City's Public Services and Facilities Element, Section 4.14 of the DEIR, and Section 4.16 of the DEIR.

COMMENT 35

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?

RESPONSE 35

As noted in both the General Plan and included by reference in the DEIR, development in the new growth area will be funded by project applicants that will benefit from development of this infrastructure. For more information, please read the City's Public Services and Facilities Element, Section 4.14 of the DEIR, and Section 4.16 of the DEIR.

The quoted text from the Draft EIR is based on the Environmental Checklist Form in Appendix G to the State CEQA Guidelines. The text refers to various impacts, for example, that would include dust from construction equipment used in site preparation and construction of the treatment plant.

COMMENT 36

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?

RESPONSE 36

As noted in the General Plan and DEIR, the General Plan does not itself establish any Sphere of Influence for the City. It is likely that some portion of the City's Planning Area would someday be within Riverbank's Sphere of Influence, but that determination has not been made and will not be pursued by the City until following General Plan adoption. Please refer to Section 3.0 of the DEIR for more information:

3.1.9 RELATIONSHIP TO LAFCO POLICY

As part of the General Plan update process, it is typical for cities to assess any changes to the Sphere of Influence (SOI) and land use designations throughout the Planning Area required to meet the community's vision for the future. The process for Riverbank is no different. The City's Planning Area generally represents the proposed ultimate SOI, but the General Plan itself is not a SOI amendment request or application. There are specific requirements and processes administered by the Stanislaus Local Agency Formation Commission (LAFCO) for SOI amendment requests. The City would prepare supporting materials and pursue any SOI amendment request separately from the General Plan Update and EIR process. The City does not anticipate one SOI expansion that would 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). Rather, a phased SOI and annexation process, to be coordinated with LAFCO, is envisioned. Also, the City does not intend to extend its SOI to include lands in San Joaquin County where the City's wastewater treatment plant and Jacob Myers Park are located.

Please refer to Section 5 of the EIR, which includes discussion and analysis of General Plan alternatives. Please refer to Exhibits 5-2 and 5-3, which illustrate two smaller footprint alternatives similar to the Riverbank Watch suggestions.

COMMENT 37

NOP and Comments

Why were my submitted comments not included?

RESPONSE 37

A letter from the commenter was received by the City and is included in the updated Appendix D. It is also possible that the commenter's issues would have been a part of the Public Scoping Meeting for the DEIR held December 11, 2006 at the Community Center. Appendix D also includes comment summary from this meeting.

CENTRAL VALLEY FARMLAND TRUST, AUGUST 11, 2008

COMMENT 1

We are acutely concerned over the dramatic loss of farmland in the Central San Joaquin Valley as a result of residential and commercial development. Let me quantify: Between 1990 and 2000 in the ten counties from Kern in the south to Butte in the north, approximately 223,000 acres of high quality impossible to place funds simultaneous to the payment of such fees. Also, fees paid do not keep pace with the full cost to acquire and hold ACEs. 2. When implementing "In Kind" mitigation programs it is important to take into consideration additional costs required to successfully acquire, hold, monitor and protect an ACE. More specifically I am referring to such things as transaction costs to close the ACE acquisition, annual monitoring costs, stewardship endowment requirements and ongoing administrative costs of the ACE holder. 3. It is also important not to mandate finite geographic restrictions on where agricultural conservation easements may be placed within the County. Such an action artificially skews the market place, creating an inability to effectively utilize funds and place easements.

CVFT utilizes selection criteria guidelines (see the attached) to help narrow the focus and identify viable areas for placement of ACE's. 4. Based on conversations with landowners, municipalities, and other land trusts it can be problematic in several ways for a municipality to hold easements. The landowner becomes less willing to voluntarily convey an easement if he or she thinks a "government agency" will be continually looking over their shoulder. Also, municipalities do not typically have the administrative infrastructure to acquire, hold, monitor, and protect ACEs.

RESPONSE 1

The City notes the commenter's guidance regarding agricultural mitigation. Please refer to Section 4.3 of the DEIR, as well as the City's draft Conservation and Open Space Element. In particular, please refer to policies CONS-3.1 and CONS-3.2, as well as Implementation Strategies CONS-1 and CONS-2. The mitigation measures identified in the Draft EIR are generally consistent with the commenter's recommendation.

COMMENT 2

Central Valley Farmland Trust Farmland Mitigation Guidelines. Many Central Valley counties and cities are requiring mitigation for urban conversion of farmland through the use of Agricultural Conservation Easements (ACE). Local governmental officials have asked Central Valley Farmland Trust for input on such mitigation measures. Central Valley Farmland Trust (CVFT) is governed by a farmer oriented board of directors with experience in negotiating, holding, monitoring and enforcing ACE's. CVFT currently operates in Sacramento, San Joaquin, Stanislaus and Merced counties.

The following guidelines are based on our experience working on ACE's arising from mitigation requirements imposed by local agencies.

1. Who Should Hold The Easement? Qualified ACE holders include many governmental agencies and nonprofit land trusts like CVFT. ACE holders are responsible for monitoring and enforcing the terms and conditions of the ACE. Detailed baseline studies confirm the condition of the property at the time the ACE is recorded and detailed annual monitoring reports must be maintained. CVFT performs these functions through a combination of paid staff and trained volunteers who usually reside in the county where the ACE property is located. These functions take time and resources. Cities and counties have limited staff and other resources, and generally do not have the experience or expertise in the administration and monitoring of ACE's. Farmers interested in ACE's prefer to have private, farm-oriented land trusts like CVFT hold the ACE rather than governmental agencies.

Therefore, we recommend that any mitigation program allow a nongovernmental, agricultural land trust to be the sole holder of the ACE.

2. In-Kind Mitigation vs. In-Lieu Fee In-Kind. To ensure that farmland mitigation actually occurs, we recommend that local agencies require developers to place ACE's on important farmland before commencing development. These local agencies should require the developer to work with a local land trust in finding willing landowners to place ACE's on their properties. To mitigate impacts of the development, local agencies impose at least 1:1 mitigation: for every acre of important farmland developed, at least one acre of important farmland is to be protected through the use of an ACE.

Some jurisdictions are considering imposing a higher level of mitigation on the best farmlands as determined by the Farmland Mapping and Monitoring Program of the California Department of Conservation. For example, development of "prime" farmland might be subject to 3:1 mitigation (3 acres would be subject to an ACE for every acre developed); "farmland of statewide importance" might be subject to 2:1 mitigation; "unique farmland" and "farmland of local importance" might be subject to 1 to 1; and all other farmland would be subject to no mitigation requirements. Mitigation measure should require the farmland to be preserved satisfy the local land trust's guidelines used to select ACE's (see the attached guidelines). These guidelines pertain to soil type, water

quality and availability, development pressure, and parcel size; and are consistent with the criteria used by the California Department of Conservation in its farmland protection program. In addition, the developer should be required to use the local land trust's form ACE agreement. This will facilitate the local land trust's ability to monitor and enforcing the terms of the ACE. Finally, the developer must fund the land trust's expenses, estimated at 15%-20% of the ACE value and paid up-front to finance the transaction costs, ongoing monitoring and enforcement, and the general administration of the land trust. CVFT policy also requires a fee of 1% of the sales price on all future conveyances of the property to non-family third party buyers to cover the additional monitoring, enforcement, and administrative costs involved in dealing with a new landowner.

In-Lieu Fee. While CVFT recommends agencies require placement of ACE's before development occurs as outlined above, we realize that cities and counties in the Central Valley may impose in-lieu agricultural impact mitigation fees on development. This allows development to occur upon the payment of a fee to a local land trust. CVFT manages millions of dollars of mitigation fees that are used to complete transactions with farmers interested in ACE's. These fees vary significantly among the agencies: from \$5,000 per home, or about \$30,000 per acre in a San Joaquin County development, to about \$8,900 per acre in a Stanislaus County development. If a local agency decides to impose such fees, it should reflect at least the current per acre appraised value (e.g., based on appraisals by qualified appraisers) of ACE's in the general area of the project, multiplied by the number of acres subject to the development. This fee should be updated frequently to reflect current ACE values. The local agency should also include in the fee an amount required to fund the transaction costs, annual monitoring and enforcement, and the land trust's administrative costs, again about 15% - 20% of the appraised value of the ACE. Moreover, the fees should be updated annually to reflect current market conditions, or subject to annual changes based on an index that reflects inflation rates.

3. Timing of Mitigation. The ACE should be recorded (for like-kind mitigation) and all mitigation and related fees collected: (1) as conditions to the tentative parcel or subdivision map, and prior to recordation of the final map; or (2) if no map is required for the development, then as a condition to and prior to the issuance of the first land use entitlement to be issued for the development.

Central Valley Farmland Trust Easement Selection Guidelines. 1. Soils: Farmland evaluated by the California Department of Conservation Farmland Mapping and Monitoring Program as being "Prime farmland" or "Farmland of Statewide Significance" will receive the highest priority. The Central Valley Farmland Trust might also consider farmland designated as property that has significant value to the regional agricultural industry regardless of soil characteristics. 2. Water: The property has a dependable and sustainable supply of high quality water for irrigation. 3. The property is agriculturally viable: a. The land is large enough to sustain commercial agricultural production. b. The property is not substantially surrounded by urban development such that its continued agricultural viability is threatened. 4. Urbanization pressure. The property may be subject to urbanization pressure within the foreseeable future. 5. Consistent with Community plans and goals. Existing community goals, plans, and political boundaries are compatible with permanent agricultural use of the property: a. The property is currently zoned for agriculture. b. The property is outside the primary sphere of influence of a city or a community service district. c. An agricultural easement on the property would have the potential to have a long term impact on urban growth in the area and encourage growth on less productive farmland.

RESPONSE 2

The City notes the commenter's guidance regarding agricultural mitigation. Please refer to Section 4.3 of the DEIR, as well as the City's draft Conservation and Open Space Element. In particular, please refer to policies CONS-3.1 and CONS-3.2, as well as Implementation Strategies CONS-1 and CONS-2. The mitigation measures identified in the Draft EIR are generally consistent with the commenter's recommendation.

CITY OF MODESTO, AUGUST 28, 2008

COMMENT 1

The City has no comments on the July 2008 Partly Recirculated DEIR.

RESPONSE 1

Comment noted.

JOJO ESPIRITU, AUGUST 25, 2008

COMMENT 1

First and foremost, I could not access the Recirculated General Plan Update today. Apparently city employees, Emily Pino and Danise Huey were able to see the updated General Plan version dated July 2008, but members of the general public, such as myself were not. I was able to collaborate this with one other person, who was also unable to see the latest version. As an IT Professional, this very bothersome. The only plausible explanation is a possible read/write protection of the html file so that only certain groups or individuals are able to see it. And as today is the deadline for public comment, this faux pas can even be more egregious. Whether this oversight was on purpose or not, Mr. Hightower, I implore on you to do the right thing and postpone the deadline so that the public seeking comment may be able to do so.

RESPONSE 1

The City does not know of any restrictions placed on the website version of the July 2008 Partly Recirculated DEIR. The City understands that people were generally able to access and review the online version, as well as copies of the DEIR available from City Hall.

COMMENT 2

I am also concerned with the lack of response to other citizen's comments regarding the failure of the DEIR to quantify the size of two "Reserve" areas and the failure to describe what the ultimate land use or intended use is for these lands. The Recirculated DEIR still doesn't describe the acreage and ultimate use (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.)

RESPONSE 2

Refer to Response 2 to the Riverbank Watch comment letter, which addresses the same topic.

COMMENT 3

The Recirculated DEIR also continues 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). With the housing bust, this is now a serious issue and many of your other public comments validate this point. I continue to believe the Northwest area described in the General Plan Update should not be included in the project area. The Recirculated DEIR ignores the fact that this area is in a flood plain, there are aquifers present and it consists of prime farmland.

RESPONSE 3

The commenter identifies part of the City's agricultural mitigation strategy. For a more complete understanding, please refer to the draft Conservation and Open Space Element and Section 4.3 of the DEIR. The City notes the commenter's preference for not addressing areas in the northwestern part of the City's planning area. Flood impacts are described in Section 4.10, Hydrology and Water Quality, as are groundwater impacts. Agricultural impacts are addressed in Section 4.3.

COMMENT 4

Finally, I want to reemphasize extending the comment period so that members of the public who did not have access to the Recirculated DEIR, may do so. As a member of the public, I have one voice but collectively, I hope all our voices are heard.

RESPONSE 4

While the public review periods on the January 2008 DEIR and the July 2008 Partly Recirculated DEIR have now lapsed, the City encourages public review and comment during the public hearing on the General Plan and EIR.

ANNIE GAMMON, AUGUST 25, 2008

COMMENT 1

Reserve Overlay Designation: Whether we look at this item as a program EIR or a project EIR, as differentiated in the Recirculated DEIR, the total amount of specific urban growth, agricultural, or resource land use is still not adequately addressed for CEQA requirements for the following reason. The total amount of urban growth that would be allowed on ALL lands designated for possible growth in the land use map is not adequately defined. Therefore, the environmental impact cannot be adequately addressed.

RESPONSE 1

Please refer to Response 2 to the Riverbank Watch comment letter, which addresses the same topic.

COMMENT 2

Agricultural Mitigation Options: Summary in the DEIR) pages 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 all state "no mitigation available. These contradicts Policy CONS-3-1 which states that the city shall mitigate the loss of important farmlands as designated by maps maintained by the California Department of Conservation through conservation easements or other mechanisms that prohibit urban development on agricultural grounds. This need to be clarified with an agricultural mitigation ordinance in place before the boundaries of the planned program or project alternative is voted on.

RESPONSE 2

The commenter is correct to observe the City's policy on mitigating for the loss of agricultural land. The City's preference for a regional approach to agricultural mitigation is described in Implementation Strategies in the draft Conservation and Open Space Element. Implementation Strategies CONS-1 and CONS-2 also deal with not only loss of agricultural land, but also conflicts with agricultural zoning and agriculture as a local economic issue.

The Agriculture section of the DEIR indicates that no additional mitigation is available for certain impacts. This does not mean that the City's agricultural policies and implementation would not have a mitigating effect relative to these impacts. The City has made extensive use of General Plan policy in mitigating potential environmental impacts. City policies include the use of conservation easements, as recommended by the commenter.

For additional clarity, the Agriculture section of the DEIR has been revised. The text under Impacts 4.3-1, 4.3-2, and 4.3-3, in the subsection "Mitigation Measures," has been changed to reference General Plan policy. General Plan policy in Riverbank includes all available mitigation for agriculture related impacts. The text for each impact now reads:

Mitigation Measures: See above-referenced General Plan policies, which represent all available mitigation.

The City's intent is to create a General Plan that is specifically designed to avoid environmental impacts. For many impact statements throughout the DEIR, there is reference to General Plan policy that would serve as mitigation. Though not technically structured as mitigation measures, as might be typical of most project level CEQA documents, these General Plan policies and implementation measures would, in fact, have mitigating effects on environmental impacts. The City will review and condition projects consistent with General Plan policies. Refer also to Response 4 to the April 1, 2008 LAFCO letter.

COMMENT 3

My general comments involve the proposed northwestern portion of the Riverbank Planning Area. This area is composed of important farmland soils and is presently farmed. It is also in a flood plain. The formation of the Wendt Ranch Reclamation District provides protection by means of the existing levee system to approximately 2.2 square miles of existing agricultural lands. This does not protect the entire area of flooding hazards in the neighboring area. Finally, urban growth in this area, whether it is for the short term or in the long term, urban growth with its uses proposed land uses, will not only take away important farmland, place citizens in a flood plain but also threaten the integrity of the Stanislaus River. Also, there is no adequate infrastructure to support urban development in this area at this time.

I suggest that the City of Riverbank, remove the Northwestern portion of its proposed planning area in the proposed 2008 General Plan update.

RESPONSE 3

The City notes the commenter's preference to avoid development of the northwestern portion of the City's Planning Area.

STANISLAUS LOCAL AGENCY FORMATION COMMISSION (LAFCO), AUGUST 18, 2008

COMMENT 1

The August 18th comment letter includes a cover sheet and LAFCO's April 1 letter.

RESPONSE 1

Please refer to responses to the April 1, 2008 comment letter included previously in this document.

LEAGUE OF WOMEN VOTERS, MAY 4, 2008

COMMENT 1

The League of Women Voters of Stanislaus County has a history of study and advocacy regarding land use decisions in the county, especially those in which agricultural areas might be impacted by future growth and development. The proposed Riverbank General Plan Update presents just such a scenario.

We have reviewed the Plan and the Draft EIR. There are two areas of particular concern: the extension of the city's sphere of influence to McHenry Avenue, which includes 800 acres of prime agricultural land, and the impact on traffic in the existing city and areas of potential development.

We agree with the criticisms to the Draft EIR outlined in Riverbank Watch in its Response to General Plan DEIR of April 2, 2008. The potential loss of farmland is deemed "significant and unavoidable" without consideration of mitigation policies in the EIR. Farmland is an irreplaceable resource that should be protected. The impact on traffic in the area is also significant with proposed mitigation measures not adequate to meet the potential demand.

We urge the Riverbank City Council to seriously consider the impact of extending its sphere of influence to include potential development of prime farmland. Establishing a conservation easement would ensure the land is not developed. Also, consider the effect this extension might have on the "small town character and community identity" described in your 2005 General Plan Vision Statement.

RESPONSE 1

The City notes the commenter's concern regarding loss of Prime Farmland and traffic. The City notes the commenter's support of the Riverbank Watch comment letter. As noted elsewhere all available and feasible mitigation is provided, in the form of General Plan policy and implementation, to mitigate for the loss of farmland. As noted in Section 4.3 of the DEIR:

Enforcement of the General Plan's goals, policies, and land use designations, and the City's pursuit of implementation strategies outlined in the General Plan will assist the City in meeting the goal for reducing the City's encroachment on agricultural properties. Although the City's policies will reduce impacts by mandatory preservation of other agricultural lands through fees on new development, limiting urban expansion compared to what might occur without the City's General Plan policies and implementation measures, and through other means, the direct impacts cannot be adequately addressed through mitigation, as the loss of agricultural land to urbanization is considered permanent. Therefore, the loss of important farmland anticipated under buildout of the General Plan represents a significant and unavoidable impact.

While the City has incorporated all available mitigation for the loss of agricultural land in the form of General Plan policies and implementation strategies, the extent of urban development under the proposed General Plan inherently involves the conversion of high-quality agricultural land. In addition to the various policies in the General Plan that seek to protect and preserve agricultural practices in the region, the City also considers various alternative development patterns, and reports on the comparative environmental impacts of such alternatives in Chapter 5.0 of this EIR. The design of alternatives is, in part, specifically tailored to reduce agricultural impacts related to buildout of new growth areas accommodated under the General Plan update. Refer to Chapter 5.0 for more information.

With respect to traffic, please refer to Section 4.15 of the July 2008 Partly Recirculated DEIR. Potentially significant impacts are identified, including impacts that cannot be mitigated by the City.

The City notes the commenter's desire for the City Council to consider the impacts of future Sphere of Influence changes, desire for the use of conservation easements, and City growth relative to community goals for small-town character and community identity.

MODESTO CITY SCHOOLS, AUGUST 27, 2008

COMMENT 1

Modesto City Schools is responding to the above referenced project in its role as a responsible agency under CEQA. Modesto City Schools has statutory authority for public school construction within the boundaries of the Modesto High School District, of which boundaries this update falls within.

The General Plan Update, particularly the Youth and School Facilities, includes policies and goals that would encourage a strong working relationship with the affected school districts and the City of Riverbank to ensure education is addressed for the community's children by all development planned to occur within Riverbank.

RESPONSE 1

The City notes the commenter's opinion regarding the strong working relationship encouraged by General Plan policy.

COMMENT 2

At the time of this update, the Modesto High School District is overcrowded and the District has begun the process of developing a new high school to address overcrowding. Upon completion, Joseph Gregori High School will accommodate 2,500 students. This school will allow additional capacity throughout the district, including Enochs High School, which is located in the area of the City of Riverbank and houses children in the western half of the City.

RESPONSE 2

The City notes updates to School District facilities planning.

COMMENT 3

The District does not oppose the policies proposed to address youth and educational facilities, although the District standard for high school facilities should be noted as 65 net acres, as a minimum size, which was established by the California Department of Education for high schools designed to house 2,500 students.

RESPONSE 2

The City notes that the commenter does not oppose General Plan policies related to education. The City notes the standard high school size established by the State Department of Education.

MODESTO IRRIGATION DISTRICT, AUGUST 28, 2008

COMMENT 1

Thank you for allowing the District to comment on this referral. Following are the recommendations from our Risk & Property, Electrical, Irrigation and Domestic Water Divisions:

Irrigation. The Riverbank General Plan EIR contains references to the placement of bicycle paths and pedestrian along canal rights-of-way. New development must be required to provide the corridors necessary to support a bicycle / pedestrian trail network outside of the Modesto Irrigation District (MID) rights-of-way and easements. In cases where development already exists adjacent to MID rights-of-way or easements the District will consider,

on a case-by-case basis, granting an encroachment into the right-of-way or easement to accommodate the continuity of the trail network. The MID reserves its current and future rights to utilize its property, including its canal and electrical easements and rights-of-way, in a manner it deems necessary for the installation and maintenance of electric, irrigation, agricultural and urban drainage, domestic water and telecommunication facilities. These needs, some of which have not yet been determined, may consist of poles, cross arms, wires, cables, braces, insulators, transformers, service lines, open channels, pipelines, control structures and any necessary appurtenances, as may, in District's opinion, be necessary or desirable. Canal rights-of-way through Modesto are the primary transmission corridors through which irrigation water, electricity and domestic water is conveyed throughout the MID service area. These corridors must remain open and unencumbered to allow for maintenance of existing facilities and future growth of these facilities to support critical infrastructure for a significant portion of the MID service area. MID requires solid, distinct barriers between development projects that are directly adjacent to MID canal rights-of-way to limit public access to the canal. Solid masonry walls between commercial and residential developments and canal rights-of-way are a standard requirement of MID for any development project. An optional two-foot high solid masonry wall with four-foot wrought iron fence on top may be allowed to separate bike paths from MID rights-of-way where the paths are located within or directly adjacent to the rights-of-way. If canal corridors are desirable locations for pedestrian and bike paths the City of Riverbank should consider piping portions of the open canal channels and utilizing the piped canal rights-of-way as transportation corridors for roads, bike paths, strip parks and other open space, public use areas.

Domestic Water/Risk & Property. No comments at this time.

Electrical. In conjunction with related site / road improvements, existing overhead and underground electric facilities within or adjacent to future development projects shall be protected, relocated or removed as required by the District's Electric Engineering Department. Appropriate easements for electric facilities shall be granted as required. Relocation or Installation of electric facilities shall conform to the District's Electric Service Rules. Costs for relocation and/or undergrounding the District's facilities at the request of others will be borne by the requesting party. Estimates for relocating or undergrounding existing electric facilities will be supplied upon request. MID currently has existing overhead transmission and distribution electric facilities within and adjacent to the general plan map and prefers to maintain the existing electrical facilities, where practical, due to economic, reliability and operating concerns. Extension, reconstruction or removal of existing electrical facilities will be specifically addressed when individual improvement plans are submitted. MID reserves the right to install new overhead facilities along any major or collector streets for the purpose of maintaining a reliable electric system and servicing future development associated with future expansion into undeveloped land. MID requires 15' easements along all properties that are adjacent to road Right-of-Way and have overhead primary lines adjacent to them. These easements are necessary to maintain the required clearances from existing conductors. A 10' PUE is required along all proposed street frontages. Electric service to individual parcels within this plan may not be available at this time. Customers should contact the District's Electric Engineering Department to coordinate electric service requirements. Additional easements may be required with future development. The Modesto Irrigation District reserves its future rights to utilize its property, including its canal and electrical easements and rights-of-way, in a manner it deems necessary for the installation and maintenance of electric, irrigation, agricultural and urban drainage, domestic water and telecommunication facilities. These needs, which have not yet been determined, may consist of poles, crossarms, wires, cables, braces, insulators, transformers, service lines, open channels, pipelines, control structures and any necessary appurtenances, as may, in District's opinion, be necessary or desirable.

RESPONSE 1

The City notes MID's procedures, requirements, and design preferences.

GOVERNOR'S OFFICE OF PLANNING AND RESEARCH STATE CLEARINGHOUSE, AUGUST 26, 2008

COMMENT 1

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on August 25, 2008, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

RESPONSE 1

The City notes the Office of Planning and Research receipt of the July 2008 Partly Recirculated DEIR and the City's compliance with CEQA requirements.

STANISLAUS COUNTY, AUGUST 21, 2008

COMMENT 1

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. In addition, the ERC attaches hereto and incorporates herein by reference comments/conditions from the Department of Environmental Resources (Hazardous Materials) dated July 16, 2008. The ERC appreciates the opportunity to comment on this project.

Draft Environmental Impact Report (EIR)-Tivoli-City of Riverbank. Based on this agency's particular field(s) of expertise, it is our position the project described above:

X See comments below.

1. The 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.

RESPONSE 1

The City notes the commenter's review and assessment of project (General Plan) environmental impacts. The City also notes the County's approach to conditioning projects to ensure that hazardous materials impacts are mitigated. Please refer to the City's Safety Element for more information:

GOAL SAFE-1: MINIMIZE THE LOSS OF LIFE AND DAMAGE TO PROPERTY NATURAL AND HUMAN-CAUSED HAZARDS

Policy SAFE-1.1: The City will ensure that approved development projects and public investments are consistent with the information provided in the Stanislaus County Multi-Jurisdictional Hazard Mitigation Plan.

Policy SAFE-1.3: The City will encourage the retrofitting of older buildings to current safety standards, and require compliance to recommendations of the fire and law enforcement service providers and the State Building Standards Commission uniform codes in coordination with major remodeling or additions.

Policy SAFE-1.8: The City will require that hazardous materials are used, stored, transported, and disposed in a safe manner and in compliance with local, State, and federal safety standards.

Policy SAFE-1.9: Developments located on farmland or former farmland shall prepare reports that analyze residual agricultural chemicals that may be present on-site. Developments on such sites shall include measures to remove any risk due to hazardous materials for on-site proposed land uses, as well as existing and proposed land uses and users in the vicinity.

Policy SAFE-1.10: The City will review development requests and require that any airborne, waterborne, windborne, and other hazardous materials issues are fully disclosed, analyzed, and mitigated to ensure against any risk relative to any nearby planned or existing land uses and their users.

Policy SAFE-1.11: Proposed developments located within river bluff areas and other areas prone to geologic and soil limitations require a detailed geotechnical study prepared by an independent qualified geologist approved by the City. Approved plans, projects, and subdivision requests shall incorporate measures to reduce risks identified in the geotechnical study, to the City's satisfaction.

IMPLEMENTATION MEASURES

Implementation Measure SAFE-1: The City will work with the Department of the Army to ensure successful clean-up and reuse of the decommissioned Riverbank Army Ammunition Plant.

Implementation Measure SAFE-2: The City will, in coordination with the County Office of Emergency Services, implement and periodically update disaster plans, including the City's Emergency Operations Plan, to meet federal, State, and local emergency requirements. Included in this work will be the identification and planning for evacuation routes for dam failure, flooding, and wildfire that may affect existing developed areas of the City, as well as new growth areas.

Implementation Measure SAFE-3: The City will coordinate with public safety service providers serving the City to ensure proper training and disaster preparedness, and period testing of equipment and facilities, in coordination with the County Office of Emergency Services.

Implementation Measure SAFE-4: The City will work with emergency responders serving the City to support the purchase and maintenance of proper emergency communication systems and equipment, and other necessary tools dealing with emergencies.

Implementation Measure SAFE-5: The City will coordinate with emergency service responders serving the City to prepare design guidelines for development projects that ensure appropriate emergency access and other requirements for appropriately serving proposed development. The City will require adherence to such design guidelines as a routine part of project and environmental review.

Implementation Measure SAFE-6: The City will update the General Plan using data to be made available by the Department of Water Resources and the Central Valley Flood Protection Board. The City will update the Land Use Element, Conservation and Open Space Element, Safety Element, and other elements, as appropriate, to ensure adequate flood protection. Flood-related revisions to the General Plan will integrate data from the State Plan of Flood Control. For flood-related revisions to the Safety Element, the City will consult with the Central Valley Flood Protection Board and local flood protection agencies serving the Planning Area, consistent with State law. Following flood-related updates to the General Plan, the City will revise applicable development standards, including the Zoning Code, for consistency on flood protection policies. Subdivision approvals, development agreements, permits, and other City entitlements will incorporate these revised City policies and regulations. The City will coordinate on Stanislaus County's development of a flood emergency plan following the adoption of the Central Valley Flood Protection Plan.

STANISLAUS PROPERTY RIGHTS INSTITUTE, AUGUST 18, 2008

COMMENT 1

In Implementation Strategy DESIGN-8 of your DGP, the City proposes to create a public art fee for "civic enhancements in private development as a condition of project approval." Under the proposal, any project would be required to provide artwork "by a qualified artisan(s) as approved by the Director of Community Development equal to the monetary value of one percent of the construction value of the project." We believe this policy is inappropriate unless the existing community is willing to fund public art in a similar amount. It is not fair to impose the cost of this community-wide benefit enjoyed by the majority of citizens to a minority of citizens.

RESPONSE 1

Comment noted. The comment suggests the City's public art policy is inappropriate. This is not related to adverse physical environmental impact.

COMMENT 2

In Policy CONS-3.1 and Implementation Strategy CONS-1 of your DGP, the City proposes to mandate acquisition or funding of conservation easements in the ratio of 1: 1 acreage basis if land is encumbered within Stanislaus or San Joaquin County or on a 1.5:1 acreage basis if land is encumbered outside of Stanislaus or San Joaquin County. We believe this policy is inappropriate unless the existing community is willing to fund an equivalent amount of land for agricultural land mitigation for the land that the City of Riverbank already has converted to non-agricultural uses. It is not fair to impose the cost of this community-wide benefit enjoyed by the majority of citizens to a minority of citizens.

Additionally, in Implementation Strategy CONS-1 of your DGP, the CITY proposes to "dedicate some amount of the impact fees to support agricultural extensions, research, value added programs, direct marketing of local agricultural products, and other" similar efforts. These are government polices completely unrelated to property ownership that should be funded by taxation. Such subsidies are not the responsibility of the land owners, developers, homebuilders or homebuyers. It is not fair to impose the cost of this community-wide benefit enjoyed by the majority of citizens to a minority of citizens.

Policy CONS 3.2, of your DGP, the City proposes agricultural buffers of a minimum of 300 feet in width between new growth areas and ongoing agricultural operations. We believe this policy is inappropriate unless the existing community is willing to help fund the buffer zones. It is not fair to impose the cost of this community-wide benefit enjoyed by the majority of citizens to a minority of citizens.

RESPONSE 2

Agricultural conservation easements are widely used throughout California and elsewhere. Normally, the amount and quality of land preserved is tied to the amount and quality of land lost. Should the City decide to expand its Sphere of Influence, annex territory, and allow development, these City actions add great value to subject property. While placing mitigation easements and buffering developed land from ongoing agricultural lands have mitigating effects, as noted in the DEIR, even with full application of General Plan policies and implementation, there are still significant and unavoidable impacts. The City envisions a regional implementation strategy that would involve not only land preservation, but other programs that support the local agricultural economy so that agricultural practices on lands that are not converted for development are more productive. Comments regarding the cost of the City's agricultural program are noted.

Comments on value-added, direct marketing, and other aspects of the mitigation program are noted. The comments suggest that development should not fully fund mitigation of the loss of agricultural lands lost to the same development. This is not related to adverse physical environmental impact.

COMMENT 3

Prior to the adoption of all of these policies, we encourage you to undertake an economic study of the affects of these policies. Such a study will show that these policies essentially create a tax on new development that makes housing more expensive, makes the start-up or expansion of businesses more expensive, creates windfall profits to persons that do not have to pay the tax, and adds to the volatility of your real estate market that hampers sensible investment in economic development. We invite you to test these theories as we are quite confident of these [e]ffects and believe that you and your citizens should be aware of the unintended consequences of those proposals. The sad truth is local government's "willy-nilly" approach imposes fadish ideas on property owners without doing even a minimum of basic research as to whether the effects of the fads are good or bad. This results in enormous economic waste that impoverishes the community. In addition, these policies eliminate important constitutional safeguards for property rights. We hope you will be an exception to this state of affairs. We would also like to make a presentation to your planning commission and city council in a workshop session as to why these policies are inappropriate in their current form and what some alternatives are to achieve the same goals.

In addition, the City should consider adding a Property Rights Element to its General Plan. Under Government Code Section 65303, the City is allowed to adopt optional elements for its General Plan. Because of the dire threats posed to property owners by over-reaching government regulation, a Property Rights Element could assure local homeowners that Riverbank will not use condemnation to throw homeowners out of their home and could delineate to property owners and those that seek to invest in your community what the limitations are on government extraction from private investment. This would help create a safe investment climate for private investment necessary for job creation, wealth creation, economic development, and creation of a housing stock by the private sector affordable to middle class and working families.

We would be happy to make a presentation to the City Council on the components of such a Property Rights Element. Thank you for the opportunity to comment on your Draft Documents.

RESPONSE 3

Comments regarding Riverbank's policies are noted. These comments are not related to adverse physical environmental impacts.