

PLAN FOR AGRICULTURAL PRESERVATION

City of Riverbank

The purpose of a Plan for Agricultural Preservation is to assist the LAFCO Commission in determining how the annexation of the CWSP Plan Area meets the stated goals of LAFCO's Agricultural Preservation Policy.

This Plan for Agricultural Preservation includes:

1. A detailed analysis of direct and indirect impacts to agricultural resources on the site and surrounding area, including a detailed description of the agricultural resources affected and information regarding Williamson Act lands,
2. A discussion on existing and proposed densities,
3. A description of relevant County and City General Plan policies and specific plan,
4. A discussion on consistency with regional planning efforts,
5. An analysis of mitigation measures that could offset impacts to agricultural resources, and the methods/strategies to minimize loss of agricultural lands,
6. Methods and strategies to minimize loss of agricultural lands,
7. A discussion on alternative lands located within the sphere of influence,
8. Possible growth or phasing of the development,
9. Minimization of use of agricultural land, and
10. Preparation for the planned, orderly, and efficient use of land.

1. Detailed analysis of direct and indirect impacts to agricultural resources on the site and surrounding area:

The entire proposed annexation of the Crossroads West Plan Area (380 acres) contains lands mapped as Prime Farmland, Farmland of Statewide Importance, Unique Farmland and Farmland of Local Importance. The full buildout of the proposed CWSP would result in the entire area being converted to non-agriculture land uses.

Development of the proposed Project would result in the permanent conversion of approximately 226.38 acres of Prime Farmland, 85.55 acres of Unique Farmland, and 35.46 acres of Farmland of Local Importance

The City's General Plan EIR anticipated development of the Plan Area as part of the overall evaluation of the buildout of the City. The General Plan EIR addressed the conversion and loss of agricultural land that would result from the build out of the General Plan. The General Plan EIR

determined that even with the implementation of mitigation measures, and general plan policies the impact due to loss of agricultural land would be significant and unavoidable.

Conversion of the Plan Area from largely agricultural uses to urban uses was analyzed in the City's General Plan EIR, and the Crossroads West Specific Plan EIR. The loss of agricultural land to urbanization is considered permanent. While the City has incorporated all available mitigation for the loss of agriculture land in the form of General Plan policies and implementation strategies, the extent of urban development under the General Plan inherently involves the conversion of high-quality agricultural land.

Mitigation Measure 3.2-1 requires the developers to conserve Important Farmland of equal value to the land in the Plan Area that will be converted for agricultural uses to residential uses at a 1:1 ratio. Mitigation Measure 3.2-2 requires participation in the City's Sustainable Agricultural Strategy.

Neighboring agricultural land, including Prime Farmland and Unique Farmland are located to the west, southwest, and south of the Plan Area. A variety of residential and commercial uses would be developed in the Plan Area with implementation of the CWSP.

Riverbank's General Plan anticipates that agricultural lands to the west of the CWSP area would develop with urban uses, however, these lands are currently under active agricultural production, and it is unknown if or when these lands would convert to urban uses. Riverbank's southern General Plan boundary stops at Claribel Road to the south. Existing agricultural operations that are located adjacent to the Project site may be adversely impact by the increased human presence in the CWSP area. Additionally, future residents within the proposed Plan Area may be adversely affected by active agricultural operations associated with managing these lands.

General Plan Implementation Strategy CONS-2 directs the City to 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 agricultural interests from dumping, nuisance complaints, and other problems typically associated with new residents on the City fringe. According to this strategy, the City will coordinate with Stanislaus County regarding the design of the County's Right-to-Farm Ordinance to develop consistency, where appropriate. The City has not yet adopted a "right-to-farm" ordinance.

Portions of the CWSP area would be buffered from existing agricultural operations by existing roadways including, Claribel Road in the southern side of the Plan Area. Additionally, a linear park basin area would be located along the southern half of the wester CWSP area boundary. This 13-acre park basin area would provide a buffer from agricultural areas adjacent to the west of the site.

Williamson Act Lands

There are no lands within the project site boundaries under any Williamson Act contract; thus, there is no conflict with any Williamson Act lands.

2. Existing and Proposed Densities

The Stanislaus County General Plan Land Use Element designates the proposed Annexation Area as Agriculture (A), and those lands are zoned by Stanislaus County as A-2-4-. The density for A-2-40 is 0.05 dwelling units per acre. Currently, the project site primarily consists of rural residences, some existing agriculture operations, and a dairy. There are currently seven (7) homes and various structures located within the Project Area.

Crossroads West Specific Plan

The CWSP would permit residential development of between 1,539 to 2,826 residential units. The proposed density of the CWSP plan, 380 acres, area could be between four and seven dwelling units to the acre overall. The CWSP is designed to provide flexibility in various combinations of commercial and residential development, but not more than the maximum density permissible. The proposed Project would increase the size of the existing Regional Park, the “Riverbank Sports Complex”, from 11 acres to 22 acres. A 10 to 12 acre middle school is also proposed within the Plan Area. Additionally, the proposed project includes a site for a new 1.25 to three (3) acre fire station. The Project would provide approximately 41 acres of park, open space, and Regional Sports Park uses.

3. Relevant Riverbank General Plan Policies :

The Riverbank 2005-2025 General Plan includes goals and policies that aim to sustain and preserve existing and future agricultural lands. The Riverbank General Plan Policy states:

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.

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. The buffers should also protect residential development from the effects of existing agricultural operations. The buffer shall be designed to protect the feasibility of ongoing agricultural activities on nearby lands and reduce the effects of noise, dust and the application of agricultural chemicals on residential development. The width of the buffer shall be 300 feet, except that the width of the buffer may be reduced where a project applicant demonstrates that a narrower buffer would protect the feasibility of ongoing agricultural activities on nearby lands and reduce the effects of noise, dust, and the application of agricultural chemicals on residential development. Buffer areas may remain as open space or may be used for storm water management; renewable energy production; community recreation amenities; or any other allowed use consistent with this policy.

In addition, Riverbank has adopted a Right to Farm Ordinance, which contains performance standards for protection of farming uses from encroaching urban uses and establishes that farming uses are not a nuisance but allowed within the context of communities that are developing more non-agricultural uses.

Lastly, the City of Riverbank has adopted an Agricultural Preservation Policy which features implementation programs to minimize the loss of agricultural lands.

4. Consistency with Regional Planning Efforts:

The proposed Annexation is consistent with the Riverbank 2005-2025 General Plan, implements the General Plan goals, policies, and objectives, and is essential to accomplishing the General Plan policies related to economic development, job creation, and adequate housing provision.

In addition, the proposed project follows the guidelines of the San Joaquin Valley Regional Blueprint (Blueprint) and follows principles of smart growth that are reflected in the Riverbank

General Plan. The Blueprint promotes increases in development densities over time to accommodate a growth that is consistent with realities in both communities and the marketplace overall. In addition to this added growth across the region, the Blueprint recognizes that more compact development can be utilized as a more cost effective and sustainable approach to managing urban growth. Specifically, the Riverbank General Plan is consistent with the following Smart Growth Principles that the Blueprint is based upon: creating a range of housing opportunities and choices; creating walkable neighborhoods; fostering distinctive, attractive communities with a strong sense of place; containing a mix of land uses; strengthening and directing development towards existing communities; taking advantage of compact building design; enhancing the economic vitality of the region; and supporting actions that encourage environmental resource management.

5. Analysis of Mitigation Measures to Offset Impacts to Agricultural Resources:

CWSP Draft EIR Impact 3.2-1: The proposed Project has the potential to result in the conversion of Farmlands, including Prime Farmland, Unique Farmland, and Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses.

Development of the proposed Project would result in the permanent conversion of approximately 226.38 acres of Prime Farmland, 85.55 acres of Unique Farmland, and 35.46 acres of Farmland of Local Importance to nonagricultural use. The loss of 347.39 acres of Important Farmland as classified under the Farmland Mapping and Monitoring Program is considered a potentially significant environmental impact.

As noted in the CWSP Draft EIR, the City's prior General Plan EIR anticipated development of the Plan Area as part of the overall evaluation of the build out of the City. The General Plan EIR addressed the conversion and loss of agricultural land that would result from the build out of the General Plan (General Plan Draft EIR, pp. 4.3-10 through 4.3-17). The General Plan EIR determined that even with the implementation of all available mitigation, which identifies General Plan goals, policies, and implementation measures (i.e., Policies CONS-3.1, CONS-3.2, LAND-1.1, LAND-1.2, LAND-1.3, LAND-1.4, LAND-5.2, LAND-2.3, LAND-3.3, and Implementation Strategies CONS-1 and CONS-2), the impact would be significant and unavoidable.

The County FMP does not apply to the proposed Project because the Project would not require a General Plan amendment from 'Agriculture' to a residential land use designation of the Stanislaus County General Plan. The proposed Project would require a City of Riverbank General Plan Amendment to the Land Use and Circulation Elements to change land uses in the Plan Area. Changes to the Land Use Element would include changing the approximately 380-acre Plan Area from LDR, MDR, HDR, MU, C, CC, and P to Specific Plan (SP).

Again, as noted in the CWSP Draft EIR, conversion of the Plan Area from largely agricultural uses to urban uses was analyzed in the City's General Plan EIR. As noted in Section 4.3 of the City's General Plan EIR, the loss of agricultural land to urbanization is considered permanent. 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 General Plan inherently involves the conversion of high-quality agricultural land.

Pursuant to the CWSP Draft EIR, Mitigation Measure 3.2-1 requires each residential project applicant to conserve Important Farmland of equal value to the land in the Plan Area that will be converted at a 1:1 ratio, in perpetuity, or pay in-lieu fees. Mitigation Measure 3.2-2 requires participation in the City's Sustainable Agricultural Strategy. While the implementation of these mitigation measures would assist in preserving farmland, the proposed Project would still result in the permanent conversion and loss of 347.39 acres of Important Farmland within Stanislaus County.

Mitigation Measure(s)

*Mitigation Measure 3.2-1: Prior to the issuance of grading permits, building permits, or final map approval on the subject residential property, the Project applicant shall secure permanent protection of offsite farmland based on a **1:1 ratio** to the amount of gross Farmland converted as a result of Project development, consistent with the requirements of the City's Sustainable Agricultural Strategy. The acreage requiring agricultural mitigation shall be equal to the portion of the project site dedicated to residential uses which would be subject to the discretionary development entitlement and lands designated as Prime Farmland, Farmland of Statewide Importance, or Unique Farmland. Permanent preservation shall consist of the purchase of agricultural conservation easements granted in perpetuity from willing seller(s), enforceable deed restrictions, purchase of banked mitigation credits, or other conservation mechanisms acceptable to the City. Land set aside for permanent preservation shall: (1) be of equal or better soil quality, have a dependable and sustainable supply of irrigation water, and be located within Stanislaus County; and (2) not be previously encumbered by a conservation easement of any nature.*

The permanent protection of farmland shall be accomplished by either: (1) the landowner/developer working directly with an established farmland trust or similar organization, such as the Central Valley Farmland Trust, and providing certification satisfactory to the City that such lands have been permanently preserved at the specified ratio; or (2) it is the City's intent to work with a qualified land trust or similar organization, such as the Central Valley Farmland Trust, to establish a fee for agricultural land conservation easements.

Mitigation Measure 3.2-2: Prior to the conversion of agricultural lands in the Plan Area, the Project applicant shall participate in the Stanislaus LAFCo's Agricultural Preservation Policy (as

amended on March 25, 2015), consistent with the City's Sustainable Agricultural Strategy. The Project applicant shall prepare a "Plan for Agricultural Preservation", which shall include information such as the Project's direct and indirect impacts to agricultural resources, the availability of other lands in the City of Riverbank's existing boundaries, and relevant General Plan policies. The Plan shall also specify the method or strategy proposed to minimize the loss of agricultural lands. The information provided in the Plan shall be consistent with the environmental documentation prepared by the City.

Impact 3.2-3: The proposed Project has the potential to result in conflicts with adjacent agricultural lands or indirectly cause conversion of agricultural lands.

Neighboring agricultural land, including Prime Farmland and Unique Farmland, are located to the west, southwest, and south of the Plan Area. A variety of residential and commercial uses would be developed in the Plan Area with implementation of the proposed Project.

Riverbank's General Plan anticipates that agricultural lands to the west of the Plan Area would develop with urban uses, however, these lands are currently under active agricultural production, and it is unknown if or when these lands would convert to urban uses and farming operations would cease. Riverbank's southern General Plan boundary stops at Claribel Road to the south. The City of Modesto's General Plan covers the lands south of Claribel Road which is comprised of agricultural lands which might be developed with urban uses in the future. Existing agricultural operations that are located adjacent the Project site may be adversely impacted by the increased human presence in the Plan Area. Additionally, future residents within the proposed Plan Area may be adversely affected by active agricultural operations associated with managing these lands.

The City's General Plan EIR anticipated development of the Plan Area as part of the overall evaluation of the build out of the City. The City's General Plan EIR identifies that the location or nature of the General Plan could result in the conversion of farmland to non-agricultural use. The General Plan EIR addressed the conversion of adjacent farmland properties that would result from the build out of the General Plan (General Plan Recirculated Draft EIR, pp. 4.3-18 through 4.3-20). The General Plan EIR determined that even with the implementation of all available mitigation, which identifies Implementation Strategy CONS-2, the impact would be significant and unavoidable.

General Plan Implementation Strategy CONS-2 directs the City to 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. According to this strategy, the City will

coordinate with Stanislaus County regarding the design of the County’s Right-to-Farm Ordinance to develop consistency, where appropriate. The City has not yet adopted a “right-to-farm” ordinance (or adopted the County’s right-to-farm ordinance).

Portions of the proposed development would be buffered from existing agricultural operations by existing roadways including, Claribel Road in the southern side of the Plan Area. Additionally, as shown in Figure 2.0-8 in Section 2.0, a linear park basin area would be located along the southern half of the western Plan Area boundary. This 13-acre park basin area would provide a buffer from agricultural areas adjacent to the west of the site.

Riverbank General Plan Policy CONS-3.2 states: *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. The buffers should also protect residential development from the effects of existing agricultural operations. The buffer shall be designed to protect the feasibility of ongoing agricultural activities on nearby lands and reduce the effects of noise, dust and the application of agricultural chemicals on residential development. The width of the buffer shall be 300 feet, except that the width of the buffer may be reduced where a project applicant demonstrates that a narrower buffer would protect the feasibility of ongoing agricultural activities on nearby lands and reduce the effects of noise, dust and the application of agricultural chemicals on residential development. Buffer areas may remain as open space or may be used for stormwater management; renewable energy production; community recreation amenities; or any other allowed use consistent with this policy.*

According to the City’s General Plan EIR, policies contained in the General Plan address transitional areas between urban uses and ongoing agricultural operations, including use of the Multi-Use Recreation/Resource Management (MUR/R) designation in western portions of the Planning Area between planned urban development and ongoing agricultural operations and the use of clustering to buffer between these potentially incompatible land uses.

In relation to the proposed Project, the MUR/R buffer area located west of the Plan Area would provide a buffer between existing agricultural uses and future urban uses in the western portions of the Planning Area. The width of this MUR/R buffer is approximately 400 feet, as shown on the City’s Land Use Map. The land east of the MUR/R buffer and west of the Plan Area is designated for future residential, civic, and park uses by the City’s General Plan Land Use Map. Because the timing of development of the area west of the Plan Area and east of the MUR/R buffer is unknown at this time, a temporary indirect impact to the agricultural lands adjacent west of the Plan Area would result.

The proposed project is not anticipated to lead to the permanent indirect conversion of offsite agricultural lands to a non-agricultural use. The project would not extend infrastructure or

roadway access to offsite agricultural lands. Implementation of Mitigation Measure 3.2-3 would ensure that the Project applicant complies with the County’s right-to-farm ordinance due to the potential conflicts between the proposed residences in the southern and western portions of the Plan Area and the existing agricultural operations to the south and west of the Plan Area.

Mitigation Measure(s)

Mitigation Measure 3.2-3: Prior to approval of any Final Maps, “Right to Farm” language shall be presented to the City for approval and recordation against the affected property. The proposed language shall contain the following statement: “All persons purchasing lots within the boundaries of this approved map should be prepared to accept the inconveniences associated with agricultural operations, such as noise, odors, flies, dust or fumes. Stanislaus County has determined that such inconveniences shall not be considered to be a nuisance if agricultural operations are consistent with accepted customs and standards.”

6. Method or Strategy Proposed to Minimize Loss of Agricultural Lands:

The City has established a policy and implementation program to minimize the loss of agricultural lands through implementation of the City of Riverbank Agriculture Preservation Policy that was developed in accordance with the City’s goals to facilitate revenue and job generating uses, and LAFCO policy. The Plan is as follows:

- Properties granted discretionary approval of residential development entitlements that are located on lands designated as Prime Farmland, Farmland of Statewide Importance, or Unique Farmland by the FMMP, shall be conditioned to cause the permanent preservation of similar quality farmland at a 1:1 ratio of the gross amount of farmland converted to the amount of farmland preserved. The acreage requiring mitigation shall be equal to that portion of the residential parcel subject to the discretionary development entitlement designated as Prime Farmland, Farmland of Statewide Important, or Unique Farmland.
- Permanent preservation shall consist of the purchase of agricultural conservation easements granted in perpetuity from willing seller(s), enforceable deed restrictions, purchase of banked mitigation credits, or other conservation mechanisms acceptable to the City.
- Land set aside for permanent preservation shall: (1) be of equal or better soil quality, have a dependable and sustainable supply of irrigation water, and be located within Stanislaus County; and (2) not be previously encumbered by a conservation easement of any nature.
- The land mitigation requirement shall be satisfied prior to City issuance of a grading permit.

Building permits or final map approval on the subject residential property. The permanent protection of farmland may be accomplished by either: (1) the landowner/developer may work directly with an established farmland trust or similar organization, and provide certification

satisfactory to the City that such lands have been permanently preserved at the specified ratio; or (2) it is the City's intent to work with a qualified land trust or similar organization to establish a fee for agricultural land conservation easements. When available, this program would allow for the landowner/developer to pay a fee directly to the City to provide for the required mitigation.

In addition, the Riverbank City Council may explore the opportunities associated with the creation of a permanent Urban Limit Line westerly of Coffee Road. The purpose of this Permanent Urban Limit line would be to commit to a permanent strategy of Agricultural Preservation westerly of the proposed Sphere of Influence. This process would involve a vote of the people and may be initiated by the City Council in the future.

7. Alternative Land within the Sphere of Influence:

No alternatives are available within the City's proposed SOI which meet the following objectives:

- **Strengthened Commercial Base.** Create a high quality commercial/mixed use corridor along Oakdale Road that strengthens the City's commercial base and provides goods and services to residents on the west side of town and beyond.
- **Diverse Residential Neighborhoods.** Establish walkable residential neighborhoods that offer a variety of housing types, accommodate all income levels, and help the City achieve its Regional Housing Needs Allocation (RHNA).
- **Blueprint.** Provide for development that helps to further the San Joaquin Valley Blueprint Smart Growth Principles.
- **Conversion of Developed Properties.** Allow opportunities for the reuse of underutilized parcels in the proposed SOI for more economically productive purposes.
- **Creation of Industrial opportunities** to expand the over-all job base for rail served industrial development and promoting healthy jobs to housing balance community-wide.
- **Distinct City Gateway.** Create a distinct sense of arrival and positive physical image for Riverbank at the western and eastern edges of the City.

8. Probable Growth/Phasing of Development:

It is anticipated that the proposed project would be developed in three (3) phases. Phase A may connect to existing sewer, water, and storm drainage facilities to the east in, or across, Oakdale Road. Phase A will get transportation access from the adjacent roadways (Oakdale Road and Claribel Road). Because it is expected that Phase A will develop before sewer lines are extended from Phase B across MID Lateral No. 6 to serve Phase A, Phase A may need an on-site, privately

owned sewer lift station to connect sewer lines into Oakdale Road, however Phase A may either (i) connect into existing sewer lines on Oakdale Road and use a temporary sewer lift station, or (ii) extend the sewer line south of MID Lateral No. 6 and connect. With future construction of the roadway across the MID canal, water and sewer lines will be extended to Phase A by the Phase B and Phase C properties. Developers have submitted preliminary engineering studies for review by the City, the final infrastructure studies shall be approved by the City to demonstrate which infrastructure items are necessary to serve Phase A. Phase A storm drainage will consist of some on-site storage and conveyance of the remainder of the storm water to the existing storm drain basin in the Crossroad neighborhood just east of Oakdale Road. This proposed storm water discharge into the MID facilities must be approved by MID as well as the City of Riverbank.

Modifications may include the creation of subphases, adjustments to phase boundaries, changes to backbone infrastructure, ability to move a parcel forward out of phase, or similar. The intent is to provide flexibility to respond to evolving market conditions, opportunities, financing considerations, and the availability of new infrastructure technologies over time. Agricultural use of the undeveloped portions of the property would continue until such time as future phases are developed, pursuant to agreement with the property owners.

9. Minimization of Use Agricultural Land:

The proposed project is entitled with and is projected to develop at the maximum allowable densities permitted by the CWSP. The anticipated density would increase the amount of residential and commercial development existing on site and would thus provide a more intensive and efficient use of the land in relation to other existing residential and commercial developments in Riverbank. This more efficient utilization of the land would conserve agricultural lands by intensifying the use of land planned for development.

10. Planned, Orderly, and Efficient Use of Land:

The City has approved a specific plan for the proposed project, providing for logical and efficient growth patterns to complete the CWSP buildout. to accommodate a portion of the projected future growth.

The proposed project has been identified as a key location for accommodating the projected economic growth, and subsequent employment and housing needs, for the City. This location has been determined as currently economically underutilized and the proposed project can assist with the growth.

The proposed project is approved as a master planned project and the associated Development Agreement provides for the installation of public infrastructure as required during the life of the project. Project approvals include provision for bonding to finance infrastructure as needed.