



**STANISLAUS LAFCO
LOCAL AGENCY FORMATION COMMISSION**

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Chair Michael Van Winkle, City Member
Vice Chair, Jim DeMartini, County Member
Terry Withrow, County Member
Bill Berryhill, Public Member
Amy Bublak, City Member
Richard O'Brien, Alternate City Member
Brad Hawn, Alternate Public Member
Vito Chiesa, Alternate County Member

**AGENDA
Wednesday, June 26, 2019
6:00 P.M.
Joint Chambers—Basement Level
1010 10th Street, Modesto, California 95354**

The Stanislaus Local Agency Formation Commission welcomes you to its meetings. As a courtesy, please silence your cell phones during the meeting. If you want to submit documents at this meeting, please bring 15 copies for distribution. Agendas and staff reports are available on our website at least 72 hours before each meeting. Materials related to an item on this Agenda, submitted to the Commission or prepared after distribution of the agenda packet, will be available for public inspection in the LAFCO Office at 1010 10th Street, 3rd Floor, Modesto, during normal business hours.

1. CALL TO ORDER

- A. Pledge of Allegiance to the Flag.
- B. Introduction of Commissioners and Staff.

2. PUBLIC COMMENT PERIOD

This is the period in which persons may speak on items that are not listed on the regular agenda. All persons wishing to speak during this public comment portion of the meeting are asked to fill out a "Speaker's Card" and provide it to the Commission Clerk. Each speaker will be limited to a three-minute presentation. No action will be taken by the Commission as a result of any item presented during the public comment period.

3. APPROVAL OF MINUTES

- A. Minutes of the May 22, 2019 Meeting.

4. CORRESPONDENCE

No correspondence addressed to the Commission, individual Commissioners or staff will be accepted and/or considered unless it has been signed by the author, or sufficiently identifies the person or persons responsible for its creation and submittal.

- A. Specific Correspondence.
- B. Informational Correspondence.

- C. "In the News."

5. DECLARATION OF CONFLICTS AND DISQUALIFICATIONS

6. CONSENT ITEM

The following consent items are expected to be routine and non-controversial and will be acted upon by the Commission at one time without discussion, unless a request has been received prior to the discussion of the matter.

None.

7. PUBLIC HEARINGS

Any member of the public may address the Commission with respect to a scheduled public hearing item. Comments should be limited to no more than three (3) minutes, unless additional time is permitted by the Chair. All persons wishing to speak during this public hearing portion of the meeting are asked to fill out a "Speaker's Card" and provide it to the Commission Clerk prior to speaking.

A. **OUT OF BOUNDARY SERVICE APPLICATION – CERES WEST MOBILE HOME PARK.** The Commission will consider a request by the City of Ceres to extend water service outside its city limits and sphere of influence to an existing mobile home park located at 2030/2048 E. Grayson Road. The City of Ceres, as Lead Agency under the California Environmental Quality Act (CEQA) has determined the proposal is statutorily exempt pursuant to Public Resources Code 21080.21. As a responsible agency, the Commission will consider the City's determination. (Staff Recommendation: Approve and adopt Resolution No. 2019-14.)

B. **LAFCO APPLICATION NO. 2019-06 – CROSSROADS WEST CHANGE OF ORGANIZATION TO THE CITY OF RIVERBANK.** The City of Riverbank has requested to annex approximately 403.79 acres at the northwest corner of Claribel Road and Oakdale Road to the City of Riverbank. The annexation is within the City's Sphere of Influence and is meant to accommodate the Crossroads West Specific Plan which proposes a mix of residential uses, retail, parks, open space, potential school sites and mixed uses. The City of Riverbank, as Lead Agency under the California Environmental Quality Act (CEQA) has adopted an Environmental Impact Report (SCH No, 2017032062). As a responsible agency, the Commission will consider this environmental documentation and adoption of the same findings. (Staff Recommendation: Adopt Resolution No. 2019-13, approving the Change of Organization.)

8. OTHER BUSINESS

None.

9. COMMISSIONER COMMENTS

Commission Members may provide comments regarding LAFCO matters.

10. ADDITIONAL MATTERS AT THE DISCRETION OF THE CHAIRPERSON

The Commission Chair may announce additional matters regarding LAFCO matters.

11. EXECUTIVE OFFICER'S REPORT

The Commission will receive a verbal report from the Executive Officer regarding current staff activities.

A. On the Horizon.

12. ADJOURNMENT

- A. Set the next meeting date of the Commission for July 24, 2019.
- B. Adjournment.

LAFCO Disclosure Requirements

Disclosure of Campaign Contributions: If you wish to participate in a LAFCO proceeding, you are prohibited from making a campaign contribution of more than \$250 to any commissioner or alternate. This prohibition begins on the date you begin to actively support or oppose an application before LAFCO and continues until three months after a final decision is rendered by LAFCO. No commissioner or alternate may solicit or accept a campaign contribution of more than \$250 from you or your agent during this period if the commissioner or alternate knows, or has reason to know, that you will participate in the proceedings. If you or your agent have made a contribution of more than \$250 to any commissioner or alternate during the twelve (12) months preceding the decision, that commissioner or alternate must disqualify himself or herself from the decision. However, disqualification is not required if the commissioner or alternate returns the campaign contribution within thirty (30) days of learning both about the contribution and the fact that you are a participant in the proceedings.

Lobbying Disclosure: Any person or group lobbying the Commission or the Executive Officer in regard to an application before LAFCO must file a declaration prior to the hearing on the LAFCO application or at the time of the hearing if that is the initial contact. Any lobbyist speaking at the LAFCO hearing must so identify themselves as lobbyists and identify on the record the name of the person or entity making payment to them.

Disclosure of Political Expenditures and Contributions Regarding LAFCO Proceedings: If the proponents or opponents of a LAFCO proposal spend \$1,000 with respect to that proposal, they must report their contributions of \$100 or more and all of their expenditures under the rules of the Political Reform Act for local initiative measures to the LAFCO Office.

LAFCO Action in Court: All persons are invited to testify and submit written comments to the Commission. If you challenge a LAFCO action in court, you may be limited to issues raised at the public hearing or submitted as written comments prior to the close of the public hearing. All written materials received by staff 24 hours before the hearing will be distributed to the Commission.

Reasonable Accommodations: In compliance with the Americans with Disabilities Act, hearing devices are available for public use. If hearing devices are needed, please contact the LAFCO Clerk at 525-7660. Notification 24 hours prior to the meeting will enable the Clerk to make arrangements.

Alternative Formats: If requested, the agenda will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC 12132) and the Federal rules and regulations adopted in implementation thereof.

Notice Regarding Non-English Speakers: LAFCO meetings are conducted in English. Please make arrangements for an interpreter if necessary.



STANISLAUS LOCAL AGENCY FORMATION COMMISSION

MINUTES

May 22, 2019

1. CALL TO ORDER

Chair Van Winkle called the meeting to order at 6:00 p.m.

- A. Pledge of Allegiance to Flag. Chair Van Winkle led in the pledge of allegiance to the flag.
- B. Introduction of Commissioners and Staff. Chair Van Winkle led in the introduction of the Commissioners and Staff.

Commissioners Present: Michael Van Winkle, Chair, City Member
 Jim DeMartini, Vice Chair County Member
 Amy Bublak, City Member
 Terry Withrow, County Member (arrived at 6:01 pm)
 Richard O'Brien, Alternate City Member
 Brad Hawn, Alternate Public Member

Staff Present: Sara Lytle-Pinhey, Executive Officer
 Javier Camarena, Assistant Executive Officer
 Jennifer Goss, Commission Clerk
 Thomas Boze, Alternate LAFCO Counsel

Commissioners Absent: Bill Berryhill, Public Member
 Vito Chiesa, Alternate County Member

2. PUBLIC COMMENT

Denny Jackman, Modesto resident, spoke in regards to the upcoming Riverbank proposal.

3. APPROVAL OF MINUTES

- A. Minutes of the April 24, 2019 Meeting.

Motion by Commissioner Bublak, seconded by Commissioner Hawn and carried with a 5-0 vote to approve the Minutes of the April 24, 2019 meeting by the following vote:

Ayes: Commissioners: Bublak, DeMartini, Hawn, Van Winkle and Withrow
 Noes: Commissioners: None
 Ineligible: Commissioners: O'Brien
 Absent: Commissioners: Berryhill and Chiesa
 Abstention: Commissioners: None

4. CORRESPONDENCE

- A. Specific Correspondence.
 - 1. Item 7A – Emails from Brian Humphrey, resident of Modesto Mobile Home Park, dated May 12 and 21, 2019.
- B. Informational Correspondence.
 - 1. Memo Regarding Availability of Support Documentation for Upcoming Application: Crossroads West Change of Organization to the City of Riverbank.
- C. “In the News”

5. DECLARATION OF CONFLICTS AND DISQUALIFICATIONS

None.

6. CONSENT ITEM

- A. **MUNICIPAL SERVICE REVIEW NO. 2019-03 AND SPHERE OF INFLUENCE UPDATE NO. 2019-03 - RESOURCE CONSERVATION DISTRICTS.** The Commission will consider the adoption of a Municipal Service Review (MSR) and Sphere of Influence (SOI) Update for the East Stanislaus and West Stanislaus Resource Conservation Districts. This item is exempt from the California Environmental Quality Act (CEQA) review pursuant to sections 15306 and 15061(b)(3). (Staff Recommendation: Approve the update and adopt Resolution No. 2019-12.)

Motion by Commissioner Bublak, seconded by Commissioner Hawn, and carried with a 5-0 vote to approve the update and adopt the Resolution, by the following vote:

Ayes: Commissioners: Bublak, DeMartini, Hawn, Van Winkle and Withrow
Noes: Commissioners: None
Ineligible: Commissioners: O'Brien
Absent: Commissioners: Berryhill and Chiesa
Abstention: Commissioners: None

7. PUBLIC HEARINGS

- A. **LAFCO APPLICATION NO. 2019-07 - MCHENRY-CORALWOOD REORGANIZATION TO THE CITY OF MODESTO.** The City of Modesto has requested to annex approximately 12.86 acres located at 4024 McHenry Avenue to the City and detach the area from the Stanislaus Consolidated Fire Protection District. The property consists of a mobile home park within an unincorporated island meeting the criteria for annexation pursuant to Government Code section 56375.3. Annexation is intended to fulfill a condition of approval from LAFCO Resolution 2018-20, following a request from the property owner to obtain City sewer services. The Commission, as a Responsible Agency, will also consider the finding of the City of Modesto, as Lead Agency, that the project is within the scope of the General Plan

Master Environmental Impact Report, pursuant to the California Environmental Quality Act (CEQA). (Staff Recommendation: Adopt Resolution No. 2019-11, approving the reorganization.)

Javier Camarena, Assistant Executive Officer, presented the item with a recommendation of approval.

Chair Van Winkle opened the Public Hearing at 6:17 p.m.

Paul Liu, Principal Planner with City of Modesto, and Margot Roen, representative for the property owner, answered questions of the Commission.

Chair Van Winkle closed the Public Hearing at 6:23 p.m.

Motion by Commissioner Withrow, seconded by Commissioner DeMartini, and carried with a 5-0 vote to adopt Resolution No. 2019-11, by the following vote:

Ayes:	Commissioners: Bublak, DeMartini, Hawn, Van Winkle and Withrow
Noes:	Commissioners: None
Ineligible:	Commissioners: O'Brien
Absent:	Commissioners: Berryhill and Chiesa
Abstention:	Commissioners: None

- B. **FINAL LAFCO BUDGET FOR FISCAL YEAR (FY) 2019-2020.** The Commission will consider the adoption of the final LAFCO budget consistent with Government Code Sections 56380 and 56381. (Staff Recommendation: Approve the final budget and adopt Resolution No. 2019-10.)

Sara Lytle-Pinhey, Executive Officer, presented the item with a recommendation of approval.

Chair Van Winkle opened the Public Hearing at 6:29 p.m.

No one spoke.

Chair Van Winkle closed the Public Hearing at 6:29 p.m.

Motion by Commissioner Hawn, seconded by Commissioner Withrow, and carried with a 5-0 vote to adopt Resolution No. 2019-010, by the following vote:

Ayes:	Commissioners: Bublak, DeMartini, Hawn, Van Winkle and Withrow
Noes:	Commissioners: None
Ineligible:	Commissioners: O'Brien
Absent:	Commissioners: Berryhill and Chiesa
Abstention:	Commissioners: None

8. OTHER BUSINESS

None.

9. COMMISSIONER COMMENTS

None.

10. ADDITIONAL MATTERS AT THE DISCRETION OF THE CHAIRPERSON

None.

11. EXECUTIVE OFFICER'S REPORT

A. On the Horizon. The Executive Officer informed the Commission of the following:

- On June 19th at 6:00 p.m. LAFCO and CSDA will be holding a free Governance Best Practices training in Basement Chambers.
- Upcoming items for June will include the Crossroads West Reorganization to the City of Riverbank and an Out of Boundary Service request from the City of Ceres.

12. ADJOURNMENT

A. Chair Van Winkle adjourned the meeting at 6:33 p.m.

SIGNED COPY ON FILE

Sara Lytle-Pinhey, Executive Officer

CORRESPONDENCE – IN THE NEWS

Newspaper Articles

- The Modesto Bee, May 28, 2019, “The Oakdale area might have a temporary solution for providing fire service.”
- The Modesto Bee, May 28, 2019, “Federal bill includes \$14 million to boost water storage for Central Valley, Nor Cal.”
- The Modesto Bee, May 29, 2019, “Oakdale area leaders advance plan for having Modesto run their fire service.”
- The Modesto Bee, May 29, 2019, “An 800-acre reservoir could be coming to Stanislaus County, but what are the risks?”
- The Modesto Bee, June 5, 2019, “‘We couldn’t even take showers’: Californians with unsafe drinking water appeal for fixes.”
- Riverbank News, June 11, 2019, “Consolidated Fire Board eliminates 21 positions.”
- The Modesto Bee, June 11, 2019, “With 19 days to spare, Oakdale area gets final OK for fire service from Modesto”

The Oakdale area might have a temporary solution for providing fire service

By John Holland

The city of Modesto would run the Oakdale area's fire service for at least three years under an agreement to be considered Wednesday afternoon.

The discussion comes about a month shy of the June 30 end of contracts with the Stanislaus Consolidated Fire Protection District. It has provided fire and emergency medical services to the city of Oakdale and the Oakdale Rural Fire Protection District since 2014. The parties could not agree on extensions.

The proposed agreement will go before a 5 p.m. joint meeting of the Oakdale City Council and the Oakdale Rural board in the council chambers, 277 N. Second Ave. If they approve it, the Modesto City Council could take it up June 11.

The agreement calls for annual payments to Modesto of \$2.63 million from the city of Oakdale and \$1.97 million from Oakdale Rural. The district serves a 324-square-mile zone that includes Valley Home, Knights Ferry and areas north of Modesto Reservoir and north of Woodward Reservoir.

The agreement would boost the Oakdale area's force from 21 to 25 firefighters thanks to "economies of scale" across all agencies, Modesto Fire Chief Alan Ernst said by phone Tuesday. That includes three rank-and-file employees and a battalion chief whose duties include the Oakdale area.

The Modesto Fire Department would recruit Oakdale area firefighters from Stanislaus Consolidated but is not required to hire them. Modesto would offer pay and benefits "pretty comparable" to the current arrangement, Ernst said. He would be the fire chief in the contract areas.

The agreement would run through June 2022 but could be extended another two years if the partners agree. All of them would have representatives on an advisory committee on budgeting, union negotiations and other Oakdale area matters.

Stanislaus Consolidated is based in Riverbank and also provides service on the east edge of Modesto and in Empire, Waterford and La Grange. The Modesto Fire Department shares no physical boundaries with the Oakdale-area lands it might take on, but Ernst said they already cooperate on emergency calls.

The city of Oakdale and the rural district are splitting from Stanislaus Consolidated because of concerns about its financial condition, the cost of a contract with its firefighters, frequent vacancies in the fire chief's position, and other matters.

The new agreement calls for the city of Oakdale and the rural district to retain ownership of their stations, as they have during the contract with Stanislaus Consolidated. Modesto would provide fire investigations, safety inspections at Oakdale-area businesses and fire prevention efforts.

"We're excited to be able to provide service to the community of Oakdale and look forward to a long, sustained partnership," Ernst said.

Federal bill includes \$14 million to boost water storage for Central Valley, Nor Cal

By Ken Carlson

A congressional bill includes almost \$14 million in funding for water projects in the Central Valley and Northern California.

Rep. Josh Harder, D-Turlock, said he was successful in working the funding into an Energy and Water Development appropriations bill that includes spending for infrastructure across the nation.

According to a Harder press release, the bill has \$4.1 million for the North Valley Regional Recycled Water Program, which supplies highly treated wastewater from Modesto and Turlock to farmland in western Stanislaus County.

The Del Puerto Water District near Patterson stands to receive \$1.5 million for development of a Del Puerto Canyon reservoir capable of storing 85,000 acre-feet of water.

Other funding includes \$6 million for the proposed Sites Reservoir near Colusa and \$2.1 million for Los Vaqueros Reservoir in Contra Costa County.

“The Central Valley has been left behind by funding bills for too long but now that’s changing,” Harder said in the news release. “We’re finally getting the support we need to make meaningful investments in our water infrastructure that will grow and secure our water supply.”

Oakdale area leaders advance plan for having Modesto run their fire service

By John Holland

Oakdale area leaders voted unanimously Wednesday to have Modesto run their fire service over the next three to five years.

The agreement went before a late-afternoon joint meeting of the Oakdale City Council and the board of the Oakdale Rural Fire Protection District. It still needs approval from the Modesto City Council, which could happen June 11.

The Oakdale entities face a June 30 end to their five-year contracts with the Stanislaus Consolidated Fire Protection District. Negotiations over a renewal broke down over financial and other issues.

Under the new plan, the Modesto Fire Department would recruit the current Oakdale area firefighters, but they would not be guaranteed jobs. Leaders at the meeting said they hope the force stays intact.

The total number of firefighters would increase from 21 to 25 because of economies of scale and the city of Oakdale's existing growth plan. Modesto would handle fire investigations, safety inspections at businesses, and fire prevention.

The agreement calls for annual payments to Modesto of \$2.63 million from the city of Oakdale and \$1.97 million from Oakdale Rural. The district serves a 324-square-mile area that includes Valley Home, Knights Ferry and areas north of Modesto Reservoir and north of Woodward Reservoir.

Oakdale City Manager Bryan Whitemyer said the agreement could be a model for cooperation throughout Stanislaus County.

"We think in order to best serve the residents of the Oakdale Rural Fire Protection District and the city of Oakdale, this is our future," he said.

The agreement would run through June 2022 but could be extended two years if the partners agree. All of them would have seats on an advisory committee on budgeting, union negotiations and other Oakdale area matters.

The city of Oakdale and the rural district would retain ownership of their stations and vehicles. That has been the case during the contracts with Stanislaus Consolidated. The stations include two in the city of Oakdale and two owned by the district in Valley Home and Knights Ferry.

The rural stations can be hard-pressed to cover their zones, which are sparsely populated but prone to wildfire. Ernst said he would work on enhancing service.

Stanislaus Consolidated also provides service on the east edge of Modesto and in Riverbank, Empire, Waterford and La Grange.

An 800-acre reservoir could be coming to Stanislaus County, but what are the risks?

By Ken Carlson

A federal bill promising \$14 million in funding for water storage projects for the Central Valley and Northern California served to place more attention on a proposed reservoir in Stanislaus County.

Rep. Josh Harder, D-Turlock, got the millions included in a massive energy and water infrastructure bill in the House of Representatives. It includes \$6 million for the Sites Reservoir near Colusa favored by agribusiness, \$4.1 million for the North Valley Regional Recycled Water Program, \$2.1 million for the Los Vaqueros Reservoir expansion in Contra Costa County, and \$1.5 million for Del Puerto Canyon Reservoir near Patterson.

“The Central Valley has been left behind by funding bills for too long,” said Harder, who discussed the details at Wednesday’s county Water Advisory Committee meeting and acknowledged that the money is a drop in the bucket compared with the billions needed to build the storage projects.

The so-called “Canyon Reservoir” would create an 800-acre lake in scenic Del Puerto Canyon, nestled in the foothills west of Patterson. It could materialize under an aggressive schedule to start construction on the 200-foot-high earthen fill dam in late 2020.

Del Puerto Water District and Central California Irrigation District have developed the reservoir project without many public concerns rising to the surface. That was until Patterson city staff members showed up for Wednesday’s meeting.

Maria Encinas, a city management analyst, asked about a risk assessment for adjacent communities like Patterson. A failure in the dam on Del Puerto Creek, on the west side of Interstate 5, would appear to flood part of the city of 23,700, including perhaps the downtown area in Patterson.

Chris White, executive director of the San Joaquin River Exchange Contractors Water Authority, promised a study of seismic issues and risks before the dam is built. According to a handout on the reservoir project, a fatal flaws feasibility study was completed without finding major issues.

According to the handout, from \$2 million to \$3 million is needed for environmental studies and a federal feasibility report.

The districts want to use the reservoir to store up to 85,000 acre-feet of water for thirsty farms and for better water management in the San Joaquin-Sacramento Delta. The reservoir would be fairly small compared with a major facility like New Melones, which has a 2.4 million-acre-foot capacity.

Farmers in Del Puerto Water District often are shorted on their federal allocations from the Central Valley Project because of disruptions in pumping water south from the delta. Water pumped from the nearby Delta-Mendota Canal would be held in the canyon reservoir to provide reliable deliveries to West Side farmers in dry years.

White said the districts may take in other partners for the \$420 million project and expect to seek funding through the Water Infrastructure for Improvements to the Nation (WIIN) Act of 2016. It pays for conservation and water resources development.

The reservoir would disrupt the scenery for people who drive into Del Puerto Canyon for recreation or sightseeing. Often going from full to empty, the reservoir would offer limited recreation activities, White said

Sal Salerno, president of the Stanislaus Audubon Society, said the different habitat alongside Del Puerto Creek up to Frank Raines Park is excellent for bird-watching. He said the group would need to study the project proposal before taking any position.

IN THE NEWS – The Modesto Bee, May 29, 2019 (Continued Page 2)

The proposed reservoir, extending west of I-5 some 2 1/2 miles into the canyon, could cover ranch land, inundate creekside habitat and put Del Puerto Canyon Road under water for much of the time. Landowners in the area have been contacted by the water districts, White said.

Millions of dollars would be spent relocating Del Puerto Canyon Road and a gas transmission line, officials said.

County Public Works Director David Leamon said the water districts two months ago showed county staff possible routes for the new Del Puerto Canyon Road. One would branch off from Diablo Grande Parkway near the golf resort and climb over the hill to link with Del Puerto Canyon Road west of the reservoir.

Another alternative is realigning the canyon road so it hugs the south shore of the reservoir. "It will cost the districts several million dollars for buying the right of way and construction," Leamon said.

He said Diablo Grande residents may have something to say about increased traffic near their community. Public discussion needs to take place before the best route for the new road is chosen, he said.

County Supervisor Terry Withrow said the county would cooperate with the process of relocating the road.

White said plans for the canyon reservoir have been in the works for years but were stymied by the lower value of water in previous times. The high market price for water today makes it viable to operate and maintain a private reservoir of this size, White said.

‘We couldn’t even take showers’: Californians with unsafe drinking water appeal for fixes

By Kyung Mi Lee

A coalition of California residents affected by unsafe drinking water held a symbolic “water strike” at the Capitol on Wednesday, pressing lawmakers to fund a plan that would clean up their water sources.

More than 1 million Californians lack access to clean drinking water, according to Gov. Gavin Newsom’s administration. An additional 2 million people are vulnerable to contamination, according to the Safe and Affordable Drinking Water Fund Coalition.

“We cannot claim to be the Golden State when we have 1 million Californians without access to clean and affordable water,” said Daniel Peñaloza, City Council Member from Porterville in Tulare County. “This is an injustice and a disgrace.”

Newsom in January released a budget proposal that included a new \$140 million water tax to fund infrastructure projects in communities with unsafe water. The “fee,” as the governor’s proposal called it, would have cost all Californians on public water systems an additional \$11.40 a year.

He promoted his plan with his first trip out of Sacramento following the budget’s release, when he took his cabinet to a community in Stanislaus County that has long struggled with unsafe drinking water.

“It’s a disgrace that in a state as wealthy and resourceful as ours that a million-plus people don’t have access to safe, clean drinking water,” he said during the January visit.

The proposal was met with opposition in the Senate, where lawmakers rejected the governor’s plan for a monthly charge on ratepayers and instead recommended paying for water-system improvements with \$150 million from the state’s general fund.

Opponents of the water fee say that imposing an ongoing tax for a “one time infrastructure problem” is unnecessary when the state is enjoying a budget surplus.

This week, Newsom’s administration and lawmakers are negotiating a final budget and it’s unclear which plan will emerge. State law requires them to pass a final budget by June 15.

Demonstrators at the rally urged lawmakers to prioritize permanent access to safe drinking water for all Californians. The bilingual rally, held in English and in Spanish, was co-hosted by the Community Water Center and the Leadership Counsel for Justice and Accountability.

Lining the grass lawn of the Capitol’s North Steps were posters listing communities affected by unsafe drinking water and the contaminants found in their water. Many of them were schools and school districts.

For Melynda Metheney, a 32-year-old resident of Tulare County, fighting for clean water means supporting “communities that don’t have the resources or finances” to maintain their water systems. She and her family lacked access to safe drinking water for over a year when the main well in her town of West Goshen collapsed in 2012, exacerbating an ongoing nitrate contamination.

“We couldn’t even take showers with our water,” she said. “We couldn’t even boil our water to cook and clean with. We couldn’t touch it.”

Many Californians affected by unsafe water, like Metheney, must front additional costs to purchase bottled water.

IN THE NEWS – The Modesto Bee, June 5, 2019 (Continued Page 2)

“Our families are paying double for water,” said Lucy Hernandez, 50, also from West Goshen. “It’s [the state’s] responsibility to provide us with safe drinking water since we are paying a huge water bill every month.”

Communities of color and low-income communities are disproportionately affected by the water crisis, according to Kelsey Hinton, the communications manager at the Community Water Center.

“Some of our communities have been waiting a decade for a solution to this problem,” she said, “which is why we’re here in support of passing a safe and affordable drinking water solution by June 15.”

CONSOLIDATED FIRE BOARD ELIMINATES 21 POSITIONS

The Stanislaus Consolidated Fire Protection District board voted on Thursday, June 6 to eliminate 21 positions from its department, equivalent to the staff levels it maintained while covering the Oakdale area.

The action came following decisions by the Oakdale City Council and the Oakdale Fire Protection District Board that withdrew from its contract with SCFPD, voted at the end of May.

The current five-year contract between the Oakdale groups and the SCFPD is scheduled to expire on June 30.

Representative of Firefighters Local 3399 on Thursday sought to have the board name their members who would be receiving pink slips after the action, but President Susan Zanker declined to provide them, saying they would be receiving certified letters from the district. She said the firefighters should learn about the changes personally, and not through the media or from the union.

In his staff report to the board, Fire Chief Mike Whorton recommended elimination of nine Captain positions, nine Engineers and three Firefighters. During the discussion, Whorton said he could not guarantee whether Modesto Fire would hire the Oakdale staff, so their fate is unknown.

The layoff action came at a special board meeting, on Thursday, June 6, during a closed session and following a half-hour public discussion.

The combined Oakdale boards recently approved a new fire services contract with the City of Modesto Fire Department.

The Modesto City Council was to vote on the contract at its Tuesday, June 11 session. The new contract would take effect with the start of the new fiscal year, July 1. The agreement – if approved by Modesto at the council meeting – would be for three years, from July 1, 2019 through June 30, 2022.

According to Oakdale City Manager Bryan Whitemyer, the new contract will be a little more expensive than the old one, but includes more services as well.

“Previously we had seven firefighters on duty 24 hours, now we will have eight,” Whitemyer said of one of the major changes.

The firefighters will service Oakdale Rural and city proper areas, in addition to Knights Ferry and Valley Home fire stations.

With 19 days to spare, Oakdale area gets final OK for fire service from Modesto

By John Holland

The Modesto Fire Department will add the Oakdale area to its operations under an agreement that got final approval Tuesday evening.

The Modesto City Council voted unanimously for a three-year agreement for service in the city of Oakdale and the Oakdale Rural Fire Protection District. They have been served since 2014 under contracts with the Stanislaus Consolidated Fire Protection District that will expire June 30.

The new agreement could be extended two years if the partners like how the service is going. Leaders on Tuesday said they hope it goes even longer.

"I believe it's the blueprint for Stanislaus County and its future," Oakdale Mayor J. R. McCarty told the Modesto council.

The Oakdale council and the Oakdale Rural board approved the agreement at a joint meeting May 29. It was drafted after negotiations over an extension with Stanislaus Consolidated faltered over financial and other issues.

The new deal calls for the Modesto Fire Department to recruit the current Oakdale area firefighters. They are not guaranteed jobs, but leaders have said they hope to keep the forces intact.

The total number of firefighters will increase from 21 to 25 because of economies of scale and the city of Oakdale's already-planned growth. Modesto will handle fire investigations, safety inspections at businesses, and fire prevention.

Modesto will get \$2.63 million a year from the city of Oakdale and \$1.97 million from Oakdale Rural. The district serves a 324-square-mile zone that includes Valley Home, Knights Ferry and areas north of Modesto Reservoir and north of Woodward Reservoir.

Modesto Fire Chief Alan Ernst will oversee the Oakdale area operations, including firefighting, medical calls, water rescues and other emergencies.

The plan includes full-time staffing of the two Oakdale Fire Department stations and alternating coverage of the district's Valley Home and Knights Ferry stations. These buildings and all their vehicles will remain under the ownership of the Oakdale entities.

The agreement includes an advisory committee on budgeting, union negotiations and other matters related to fire service in the Oakdale area.

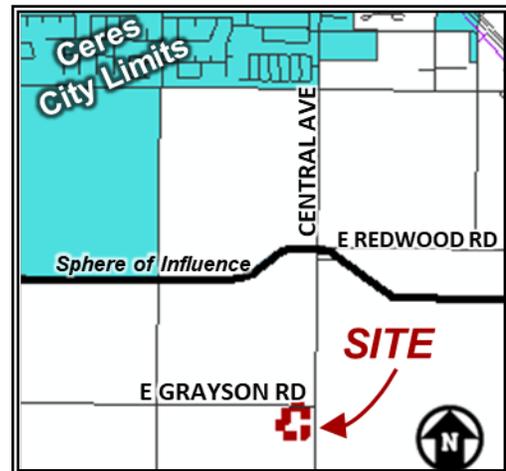
Stanislaus Consolidated will continue to serve its original area, which includes the east edge of Modesto along with Riverbank, Empire, Waterford and La Grange.

**STANISLAUS LOCAL AGENCY FORMATION COMMISSION
OUT-OF-BOUNDARY SERVICE APPLICATION:
CERES WEST MOBILE HOME PARK (CITY OF CERES - WATER SERVICE)**

APPLICANT: City of Ceres

LOCATION: The site is 3.71 acres located at 2030 / 2048 E. Grayson Road, west of Central Avenue (APN: 041-032-023). It is outside the City's Sphere of Influence. (See Map, Exhibit A.)

REQUEST: The City of Ceres is requesting that LAFCO consider approval of an out-of-boundary service extension to provide water service to Ceres West Mobile Home Park in response to the State Water Resources Control Board (SWRCB)'s request for voluntarily consolidation of the water systems. (See Out-of-Boundary Application, Exhibit B.)



BACKGROUND

Government Code Section 56133 (attached in full as Exhibit C) requires cities and special districts to obtain LAFCO approval prior to providing new or extended services outside their jurisdictional boundaries. The section describes two situations where the Commission may authorize service extensions outside a city or district's jurisdictional boundaries:

- (1) For proposals *within* a city or district sphere of influence: in anticipation of a later change of organization.
- (2) For proposals *outside* a city or district sphere of influence: to respond to an existing or impending threat to the health and safety of the public or the affected residents.

Stanislaus LAFCO has adopted its own policy to assist in the review of out-of-boundary service requests, known as Policy 15 (see Exhibit D). Policy 15 reiterates the requirements of Government Code Section 56133 and describes situations where the Commission will consider approval of out-of-boundary requests.

Recent legislation (Senate Bills 88 and 552) grants the State Water Resources Control Board (SWRCB) the authority to mandate consolidations of water systems where one system has consistently failed to provide drinking water meeting State standards. The consolidation process begins with the SWRCB first requesting that the two water systems voluntarily consolidate. The SWRCB provides specific timelines for this to occur and, if not completed, can mandate the consolidation. The SWRCB's mandate also extends to LAFCO actions, requiring LAFCO to process and approve an application to effectuate the consolidation (e.g. an out-of-boundary application or annexation).

DISCUSSION

The Ceres West Mobile Home Park serves approximately 150 residents with domestic water through 46 service connections. The mobile home park was issued a compliance order in 2013 for violating the maximum contaminant level for arsenic. The mobile home park was ordered to submit a plan for remediation by 2014 and complete improvements by 2016. Improvements were not completed and in 2016, the SWRCB sent letters requesting that the City extend a water line to serve the mobile home park as a “voluntary consolidation.” The City initially opposed the SWRCB’s request, citing multiple concerns, including the distance to the mobile home park, its location outside the City’s sphere of influence, and responsibility for funding and maintaining the water line. The SWRCB then began steps towards mandatory consolidation. Ultimately, the City approved the request and entered into an agreement with the mobile home park owner. The water extension now requires the Commission’s review.

Consistency with State Law & Commission Policy 15

State law and Commission policies generally prefer annexation in order to accommodate the extension of services. However, it is also recognized that in certain circumstances, annexation may not be feasible or appropriate. As the current proposal is outside the City’s Sphere of Influence, annexation is not appropriate. In these instances, the service extension must be to respond to an existing or impending health and safety concern.

Commission Policy 15(D) provides that for proposals citing health and safety concerns, the proposal must meet one or more of the following criteria:

- 1. The lack of service being requested constitutes an existing or impending health and safety concern.*
- 2. The property is currently developed.*
- 3. No future expansion of service will be permitted without approval from LAFCO.*

The current proposal meets all of the above criteria. A standard condition will be placed on the proposal stating that no other connections can be made outside the City’s boundaries without LAFCO approval.

Ability to Provide Service

The City has stated in its application that it has adequate water supply to support the Ceres West Mobile Home Park. Additionally, a Water Supply Feasibility Study was completed for the mobile home park that considered on-site treatment options, connection to the City’s system, and costs for each. Connection to the City was identified as the preferred alternative based on reliability and less maintenance involved.

Environmental Review

The City of Ceres has identified that the proposed water extension is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code 21080.21, which exempts pipeline projects less than a mile in length. Staff agrees with the assessment and has included the determination in the draft resolution prepared for the proposal.

CONCLUSION

Although annexations to cities or special districts are generally the preferred method for the provision of services, Commission policies also recognize that out-of-boundary service extensions can be an appropriate alternative. Staff believes the City's proposal to provide water service to the Ceres West Mobile Home Park is consistent with Government Code Section 56133 and the Commission's Policy 15.

ALTERNATIVES FOR LAFCO ACTION

Following consideration of this report and any testimony or additional materials that are submitted at the public hearing for this proposal, the Commission may take one of the following actions:

- APPROVE the request, as submitted by the City.
- DENY the request without prejudice.
- CONTINUE the proposal to a future meeting for additional information.

STAFF RECOMMENDATION

Based on the discussion in this staff report and following any testimony or evidence presented at the meeting, Staff recommends that the Commission approve the proposal as submitted by the City of Ceres and adopt Resolution No. 2019-14, which finds the request to be consistent with Government Code Section 56133 and Commission Policy 15 and includes the following standard terms and conditions:

- A. This approval allows for the extension of water service to accommodate the existing Ceres West Mobile Home Park only.
- B. The City shall not allow additional water service connections outside the City limits and beyond the current request without first requesting and securing approval from LAFCO.

Respectfully submitted,



Sara Lytle-Pinhey
Executive Officer

Attachments: Draft LAFCO Resolution 2019-14
Exhibit A - Map (pg. 11)
Exhibit B - City's Out-of-Boundary Application & Attachments (pg. 15)
Exhibit C - Government Code Section 56133 (pg. 107)
Exhibit D - LAFCO Policy 15 (pg. 111)

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Draft LAFCO Resolution 2019-14

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**STANISLAUS COUNTY LOCAL AGENCY
FORMATION COMMISSION**

RESOLUTION

DATE: June 26, 2019

NO. 2019-14

SUBJECT: Out-of-Boundary Service Application: Ceres West Mobile Home Park (City of Ceres – Water Service)

On the motion of Commissioner _____, seconded by Commissioner _____, and approved by the following:

Ayes: Commissioners:
Noes: Commissioners:
Ineligible: Commissioners:
Absent: Commissioners:
Disqualified: Commissioners:

THE FOLLOWING RESOLUTION WAS ADOPTED:

WHEREAS, the City of Ceres has submitted an out-of-boundary service application requesting to provide water service to a property located at 2030/2048 East Grayson Road;

WHEREAS, the site is otherwise identified as Assessor’s Parcel Number 041-032-023;

WHEREAS, the property is located outside the current City Limits and Sphere of Influence of Ceres;

WHEREAS, Government Code Section 56133 states that a city may provide new or extended services by contract or agreement outside its jurisdictional boundaries only if it first requests and receives written approval from the local agency formation commission in the affected county;

WHEREAS, Government Code Section 56133 further states that the Commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries and outside its sphere of influence to respond to an existing or impending threat to the health and safety of the public or the affected residents;

WHEREAS, the Commission has adopted specific policies (Policy 15) to guide its evaluation of out-of-boundary service applications, consistent with Government Code Section 56133;

WHEREAS, the City of Ceres indicated that it has the ability to serve the site with water services;

WHEREAS, the City of Ceres, as Lead Agency, has determined that the project is exempt from the California Environmental Quality Act (CEQA) as it is considered an in-fill project and there is no reasonable possibility that the extension of water and sewer services will have a significant effect on the environment;

WHEREAS, the Commission, as a Responsible Agency, has considered the City’s environmental determination; and,

WHEREAS, the Commission has, in evaluating the proposal, considered the report submitted by the Executive Officer, consistency with California Government Code Section 56133 and the Commission's adopted policies, and all testimony and evidence presented at the meeting held on June 26, 2019.

NOW, THEREFORE, BE IT RESOLVED that this Commission:

1. Finds that the proposed extension of water service is consistent with the Commission's adopted policies and California Government Code Section 56133.
2. Certifies, as a Responsible Agency, that it has considered the environmental determination made by City of Ceres, as Lead Agency pursuant to CEQA.
3. Authorizes the City of Ceres to provide the requested water service, subject to the following terms and conditions:
 - A. This approval allows for the extension of water service to accommodate the Ceres West Mobile Home Park only.
 - B. The City shall not allow additional water service connections outside the City limits and beyond the corporation yard without first requesting and securing approval from LAFCO.
4. Directs the Executive Officer to forward a copy of this resolution to the City of Ceres.

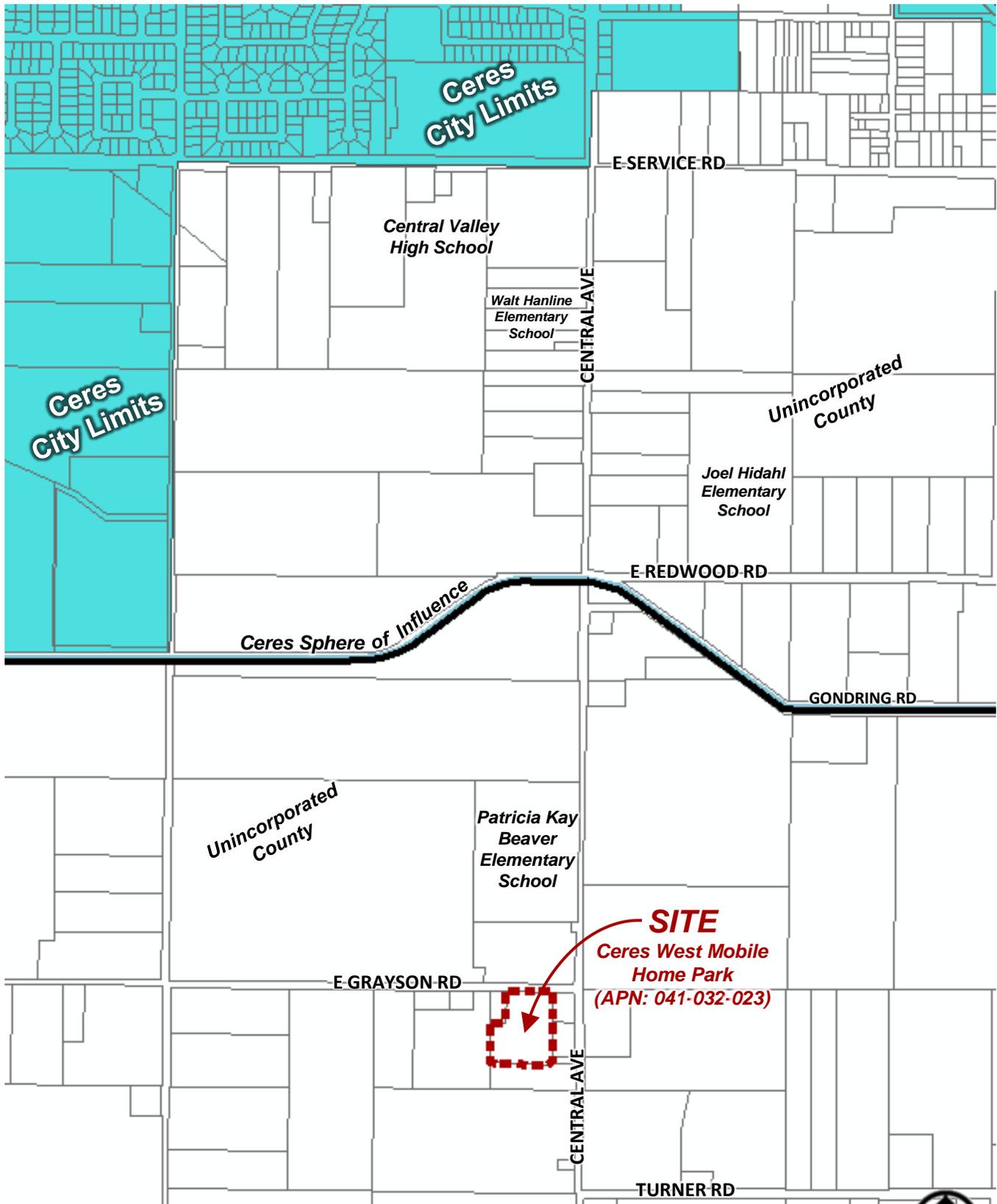
ATTEST: _____
Sara Lytle-Pinhey, Executive Officer

EXHIBIT A

Map

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Out-of Boundary Service Application: Ceres West Mobile Home Park



Source: LAFCO Files, County GIS, May 2019



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EXHIBIT B

City's Out-of-Boundary Application & Attachments

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STANISLAUS LAFCO

Stanislaus Local Agency Formation Commission

1010 – 10 th Street, 3rd Floor ♦ Modesto, CA 95354

(209) 525-7660 ♦ FAX (209) 525-7643

www.stanislauslafco.org

OUT OF BOUNDARY SERVICE APPLICATION

AGENCY TO EXTEND SERVICE:

AGENCY NAME: CITY OF CERES

CONTACT PERSON: TOM WESTBROOK

ADDRESS: 2220 MAGNOLIA STREET

PHONE: 209-538-5778 FAX: 209-538-5675 E-MAIL: tom.westbrook@ci.ceres.ca.us

CONTRACTING PARTY:

NAME OF PROPERTY OWNER: KS MATTSON PARTNERS, LLP

SITE ADDRESS: 2030/2048 EAST GRAYSON ROAD, CERES, CA 95307-9506

PHONE: 707-486-6874 FAX: 866-332-9154 E-MAIL: mrskwm@hotmail.com

CONTRACT NUMBER/IDENTIFICATION: SAME AS ABOVE

ASSESSOR PARCEL NUMBER(S): 041-032-023-000

ACREAGE: 3.71 ACRES

The following application questions are intended to obtain enough data about the proposal to allow the Commission and staff to adequately assess the service extension. By taking the time to fully respond to the questions below, you can reduce the processing time for this application. You may include any additional information that you believe is pertinent. Use additional sheets where necessary.

1. (a) List type of service(s) to be provided by this application:

City of Ceres to provide water service to the Ceres West Mobile Home Park (CWMHP). The CWMHP's well system is under a compliance order and the State Water Resources Control Board has directed the City to provide water service to the CWMHP's approx. 150 residents.

- (b) Are any of the services identified in 1-a "new" services to be offered by the agency? If yes, please provide explanation.

Yes, the property is located in Stanislaus County. The on-site well system does not meet health and safety standards; and the CWMHP wishes to provide safe drinking water to its residents; the City has the capacity to provide municipal water services to the CWMHP.

2. Please provide a description of the service agreement/contract. (Included in this description should be an explanation as to why a jurisdictional change is not possible at this time and if this extension is an emergency health and safety situation.)

A Water Service Agreement between the City and the CWMHP has been prepared. A copy of the City's approved Resolution No. 2019-52 and the signed Water Service Agreement is attached to this application. Additionally, a Water Supply Feasibility Study May 2017 (revised February 2018) was prepared for the Ceres West Mobile Home Park and is attached to this application.

3. Is annexation of the territory by your agency anticipated at some future time? Please provide an explanation.

No. There are no plans to annex the territory. The State Water Resources Control Board has directed the City to negotiate the consolidation of the CWMHP water system with the City of Ceres. The Stanislaus LAFCO has requested that the City of Ceres apply for an Out Of Boundary Service extension for formal approval to extend municipal water service to the CWMHP.

4. Is the property to be served within the Agency's sphere of influence?

No. The property is located within the City's General Planning Study Area, but not within the Sphere Influence.

5. If the service extension is for development purposes, please provide a complete description of the project to be served.

No, the service extension is not for development purposes, rather it is intended that the City is to provide municipal water service to the CWMHP.

6. Has an environmental determination been made for this proposal? If yes, provide a copy. If no, please provide an explanation.

No. The water line construction, application for an Out of Boundary service extension to LAFCO, and execution of a Water Service Agreement is considered as a project under the California Environmental Quality Act (CEQA). However, pursuant to 15282(k) of CEQA, the project is determined to be consistent w/Public Resources Code 21080.21, as Statutorily Exempt.

7. Are there any land use entitlements involved in the project or contract? If yes, please provide a copy of the documentation for this entitlement. Please check those documents attached:

- Tentative Map and Conditions
 - Subdivision Map or Parcel Map
 - Specific Plan
 - General Plan Amendment
 - Rezoning
 - Other - (provide explanation) No land use entitlements are associated with this request.
- Tom Westbrook

8. Please provide a map showing existing facilities and proposed extensions and a detailed description of how services are to be extended to the property. Your response should include, but not be limited to, an explanation of distance for connection to existing infrastructure to the site; and cost of improvements, how financing is to occur, and any special financing arrangement for later repayment.

The CWMHP owner will be funding the connection to the City's water system. The proposed extension is approx. 3,000 LF, intersection of Redwood Road and Central Avenue to the NW corner of the CWMFP. See Figure 3-1 and/or refer to the attached CWMHP Water Supply Feasibility Study.

CERTIFICATION

I hereby certify that the statement furnished above and in the attached exhibits present the data and information required for this evaluation of service extension to the best of my ability, and that the facts, statement, and information presented herein are true and correct to the best of my knowledge and belief.

SIGNED: 
PRINTED NAME: Tom Westbrook, Director of Community Development
DATED: 5/16/19

REQUIRED ATTACHMENTS:

1. Copy of the proposed agreement.
2. Map showing the property to be served, existing agency boundary, and the location of infrastructure to be extended.
3. Application fee.

Please forward the completed form and related information to:

Stanislaus Local Agency Formation Commission
Attn: Executive Officer
1010 10th Street, 3rd Floor
Modesto, CA 95354

STANISLAUS LAFCO

Stanislaus Local Agency Formation Commission

1010 – 10 th Street, 3rd Floor ♦ Modesto, CA 95354

(209) 525-7660 ♦ FAX (209) 525-7643

www.stanislauslafco.org

INDEMNITY AGREEMENT

As part of this application, the applicant agrees to defend, indemnify, hold harmless and release the Stanislaus Local Agency Formation Commission (LAFCO), its officers, employees, attorneys, or agents from any claim, action or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul, in whole or in part, LAFCO's action on a proposal or on the environmental documents submitted to support it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney fees, and expert witness fees that may be asserted by any person or entity, including the applicant arising out of or in connection with the application.

Date: 5/16/19

APPLICANT OR APPLICANT'S REPRESENTATIVE:
(Proof of authority must be provided)

Signature:



Name:

Tom Westbrook

Title:

Director of Community Development

Agency:

City of Ceres

Address:

2220 Magnolia Street

Ceres, CA 95307



**CERES WEST
MOBILE HOME PARK**
Water Supply Feasibility Study

LEGEND

- CWMHP Property
- Existing 12" School Water Line
- Existing Ceres Water System
- Proposed 4" Water Pipeline

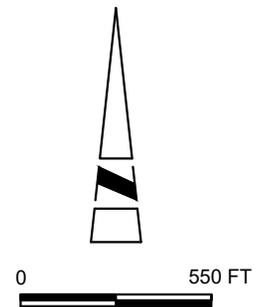


Figure 3-1
Alternative II Pipeline Map

RESOLUTION NO. 2019-52

RESOLUTION APPROVING THE EXECUTION OF A WATER SERVICE AGREEMENT BETWEEN THE CITY OF CERES AND K S MATTSON PARTNERS LP (CERES WEST MOBILE HOME PARK)

THE CITY COUNCIL
City of Ceres

WHEREAS, The Ceres West Mobile Home Park (CWMHP) is located on a 3.71 acre parcel in an unincorporated area of Stanislaus County outside the City of Ceres Sphere of Influence; and,

WHEREAS, CWMHP supplies potable water to approximately 150 residents through a domestic water system operated by OWNER. The water system operates under the authority of Domestic Water Supply Permit No. 5000077, granted on May 20, 1993, by the Stanislaus County Department of Environmental Resources (DER) classified as a Small Community Water System (SCWS); and,

WHEREAS, On March 6, 2013, the Stanislaus County DER issued Compliance Order DER 13CO-001 to CWMHP for water quality exceeding state standards for Arsenic. Additional water quality challenges include Nitrates and 1,2,3-Trichloropropane (TCP); and,

WHEREAS, K S Mattson LP is the owner of the CWMHP and desires to provide the residents of CWMHP with safe drinking water, but is currently unable to do so because of contaminants occurring in the underground sources from which OWNER draws water, creating a dire need for a source of safe drinking water for the residents of CWMHP; and,

WHEREAS, The State Water Resources Control Board (SWRCB) directed the CITY on August 23, 2017 that pursuant to Section 116682, subdivision (b) of the Health & Safety Code to negotiate consolidation; and,

WHEREAS, The City Council provided direction to City Staff on September 24, 2018, to complete negotiations with OWNER prior to the October 1, 2018 public Hearing scheduled by the SWRCB to force consolidation of the water systems; and,

WHEREAS, The water line construction, application for an Out of Boundary Service to LAFCO and the execution of a Water Service Agreement is considered a project under the California Environmental Quality Act (CEQA). Pursuant to 15282 (k) of CEQA, the project is determined to be consistent with Public Resources Code 21080.21 and therefore Statutorily Exempt; and,

WHEREAS, Stanislaus Local Agency Formation Commission (LAFCO) is the lead agency for CEQA purposes and will file the Notice of Exemption and process the

Out of Boundary Service application required for CITY to provide water pursuant to this Agreement; and,

WHEREAS, CITY will apply for the Out of Boundary Service application with LAFCO; and

WHEREAS, CITY has the capacity within its municipal water delivery system to serve existing CITY customers and future CITY development and to serve OWNER with potable water.

NOW THEREFORE BE IT HEREBY RESOLVED that the City Council of the City of Ceres does hereby approves and authorizes the City Manager to execute the Water Service Agreement between the City of Ceres and K S Mattson LP.

PASSED AND ADOPTED by the Ceres City Council at a regular meeting thereof held on the 13th day of May, 2019 by the following vote:

AYES: Council Members: Condit, Durossette, Kline, Ryno, Mayor Vierra

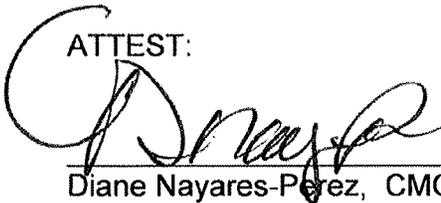
NOES: Council Members: None

ABSENT: Council Members: None



Chris Vierra, Mayor

ATTEST:



Diane Nayares-Perez, CMC, City Clerk

Resolution No. 2019-052



Stanislaus, County Recorder
Donna Linder Co Recorder Office
DOC- 2019-0031299-00

Friday, MAY 17, 2019 13:07:22
Ttl Pd \$0.00 Rcpt # 0004270923
OJC/R2/1-14

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL
TO:

City of Ceres
2220 Magnolia Street
Ceres, CA 95307
Attention: City Clerk

SPACE ABOVE THIS LINE FOR RECORDER'S USE
Recording Fee Exempt per Government Code §6103

APN: 041-032-023
2030 East Grayson Road
Ceres, CA 95307

WATER SERVICE AGREEMENT

This WATER SERVICE AGREEMENT is made by and between the K S Mattson Partners LP, a California Limited Partnership (OWNER) and the City of Ceres (CITY), collectively identified as the "PARTIES".

RECITALS

WHEREAS, The Ceres West Mobile Home Park (CWMHP) is located on a 3.71 acre parcel in an unincorporated area of Stanislaus County outside the City of Ceres Sphere of Influence, more specifically described in the legal description set forth in Exhibit A; and,

WHEREAS, CWMHP supplies potable water to approximately 150 residents through a domestic water system operated by OWNER. The water system operates under the authority of Domestic Water Supply Permit No. 5000077, granted on May 20, 1993, by the Stanislaus County Department of Environmental Resources (DER) classified as a Small Community Water System (SCWS); and,

WHEREAS, On March 6, 2013, the Stanislaus County DER issued Compliance Order DER 13CO-001 to CWMHP for water quality exceeding state standards for Arsenic. Additional water quality challenges include Nitrates and 1,2,3-Trichloropropane (TCP); and,

WHEREAS, OWNER desires to provide the residents of CWMHP with safe drinking water, but is currently unable to do so because of contaminants occurring in the underground sources from which OWNER draws water, creating a dire need for a source of safe drinking water for the residents of CWMHP; and,

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WHEREAS, OWNER has completed a Water Supply Feasibility Study (Study) conducted by AM Consulting Engineers, Inc dated May 2017 and revised February 2018 delineating the options for providing safe drinking water. The study provides for two primary alternatives, Well Head Treatment and CITY connection. The OWNER's preferred alternative is connection to the CITY municipal water delivery system; and,

WHEREAS, The State Water Resources Control Board (SWRCB) directed the CITY on August 23, 2017 that pursuant to Section 116682, subdivision (b) of the Health & Safety Code to negotiate consolidation with OWNER. A community meeting was organized and conducted by SWRCB on May 30, 2018; and,

WHEREAS, The City Council provided direction to City Staff on September 24, 2018 to complete negotiations with OWNER prior to the October 1, 2018 public Hearing scheduled by the SWRCB to force consolidation of the water systems; and,

WHEREAS, The water line construction, application for an Out of Boundary Service to LAFCO and the execution of a Water Service Agreement is considered a project under the California Environmental Quality Act (CEQA). Therefore, an analysis of the project is required under CEQA; and,

WHEREAS, Pursuant to 15282 (k) of CEQA, the project is determined to be consistent with Public Resources Code 21080.21 and therefore Statutorily Exempt; and,

WHEREAS, Stanislaus Local Agency Formation Commission (LAFCO) is the lead agency for CEQA purposes and will file the Notice of Exemption and process the Out of Boundary Service application required for CITY to provide water pursuant to this Agreement; and,

WHEREAS, CITY will apply for the Out of Boundary Service application with LAFCO; and

WHEREAS, CITY has the capacity within its municipal water delivery system to serve existing CITY customers and future CITY development and to serve OWNER with potable water; and,

WHEREAS, the PARTIES have negotiated this WATER SERVICE AGREEMENT.

NOW THEREFORE in consideration of covenants and conditions of the PARTIES contained herein the PARTIES do agree as follows:

1. The above recitals are hereby incorporated into this Agreement.
2. The Project. The "Project" consists of the following components:

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- a. All improvements constructed by OWNER necessary to deliver water from the end of the CITY'S water main located at Central Avenue and Redwood Road to the OWNER's onsite water distribution system, as well as the acquisition of any easements necessary for completion of such improvements.
- b. The provision by the CITY to the OWNER of potable drinking water in a maximum amount as hereafter specified from the CITY'S municipal water delivery system.

3. Term/Termination

This WATER SERVICES AGREEMENT shall be for an indeterminate period of time, but shall be subject to termination as provided herein.

4. Responsibilities Of OWNER Regarding Construction And Maintenance Of Water Delivery Facilities.

- a. OWNER will construct, maintain, and repair at its sole cost and expense all improvements necessary to deliver water from the end of the CITY'S water main located at Central Avenue and Redwood Road to the OWNER's onsite water distribution system. The construction of that portion of the improvements involving the direct connection to the existing CITY water system shall be subject to the following conditions:
 - i. OWNER shall prepare plans and specifications for the connection to the CITY existing water main . No work shall be initiated until plans and specifications are approved by the CITY. CITY review and approval shall be limited to the connection to existing CITY facilities.
 - ii. All construction costs shall be at the OWNER'S expense.
 - iii. Connection to the CITY water system and materials used shall be installed by the OWNER to CITY standards, including pressure and bacteria testing.
 - iv. OWNER shall design and install a device, as approved by the City, to ensure no more than 41 gallons per minute will flow downstream through the meter.
 - v. OWNER shall contract with a licensed contractor to perform the construction work.
 - vi. OWNER shall obtain an encroachment permit from the CITY for work involving connection to CITY's water main prior to the start of construction activities. The CITY encroachment permit will include

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provisions for CITY inspection and the payment of applicable connection and inspection fees at CITY's standard rates.

- b. OWNER will design, construct, own and be solely responsible for the construction, operation and maintenance of the improvements which are downstream of the CITY water meter at the water service connection to the CITY'S water main. This includes the annual backflow maintenance testing and submittal of the evidence of testing to the CITY. The CITY shall have no responsibility for operation, maintenance and repair of the facilities owned by the OWNER.
- c. OWNER is solely responsible for the sufficiency of the facilities and the adequacy of the design necessary to deliver sufficient water volume and pressure to meet the requirements from the connection point with the CITY facilities. These improvements may include a booster pump, tanks or other facilities necessary to ensure adequate system operation and fire flow pressures and volumes for the OWNER facilities.
- d. OWNER shall obtain an encroachment permit from Stanislaus County for the construction of the facilities within the jurisdiction of the COUNTY. Any bonding requirements will be provided to the satisfaction of the COUNTY and/or the State of California Housing and Community Development for oversight relative to Mobile Home Parks.
- e. OWNER and COUNTY will enter into a maintenance agreement and maintenance bond, in a form approved by the CITY, which approval may not be unreasonably withheld, to secure the long term maintenance responsibilities of the facilities constructed by OWNER to provide water to CWMHP. The Maintenance Agreement shall be recorded and a copy provided to CITY prior to water service being provided to OWNER.
- f. OWNER shall record a Deed Restriction, substantially in the form of the document attached in Exhibit B, to provide constructive notice to any future successors in interest of the maintenance responsibilities included herein.
- g. OWNER shall pay for any fees or charges related to the LAFCO Out of Boundary Service request.

5. Responsibility of CITY to Deliver Water to OWNER/Terms and Conditions of Delivery and Payment.

- a. Upon CITY approval of the execution of this Water Service Agreement and the completion of the construction of the facilities by OWNER, CITY agrees to serve OWNER with potable water in exchange for payment by OWNER of the CITY's water charges as established by the CITY. OWNER acknowledges that in

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accordance with section 13.04.100 and 13.04.070 of the CITY municipal code, the OWNER is required to pay one and one-half (1.5) times the adopted water connection and water usage fees as established by the CITY. OWNER agrees that it will be subject to any changes in the CITY'S water ordinances, regulations and rates. The following additional conditions shall apply to the CITY'S provision of water under this Water Service Agreement:

- i. The CITY will supply a maximum of 60,000 gallons per day of potable water at a rate no greater than 41 gallons per minute (gpm).
- ii. The water connection fee shall be computed on the basis of service to 46 connections per the Water Supply Feasibility Study conducted by the OWNER, last updated February 2018. The 46 connections consist of 43 mobile home spaces, 2 connections for the onsite duplex and 1 connection to the manager space. For the purposes of calculating the connection fee, the rate shall use the multi-family rate for the 46 connections outside of the City limits.
- iii. The CITY will bill the OWNER on a monthly basis for the water provided to the OWNER based upon the size of the meter connection of the water service at the "non-single family" rate times one and one-half the rate charged for such services to residents of the CITY. The bill shall be due and payable upon presentation and if not paid shall be delinquent on the sixth day of the month following the month in which the OWNER was billed. A penalty of ten percent (10%) of the amount of the bill shall be added for any delinquent payment consistent with CITY policy for utility accounts.
- iv. To secure payments, OWNER will provide a \$15,000 (representing approximately six months of the average water bill) deposit to a reserve account to ensure the future payment of the water bill. The deposit will be used by the CITY to continue water service to the residents of CWMHP if OWNER does not make timely payments of the water bill.
- v. If the reserve account balance drops below \$10,000, the parties agree to meet and confer within 30 days of notice and CITY will provide notice to Stanislaus County (DER) and the State of California (SWRCB and HCD).
- vi. If the reserve account balance is extinguished, OWNER will be subject to all provisions of the CITY municipal code regarding penalties, fines, shut-off provisions, and collections of outstanding bills.
- vii. If for any reason, OWNER is unable to meet the financial requirements for payment under the terms of this Water Service Agreement, the water service will be turned off and the Water Service Agreement terminated unless another

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party formally agrees to assume responsibility for those payments as the services continue to be delivered to the OWNER area.

6. Notices.

Any notice or communication required hereunder must be in writing, and may be given either personally, by facsimile (with original forwarded by regular U.S. Mail), by registered or certified mail (return receipt requested), or by Federal Express, UPS or other similar couriers providing overnight delivery. If personally delivered, a notice shall be deemed to have been given when delivered to the Party to whom it is addressed. If given by facsimile transmission, a notice or communication shall be deemed to have been given and received upon actual physical receipt of the entire document by the receiving Party's facsimile machine. Notices transmitted by facsimile after 5:00 p.m. on a normal business day or on a Saturday, Sunday or holiday shall be deemed to have been given and received on the next normal business day. If given by registered or certified mail, such notice or communication shall be deemed to have been given and received on the first to occur of (a) actual receipt by any of the addressees designated below as the party to whom notices are to be sent, or (b) five (5) days after a registered or certified letter containing such notice, properly addressed, with postage prepaid, is deposited in the United States mail. If given by Federal Express or similar courier, a notice or communication shall be deemed to have been given and received on the date delivered as shown on a receipt issued by the courier. Any Party hereto may at any time, by giving ten (10) days written notice to the other Party hereto, designate any other address in substitution of the address to which such notice or communication shall be given. Such notices or communications shall be given to the Parties at their addresses set forth below:

City: City of Ceres
2220 Magnolia Street
Ceres, California 95307
Attention: Toby Wells, City Manager
Tel: (209) 538-5751

OWNER: KS Mattson Partners, L.P.
PO BOX 5490
Vacaville, CA 95696
Attention: Ken Mattson
Tel: (707) 486-6874

Copy to: Brenda Comfort
1320 Standiford Ave., Suite 4 #276
Modesto, CA 95350

{}

7. Miscellaneous Provisions and Conditions.

- a. OWNER acknowledges that the CITY is a member of the Stanislaus Regional Water Authority (SRWA) which is pursuing the installation of surface water improvements. The development of improvements necessitated by the SRWA or other regulatory agency to CITY system improvements may lead to increased connection and water usage fees in the future. OWNER agrees to pay CITY the fees as adopted by the Ceres CITY Council.
- b. OWNER acknowledges that in the event of operational or emergency needs of the CITY, the water system may need to be shut down for a limited period of time. CITY shall endeavor to provide as much notice as possible regarding any operational shut downs of the CITY system.
- c. The OWNER shall be solely responsible to collect from tenants and to ensure the adequacy of funds to pay the fees as assessed by CITY.
- d. CITY will provide water that meets all State and Federal Water Quality Standards at the CITY point of connection and provide the legally required notices related to Water Quality. CITY is not responsible for any water quality issues of the OWNER's system downstream of the CITY water meter.
- e. OWNER agrees that all communication regarding the terms, conditions, and requirements contained herein, shall be by and through the OWNER's authorized representative.
- f. The OWNER and CITY agree to meet and confer on an annual basis (at the beginning of each fiscal year) to ensure that the terms of this Water Service Agreement are adequately met and to address issues and concerns as they may arise.
- g. CITY shall provide water services to the OWNER for domestic purposes to serve the existing uses in the community and only within the limits of the CWMHP as it currently exists as of the date of this agreement. Any use of water outside the existing boundaries of the CWHMP is expressly prohibited and shall terminate this Agreement.
- h. OWNER shall comply with any and all City ordinances and/or policies, standards and specifications regarding water use and conservation.
- i. All water delivered to the OWNER shall be protected from cross connection by approved protection devices consistent with CITY policy.
- j. The OWNER and the CITY are separate legal entities created under the laws of the State of California, and nothing contained in this Water Service Agreement shall in any way be construed to imply that the CITY has any responsibility or liability for the

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construction, operation, maintenance, repair or proper design or functioning of the water system improvements to be constructed by the OWNER.

- k. OWNER shall indemnify, hold harmless, and defend the CITY and its officers, officials and employees from and against all claims, damages, losses and expenses including reasonable attorney fees arising in any manner out of the CITY'S participation in the project described herein, to the extent caused in whole or in part by any negligent act or omission of the OWNER, any subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, except where caused by the active negligence, sole negligence, or willful misconduct of the CITY.

The OWNER shall procure and maintain a policy of general liability insurance acceptable to the CITY with limits of at least \$2,000,000 dollars per occurrence for bodily injury and personal injury and property damage. If Commercial General Liability insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project or the general aggregate limit shall be twice the required occurrence limit. The CITY shall be named as an additional insured on the policy. For any claims related to this project the OWNER'S insurance coverage shall be primary as respects the CITY, its officers, officials, employees and volunteers. Any insurance maintained by the CITY, its officers, officials, employees or volunteers shall be excess of OWNER'S insurance and shall not contribute with it.

OWNER'S obligation to defend, indemnify, and hold CITY, its agents, officers, and employees harmless under the provisions of this paragraph is not limited to or restricted by the requirement that the OWNER procure and maintain a policy of insurance.

- l. This Water Services Agreement contains the entire understanding between the PARTIES. All previous proposals, offers and communications relative to this Agreement, whether oral or written, are hereby superseded except to the extent that they have been incorporated into this Agreement. No future waiver of or exception to any of the terms, conditions, and provisions of this Agreement shall be considered valid unless specifically agreed to in writing by all the PARTIES.
- m. If any party of this Water Services Agreement is required to initiate or defend or is made a party to any action or proceeding in any way connected with this Agreement, the prevailing party in such action or proceeding, in addition to any other relief which may be granted, whether legal or equitable, shall be entitled to reasonable attorneys' fees. Attorneys' fees shall include attorneys' fees on any appeal, and in addition a party entitled to attorneys' fees shall be entitled to all other reasonable costs for investigating such action, taking depositions and discovery, and all other necessary costs the court allows which are incurred in such litigation. All such fees shall be

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deemed to have accrued on commencement of such action and shall be enforceable if such action is prosecuted to judgment.

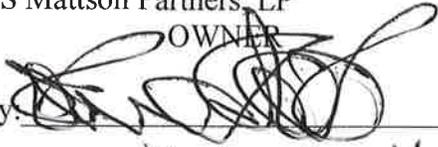
Dated May 14, 2019

Dated May 4, 2019

CITY OF CERES, a municipal corporation

KS Mattson Partners, LP

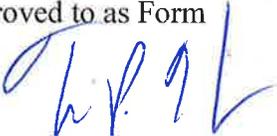
By: 
Toby Wells, City Manager

OWNER
By: 

Kenneth W. Mattson, Mgr
Typed Name and Title

Attest:

By: Diane Nayares-Perez, CMC
City Clerk Reso. No. 2019-52: 5/13/2019

Approved to as Form

By: Tom Hallinan
City Attorney

{}

California All-Purpose Acknowledgment

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

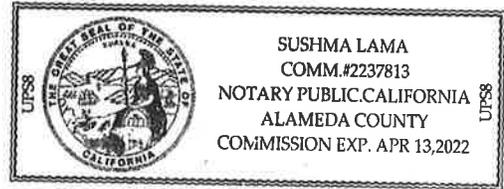
State of California)
County of Alameda)

On 05/04/2019, before me Sushma Lama, a Notary Public, personally appeared Kenneth W Mattson who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct:

Witness my hand and official seal.

Sushma Lama
(Signature)



(Seal)

{}

California All-Purpose Acknowledgment

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Stanislaus)

On May 14, 2019, before me Diane Nayares Perez, a Notary City Clerk Public, personally appeared Toby Wells, City manager who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.


(Signature)

Diane Nayares-Perez, CMC, City Clerk
G.C. 8200 & Civil Code Section 1181

(Seal)

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Exhibit A

Legal Description

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN AN UNINCORPORATED AREA, COUNTY OF STANISLAUS, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

All that portion of the North half of the Northeast quarter of the Northeast quarter of Section 27, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, described as follows: COMMENCING at the Northeast corner of said Section 27; thence North $89^{\circ}16'30''$ West and along the North line of said Section 27, a distance of 174.7 feet to the Northerly prolongation of the West line of property conveyed to Leslie J. Hefner, et ux, by Deed recorded May 20, 1957, in Vol. 1427 of Official Records, Page 323, as Document No. 13122 and the true point of beginning; thence continue North $89^{\circ}16'30''$ West along the North line of said section, a distance of 407.14 feet to the Northeast corner of property conveyed to Galen Young, et ux, by Deed recorded June 26, 1961 in Vol. 1692 of Official Records, Page 620, as Document No. 20073; thence South $0^{\circ}21'50''$ East and along the East line of said Young property, a distance of 484.91 feet to the Northwest corner of property conveyed to William C. McClure, et ux, by Deed recorded November 17, 1961 in Vol. 1722 of Official Records, at page 356, as Document No. 38261; thence South $87^{\circ}40'40''$ East and along the North line of said McClure property a distance of 378.25 feet to the center line of a ditch; thence North $42^{\circ}48'$ East and along the center line of said ditch; a distance of 43.04 feet to the Southwest corner of the property conveyed to Leslie J. Hefner, et ux, by Deed recorded May 20, 1957 in Vol. 1427 of Official Records, at Page 323, as Document No. 13222; thence North $0^{\circ}21'$ East along the West line of said Hefner property a distance of 463.95 feet to the true point of beginning.

EXCEPTING THEREFROM the West 100 feet of the North 230 feet thereof.

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DEED RESTRICTION

**COVENANT AND DECLARATION BY OWNER FOR
MAINTENANCE OF WATER CONNECTION FACILITIES**

Whereas, KS Mattson Partners LP (the "Owner") is the owner of certain real property commonly known as Ceres West Mobile Home Park located at 2030 E. Grayson Road in the County of Stanislaus, State of California, more particularly described in the current deed attached hereto as **Exhibit A** and made a part hereof (the "Property");

Whereas, the Owner proposes to construct and install a pipeline for a water service connection (the "Facilities") from the Property to the water system located within the boundaries of, and owned and operated by, the City of Ceres (the "City"); and

Whereas, as a condition of the City's providing water service to the Property, the Owner is required to maintain the Facilities.

Therefore, the Owner hereby declares that there are certain restrictions on the Property relating to the continuing obligation to maintain the Facilities as follows:

1. **Maintenance**. The Owner shall, at its sole cost and expense, maintain, inspect, repair, and replace the Facilities in accordance with best management practices to ensure that the Facilities meet the City requirements and all applicable governmental codes and requirements for the provision of water service to the Property, and in particular, maintain the Facilities such that they satisfy the City's requirements for water pressure.

2. **Covenant Running with the Land**. The Owner hereby declares its express intent that the restrictions and obligations set forth herein shall be deemed covenants running with the land and shall be binding upon all successors in interest of the Owner, unless and until the City discharges and releases the Owner from its obligation to maintain the Facilities through a subsequently recorded written instrument.

The Owner shall promptly record an executed copy of this deed restriction with the Stanislaus County Recorder's Office and provide a copy of a recorded version of this deed restriction to its successors.

DATE:

KS MATTSON PARTNERS LP

[Legal Description of the Property]

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN AN UNINCORPORATED AREA, COUNTY OF STANISLAUS, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

All that portion of the North half of the Northeast quarter of the Northeast quarter of Section 27, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, described as follows: COMMENCING at the Northeast corner of said Section 27; thence North $89^{\circ}16'30''$ West and along the North line of said Section 27, a distance of 174.7 feet to the Northerly prolongation of the West line of property conveyed to Leslie J. Hefner, et ux, by Deed recorded May 20, 1957, in Vol. 1427 of Official Records, Page 323, as Document No. 13122 and the true point of beginning; thence continue North $89^{\circ}16'30''$ West along the North line of said section, a distance of 407.14 feet to the Northeast corner of property conveyed to Galen Young, et ux, by Deed recorded June 26, 1961 in Vol. 1692 of Official Records, Page 620, as Document No. 20073; thence South $0^{\circ}21'50''$ East and along the East line of said Young property, a distance of 484.91 feet to the Northwest corner of property conveyed to William C. McClure, et ux, by Deed recorded November 17, 1961 in Vol. 1722 of Official Records, at page 356, as Document No. 38261; thence South $87^{\circ}40'40''$ East and along the North line of said McClure property a distance of 378.25 feet to the center line of a ditch; thence North $42^{\circ}48'$ East and along the center line of said ditch; a distance of 43.04 feet to the Southwest corner of the property conveyed to Leslie J. Hefner, et ux, by Deed recorded May 20, 1957 in Vol. 1427 of Official Records, at Page 323, as Document No. 13222; thence North $0^{\circ}21'$ East along the West line of said Hefner property a distance of 463.95 feet to the true point of beginning.

EXCEPTING THEREFROM the West 100 feet of the North 230 feet thereof.

CERES WEST MOBILE HOME PARK



WATER SUPPLY FEASIBILITY STUDY

May 2017 (Revised February 2018)



Prepared by:



5150 N Sixth Street, Suite 124, Fresno, CA 93711

P: 559.473.1371 / F: 559.513.8449

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ABBREVIATIONS

ACS	American Community Survey
AD	Adsorption
BAT	Best Available Technology
BGS	Below Ground Surface
CCF	City Connection Fee
CCR	California Code of Regulations
CWMHP	Ceres West Mobile Home Park
DAC	Disadvantaged Community
DDW	Department of Drinking Water
DER	Department of Environmental Resources
DFA	Division of Financial Assistance
DWSRF	Drinking Water State Revolving Fund
EDR	Electrodialysis Reversal
gal	Gallons
gpm	Gallons per Minute
HP	Horsepower
IX	Ion Exchange
LAFCO	Local Agency Formation Commission
MCL	Maximum Contaminant Level
MCLG	Maximum Contaminant Level Goals
MDD	Maximum Daily Demand
MFR	Multi-Family Residence
NIPDWR	National Interim Primary Drinking Water Regulation
NPDWR	National Primary Drinking Water Regulations
OCF	Oxidation/Coagulation/Filtration

psi	Pounds per Square Inch
PHD	Peak Hourly Demand
POU/POE	Point-of-use/point-of-entry
PWS	Public Water System
SCWS	Small Community Water System
SDAC	Severely Disadvantaged Community
SDWA	Safe Drinking Water Act
SWRCB-DDW	State Water Resources Control Board – Department of Drinking Water
US EPA	United States Environmental Protection Agency

CHAPTER 1 INTRODUCTION

1.1. Purpose of Study

The purpose of this Water Supply Feasibility Study (Study) is to evaluate feasible water supply alternatives to the Ceres West Mobile Home Park (CWMHP). This Study is intended to determine the most feasible alternative to supply the CWMHP with safe drinking water and to comply with Stanislaus County Department of Environmental Resources (DER) Compliance Order No. DER-16CO-005.

This Study includes an overview of the existing drinking water system, an evaluation of two feasible alternatives, and a full description of the recommended alternative. The Study includes opinions of probable construction cost and operation and maintenance (O&M) costs for each alternative.

1.2. Background

The CWMHP is located on a 3.71-acre parcel south of the City of Ceres, in an unincorporated area of Stanislaus County. The CWMHP is situated at the intersection of East Grayson Road and Central Avenue. Figure 1-1 displays the location of the CWMHP.

The CWMHP supplies potable water to approximately 150 residents through 46 connections. The domestic water system is owned by a California Limited Partnership, KS Mattson Partners, LP. KS Mattson Partners LP bought the property in 2007. The water system operates under the authority of Domestic Water Supply Permit No. 5000077, granted on May 20, 1993, by the Stanislaus County DER. The water system is classified as a Small Community Water System (SCWS).

The water system has one active well referred to as the South Well (PS Code #5000077-001). The South Well was constructed in 1988. There appears to have been a well near the house on the property prior to 1988, however that well was abandoned after the current well was built. The water well has been in good working order during that time.

Arsenic concentrations in the water produced by the South Well exceed the Maximum Contaminant Level (MCL) of 10 µg/l. The revised California arsenic MCL of 10 µg/l became effective on November 28, 2008. Table 1-1 shows the historical arsenic concentration in the water produced by the well.

Table 1-1 Arsenic Concentration in the CWMHP Well

Sample Date	Concentration (µg/l)
4/18/2002	14.2
4/5/2005	17
3/21/2007	16
4/27/2007	17
9/24/2007	18
3/11/2008	17
4/14/2008	13
6/3/2008	14

Table 1-1 Arsenic Concentration in the CWMHP Well

Sample Date	Concentration (µg/l)
9/4/2008	17
12/1/2008	19
3/2/2009	17
6/1/2009	18
9/3/2009	18
12/17/2009	17
3/15/2010	22
6/23/2010	21
9/17/2010	21
12/17/2010	16
3/16/2011	11
6/27/2011	9.4
8/23/2011	14
9/20/2011	19
12/29/2011	16
3/29/2012	20
6/25/2012	19
9/20/2012	18
12/26/2012	20
3/11/2013	20
6/26/2013	19
9/18/2013	18
12/16/2013	20
3/19/2014	17
6/3/2014	20
9/9/2014	19
12/4/2014	19
3/9/2015	17
6/15/2015	20
9/15/2015	20
12/1/2015	19
3/7/2016	19
5/2/2016	18
8/17/2016	21

Table 1-1 Arsenic Concentration in the CWMHP Well

Sample Date	Concentration (µg/l)
11/7/2016	20
2/13/2017	19
5/2/2017	19

**CERES WEST
MOBILE HOME PARK**
Water Supply Feasibility Study

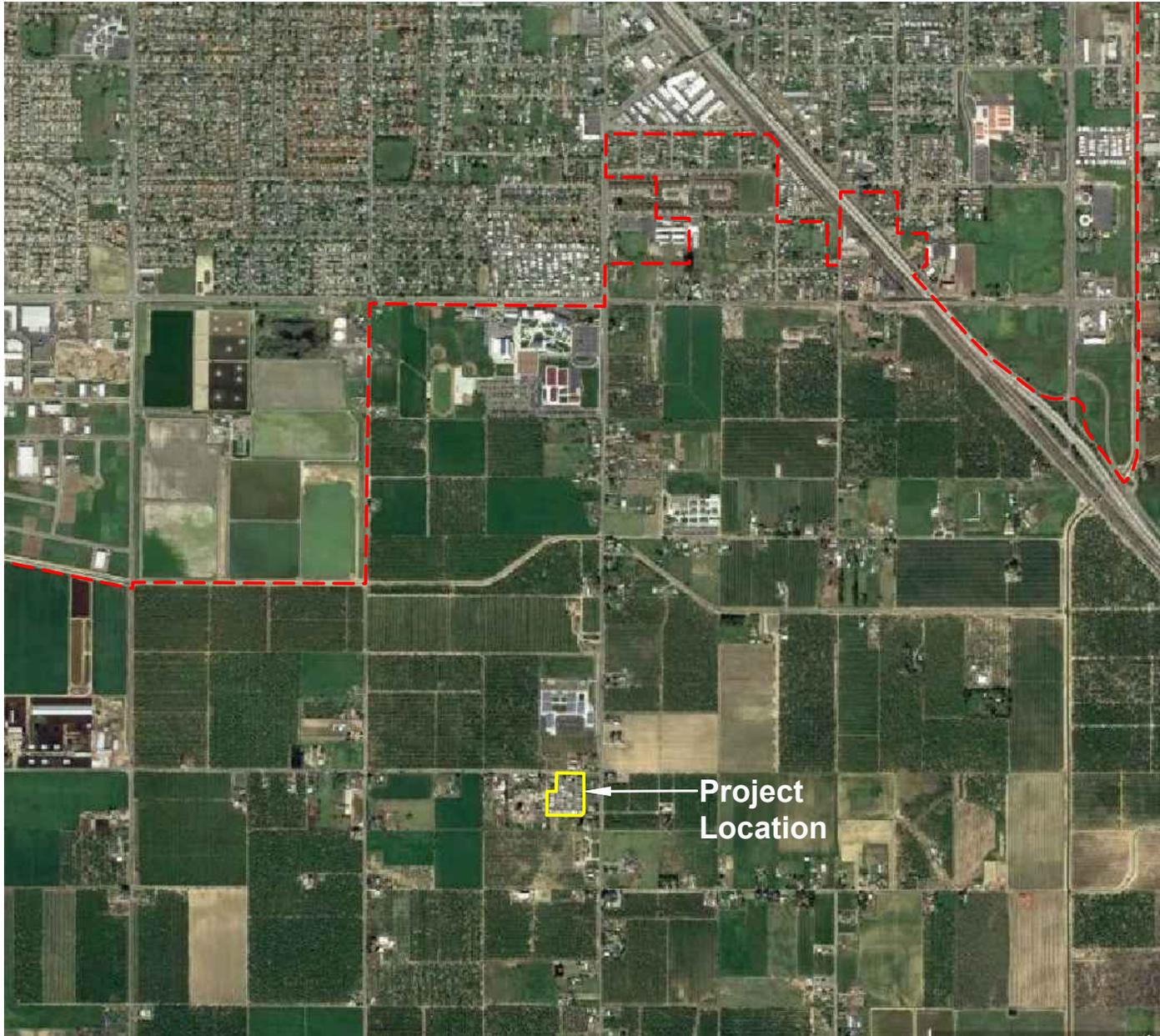
LEGEND

-  Ceres City Limit
-  Ceres West Mobile Home Park



0 1800 FT


Figure 1-1
Study Location



On March 6, 2013, the Stanislaus County DER issued Compliance Order No. DER-13CO-001 (CO#1) to the CWMHP. Appendix A contains a copy of CO#1. CO#1 requires CWMHP to submit a final plan to correct the arsenic exceedance problem by March 31, 2014 and have all the improvements constructed by March 31, 2016. CWMHP failed to comply with CO#1 and Stanislaus County DER issued compliance Order No. DER-16CO-005 (CO#2) on April 22, 2016. Appendix B contains a copy of CO#2.

Quarterly monitoring results and progress reports have been submitted to Stanislaus County DER since CO#1 was issued. KS Mattson Partners LP has conducted an investigation of possible solutions to provide safe drinking water to the community. From discussions with the Stanislaus County DER, the City of Ceres, and the Stanislaus Local Agency Formation Commission (LAFCO), several alternatives have been initially investigated. The construction of a new well was discarded, due to a lack of a suitable location to drill a well that meets the County requirements for the required distance from a septic system. The two most feasible alternatives being considered are:

1. Install an on-site arsenic treatment system, and
2. Connect to the City of Ceres water system.

This Study provides a more in-depth evaluation of these alternatives.

1.3. Existing Water System

As indicated earlier, the CWMHP's only water supply source is a groundwater well referred to as the South Well. The South Well consists of an 8-5/8-inch diameter steel casing to a completed depth of 312 feet. The well is gravel-packed from 108 feet to 312 feet below ground surface (BGS), and the annular seal runs from the surface to 108 feet BGS. A 5-HP submersible pump capable of producing 50 gallons per minute (gpm) is used to draw from the well. A source water sample tap, check valve, totalizer meter, and 2-inch galvanized steel discharge piping are installed at the wellhead. A 5,200-gallon steel hydropneumatic pressure tank is used provide pressure and storage for the CWMHP. The distribution system consists of 46 connections. A layout of the existing CWMHP water system is displayed in Figure 1-2.

Table 1-2 contains water use information for the entire property from May 2014 to November 2015, including total use, the Maximum Daily Demand (MDD), and the Peak Hourly Demand (PHD). Peak water usage occurs in July, with a MDD of 16,457 gallons and a PHD of 1,029 gallons or 17.1 gallons per minute (gpm). Although the calculated PHD flow is approximately 17.1 gpm, 25 gpm will be used for this Study to account for any vacancies at the time when the flows were measured. The CWMHP is not currently required to provide a water supply capable of supplying the required fire flow for fire protection. The average monthly consumption over this period is approximately 225,000 gallons, or 7,500 gpd.

Table 1-2 CWMHP 2014-2015 Water Use

Month	Water Use				
	Total (gal)	Average Daily (gal)	Maximum Day (gal)	Peak Hour	
				gal	gpm
May 2014	211,200	7,543	11,314	707	11.8
June 2014	291,400	8,326	12,489	781	13
July 2014	307,200	10,971	16,457	1,029	17.1
August 2014	325,900	9,311	13,967	873	14.5
September 2014	242,700	8,668	13,002	813	13.5
October 2014	208,400	7,443	11,164	698	11.6
November 2014	238,800	6,823	10,234	640	10.7
December 2014	186,000	6,643	9,964	623	10.4
January 2015	-	-	-	-	-
February 2015	216,200	6,177	9,266	579	9.7
March 2015	179,800	6,421	9,632	602	10.0
April 2015	198,000	7,071	10,607	663	11.0
May 2015	247,200	7,063	10,594	662	11.0
June 2015	229,100	8,182	12,273	767	12.8
July 2015	236,400	8,443	12,664	792	13.2
August 2015	300,700	8,591	12,887	805	13.4
September 2015	241,200	8,614	12,921	808	13.5
October 2015	213,300	7,900	11,850	741	12.3
November 2015	248,300	6,897	10,346	647	10.8
Total	4,321,800				
Average Monthly Consumption	225,000				



**CERES WEST
MOBILE HOME PARK**
Water Supply Feasibility Study

LEGEND

- CWMHP Property
- 2" Water Distribution Line
- Well & Storage Tank



0 75 FT

Figure 1-2
CWMHP Water System Map

CHAPTER 2 WATER QUALITY AND TREATMENT OBJECTIVES

2.1. Historical Water Quality

Table 2-1 shows a summary of the water quality test performed for the CWMHP well on May 31, 2016. Because of the exceedance of the arsenic MCL, arsenic testing has been conducted since 2013. The bolded constituents are those for which concentrations above the MCL have been detected. The secondary MCLs for color and manganese have also been exceeded. Secondary MCLs, like manganese and color, only impact the aesthetics of the water and do not present health concerns. Arsenic is primarily present as arsenate (As V).

Table 2-1 Water Quality from CWMHP Well

Constituent	Units	Value
Primary		
Arsenic (III)	µg/l	<1
Arsenic (V)	µg/l	20.25
Nitrate (as NO ₃)	mg/l	1.06
Secondary		
Color	units	22.50
Iron	µg/l	50
Manganese	µg/l	70
Turbidity	NTU	1.29
Other		
Alkalinity (as CaCO ₃)	mg/l	108
Calcium	mg/l	12.78
Chloride	mg/l	17.44
Hardness (as CaCO ₃)	mg/l	54.45
Magnesium	mg/l	5.46
pH	-	8.48
Sodium	mg/l	50.98
Specific Conductance	µmhos/cm	3480
Sulfate	mg/l	36.57
Total Dissolved Solids	mg/l	262.86

2.2. Water Quality Objectives

In 1976 the US Environmental Protection Agency (US EPA) issued a National Interim Primary Drinking Water Regulation (NIPWDR) for arsenic at 50 parts per billion (ppb or µg/L). Under the 1986 amendments to the Safe Drinking Water Act (SDWA), Congress directed US EPA to publish Maximum Contaminant Level Goals (MCLGs) and promulgate National Primary Drinking Water Regulations (NPDWRs) for 83 contaminants, including arsenic.

On August 6, 1996, Congress added section 1412(b)(12)(A) of the SWDA that specifies, in part, that EPA propose a NPDWR for arsenic by January 1, 2000 and issue a final regulation by January 1, 2001. The SDWA was later amended to require the final regulation to be issued by June 22, 2001.

On January 22, 2001, the US EPA adopted a revised MCL of 0.010 mg/L for arsenic; under primacy, the States were required to adopt this MCL or one more stringent by January 23, 2005. California's revised arsenic MCL of 0.010 mg/L (equivalent to 10 micrograms per liter, µg/L) became effective on November 28, 2008.

CHAPTER 3 WATER SUPPLY ALTERNATIVES

3.1. Introduction

The following feasible water supply alternatives are evaluated in this Study:

1. Alternative I: Install an on-site arsenic treatment system, and
2. Alternative II: Connect to the City of Ceres water system.

The alternative of drilling a new well was initially considered but later rejected because of the lack of a suitable location to drill a well that meets the County requirements for the required distance from a septic system. In addition, the presence of arsenic in the groundwater is a regional problem and it is unlikely that CWMHP would be able to construct a well that produces arsenic concentrations below the MCL.

The alternative of “point-of-use/point-of-entry” (POU/POE) treatment was initially considered but it was discarded and not included in the report. The State Water Resources Control Board Division of Drinking Water (SWRCB-DDW) does not consider the use of POU/POE to be an acceptable long-term solution for this community. The use of POU/POE in California is limited to 3 years, or until funding for centralized treatment is available, whichever occurs first, in accordance with California Health and Safety Code Section 116552.

3.2. Alternative I – Install On-Site Treatment

The first alternative being considered consists of installing an arsenic treatment system at the South Well. Some of the technologies used to remove arsenic from drinking water include Adsorption (AD), Oxidation/Coagulation/Filtration (OCF), Ion Exchange (IX), Membrane Filtration, or Electrodialysis reversal (EDR).

AD and OCF are the most commonly used treatment technologies in small water systems. AD is the simplest of the two technologies. OCF requires a greater level of operator oversight and generates a daily volume of filter bed backwash water that must be adequately disposed. The CWMHP does not currently have a sewer collection system and disposal of backwash water from an OCF process would be costly. For that reason, this Study focuses on AD as the preferred treatment technology.

3.2.1. Process Description

Adsorption of arsenic onto metal-oxide or metal-hydroxide surfaces (referred to as metal oxy-hydroxides) has been well known for many years. Adsorption is a physical/chemical process by which ions in the feed water are sorbed to an oxidized media surface. In one form or another, oxides of iron, aluminum, copper, manganese and even zirconium have been tested as arsenic sorbents.

Adsorption media is used in a packed filter bed. Feed water is continuously passed through the bed to remove arsenic. The arsenic ions are exchanged with the surface hydroxides on the media. When adsorption sites on the media surface become filled, the bed must be changed out.

Adsorptive medias for arsenic removal consist primarily of iron-based materials or iron-modified activated alumina products. The adsorptive capacity of the adsorptive medias is affected by pH. In large systems,

pH adjustment is provided upstream and downstream of the filters to increase the adsorptive capacity of the media and therefore lower the cost of treatment. However, in small systems the pH adjustment can increase the complexity of operations and outweigh the cost savings.

The media must be backwashed occasionally to maintain optimum performance. The water used for backwashing is typically treated water that is stored in a tank on-site. Waste backwash water may be disposed of in an existing sewer system or stored in a tank on-site that is slowly released to a septic system.

3.2.2. Capital Cost

To determine the capital costs of this alternative, a budgetary proposal was requested for an arsenic removal system from AdEdge Water Technologies. Appendix C contains the equipment costs of the budgetary proposal for the AdEdge system with pH adjustment (Alternative I.A) and without pH adjustment (Alternative I.B).

An opinion of probable construction costs for an AD arsenic treatment system is included in this section. The main elements of an AD system include:

- Pilot testing (typically required by SWRCB-DDW prior to installation of full-scale system)
- Equipment (i.e. chemical feed system, filter vessels and piping, media, etc.)
- Installation (i.e. civil, mechanical, electrical, instrumentation, etc.)
- Startup and permitting

Table 3-1 shows the estimated capital costs of the AD system with and without pH adjustment. A contingency of 20 percent has been added to the capital costs. Soft costs (i.e. engineering, environmental, construction administration, etc.) are assumed to be approximately 25 percent of the total construction cost. Shipping and taxes for the equipment costs are assumed to be 20 percent of the quote price. The AdEdge quote is reduced by approximately \$1,000 if the pH is not adjusted.

Table 3-1 AD Capital Costs

Item	Alternative I.A	Alternative I.B
	Cost	Cost
Pilot Testing	\$20,000	\$20,000
Equipment	\$100,000	\$99,000
Installation	\$150,000	\$150,000
Startup and Permitting	\$20,000	\$20,000
Subtotal	\$290,000	\$289,000
Contingency (20%)	\$58,000	\$57,800
Engineering, Environmental, Construction Adm. (25%)	\$72,500	\$72,300
Total	\$420,500	\$419,100

3.2.3. O&M Costs

O&M costs for the AD treatment process include chemical use, media replacement and disposal, labor, repairs, sampling, electricity, annual permitting and reporting, and a capital improvement reserve. Table

3-2 shows the estimated O&M costs for an AD system with and without pH adjustment. If pH adjustment is included to extend the media life, the system will be more complex with the chemical storage and feed equipment and will require greater operator knowledge. A system without pH adjustment will be simpler to operate and will not require chemical storage and delivery. However, a 40 percent shorter media life is expected. Weekly operator visits will be required along with additional sampling to measure media performance. The electrical cost assumes a pumping rate of 7,500 gpd and an energy cost of \$0.14/kWh. A capital improvement reserve is included to replace and maintain the facilities and equipment over the system’s service life, which is anticipated to be 40 years.

Table 3-2 AD O&M Costs

Item	Alternative I.A	Alternative I.B
	Cost	Cost
Chemical (HCl)	\$1,000	\$0
Media Replacement & Disposal	\$7,500	\$13,000
Operations	\$20,000	\$20,000
Repairs	\$5,000	\$5,000
Sampling	\$2,400	\$2,400
Electricity	\$500	\$500
Permitting & Reporting	\$5,000	\$5,000
Capital Replacement Reserve	\$6,300	\$6,300
Total	\$47,700	\$52,200

3.3. Alternative II: Consolidation

The second alternative consists of connecting to the City of Ceres water system with a 4-inch water main. The CWMHP is currently outside the boundaries of the City of Ceres and outside the City’s Sphere of Influence. The CWMHP is at the southernmost boundary of the City’s General Plan study area and has a General Plan designation of Agricultural. Alternative II.A would require connecting to the nearest City-owned water main, approximately 3,000 feet to the north, at the intersection of Redwood Avenue and Central Avenue. However, the Ceres Unified School District owns a 12-inch water line that extends south on Central Avenue from the proposed connection point to the Patricia Kay Beaver Elementary School. If the Ceres Unified School District allowed CWMHP to connect to this line, the pipeline length would be reduced to approximately 1,500 feet (Alternative II.B). Figure 3-1 shows a layout of the pipeline that will be required to consolidate both water systems. Both alternatives would connect to the existing 5,200-gallon steel hydro-pneumatic pressure tank for storage and pressure boosting.

The SWRCB-DDW is strongly encouraging the voluntary consolidation of the two public water systems. A letter from the SWRCB-DDW dated June 13, 2016, to the CWMHP encourages a voluntary consolidation of both public water systems. A copy of the June 13, 2016 letter is included in Appendix D. Consolidating public water systems and extending service from existing public water systems to communities and areas which currently rely on under-performing or failing small water systems, as well as private wells, reduces costs and improves reliability.



**CERES WEST
MOBILE HOME PARK**
Water Supply Feasibility Study

LEGEND

- CWMHP Property
- Existing 12" School Water Line
- Existing Ceres Water System
- Proposed 4" Water Pipeline

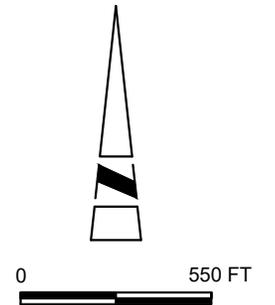


Figure 3-1
Alternative II Pipeline Map

The consolidation of the water systems would require the following:

1. A 4-inch pipeline to the existing 12-inch pipeline at the intersection of Redwood Avenue and Central Avenue,
2. A reduction from the 4-inch main to a 2-inch service connection, and
3. A connection fee to connect to the City of Ceres water system.

A 2-inch service line would connect the 5,200 gallon hydropneumatic tank to the 4-inch main. A 2-inch water meter and 2-inch reduced pressure zone backflow preventer would be installed on the service line upstream of the hydropneumatic tank.

Table 3-3 provides the design characteristics of a pipeline that connects the CWMHP to the City water system. The pressure loss includes an 8-psi loss across the reduced pressure zone backflow preventer.

Table 3-3 Pipeline Characteristics

Parameter	Value
Design PHD, gpm	25
Pipe Material	PVC or HDPE
Pipe Length, ft	3,000
Pipe Diameter, in.	2
Pressure Loss, psi	9

3.3.2. Capital Cost

Table 3-4 provides an opinion of probable construction costs to construct a 4-inch pipeline from the CWMHP to the proposed connection point at the intersection of Redwood Avenue and Central Avenue. A wharf fire hydrant will need to be installed along the pipeline near the entrance to the property to meet fire requirements from the Keyes Fire Protection District and the Stanislaus County Fire Marshall. A pipeline maintenance agreement and an encroachment permit will be needed to install the pipeline in the county right-of-way. The cost of the encroachment permit is variable and depends on many factors, including the condition of the existing road and the number of inspections required. This alternative would likely need to be constructed in two phases to ensure one lane of travel remains open at all times.

Table 3-4 Consolidation Pipeline Construction Costs

Item	Quantity	Unit	Unit Cost	Item Cost
4" Water Main	3,000	LF	\$70	\$210,000
2" Backflow Preventer	1	EA	\$7,600	\$7,600
2" Meter	1	EA	\$5,000	\$5,000
Valves	1	LS	\$1,500	\$1,500
Wharf Hydrant	1	EA	\$500	\$500
Trench Patch	12,000	SF	\$7.30	\$87,600
Connect to Existing	1	EA	\$10,000	\$10,000
Encroachment Permit	1	EA	\$5,000	\$5,000

Table 3-4 Consolidation Pipeline Construction Costs

Item	Quantity	Unit	Unit Cost	Item Cost
Subtotal				\$327,200
Contingency (20%)				\$66,000
Engineering, Environmental, Construction Adm. (25%)				\$82,000
Total				\$475,200

The total pipeline construction cost can be reduced by approximately \$220,000 if the Ceres Unified School District permits connecting to the end of the existing 12-inch water main that serves the Patricia Kay Beaver Elementary School.

The City would also require a one-time City Connection Fee (CCF) for consolidation. A copy of the City's current connection fee schedule is included in Appendix E. The CCF for a Multi-Family Residence (MFR) outside the City limits is \$5,471.28. Table 3-5 displays the total cost of connection fees.

Table 3-5 City Connection Fee

Number of Units	Classification	Unit Cost	Total Cost
46	MFR	\$5,471.28	\$251,679

3.3.3. O&M Costs

The O&M costs of this alternative would primarily be the cost of service charged by the City of Ceres. The City approved a Prop 218 Water Rate increase in November 2017 with an effective date of January 1, 2018. Table 3-6 displays monthly and annual service charge estimates at the 2018 water rate. These estimates assume service to a 2-inch meter outside city limits, with an average monthly water use of 225,000 gallons based on 2014-2015 data.

Table 3-6 Water Service Rate Estimates

Description	Amount
Monthly Service Charge (1.5 x \$80.53)	\$120.80
Monthly Volumetric Charge (1.5 x \$2.00/1,000 gal x 225)	\$675.00
Total Monthly Cost	\$795.80
Total Annual Cost	\$9,549.54
Monthly Rate per Connection	\$17.30

The CWMHP will be treated by the City of Ceres as single connection, much like an apartment complex would be. The CWMHP may continue sub-metering the water consumption at each of the individual lots. However, billing and collecting for the sub-metered consumptions will be the responsibility of CWMHP.

The City would assume ownership of the connection, valve, piping to the meter, and the meter. The CWMHP will be responsible for the maintenance and repair of all equipment downstream of the meter. The CWMHP will also be responsible for any damage or repairs to the line within the public right-of-way.

An annual certification of the backflow preventer will be required, and is estimated at \$400, to be arranged by the CWMHP. Table 3-7 shows the estimated static O&M costs for both pipeline configurations. A capital improvement reserve is included to replace the pipeline and equipment over the project’s service life, which is anticipated to be 40 years. Additional maintenance fees equal to 1 percent of the initial capital cost are also included.

Table 3-7 Static Pipeline O&M Costs

Item	Cost	
	Alternative II.A	Alternative II.B
Backflow Preventer Certification	\$400	\$400
Capital Improvement Reserve	\$10,800	\$7,600
Pipeline Maintenance	\$4,800	\$2,600
Total	\$16,000	\$10,600

Figure 3-2 displays the layout of the water system proposed in Alternatives II.A and II.B. The Keyes Fire Protection District and the Stanislaus County Fire Marshal will only require the installation of one (1) wharf fire hydrant on the 4-inch pipeline at the roadway near the entrance to the property. Appendix G contains a letter and other documentation from the Keyes Fire Protection District regarding the fire requirements for the CWMHP.



**CERES WEST
MOBILE HOME PARK**
Water Supply Feasibility Study

LEGEND

- CWMHP Property
- 2" Water Distribution Line
- Well & Storage Tank
- 4" Water Main
- Wharf Fire Hydrant



0 100 FT

Figure 3-2
Alternative II Water
System Layout

CHAPTER 4 ALTERNATIVE EVALUATION

4.1. Alternative Comparison

The two alternatives presented in Chapter 3 are feasible alternatives to supply safe drinking water to the CWMHP’s residents. The treatment alternative is one of the US EPA designated Best Available Technologies (BATs) for the removal of arsenic. Consolidation would be the SWRCB-DDW preferred alternative. This Chapter provides an evaluation of the two alternatives and provides a recommendation based on the findings of the comparison. The evaluation criteria used to evaluate the alternatives include: reliability, complexity, and life-cycle costs.

4.1.1. Reliability

Reliability refers to the ability of a particular alternative to provide a reliable water supply in terms of quantity and quality. The treatment equipment proposed for Alternative I will remove arsenic from the groundwater and will deliver water that is in compliance with primary drinking water standards. However, the long-term performance of the treatment process can only be assured if adequate operations and maintenance protocols are followed. The CWMHP does not have a full-time water operator and relies on contract operators that periodically inspect the water system. In addition, the CWMHP relies on a single water supply well and lacks redundancy.

Alternative II will provide water that meets drinking water standards. The City is a larger water system with full-time operators and engineers and can adapt faster to any future change in regulations. The City relies on multiple wells for the water supply and has redundant wells. Connecting to the City of Ceres will provide a more reliable water supply.

4.1.2. Complexity

Complexity refers to operational requirements of each alternative. The CWMHP is a small water system with limited resources. The treatment system proposed in Alternative I is designed to operate automatically. However, it will require periodic operator supervision to ensure that equipment is functioning correctly. The treatment equipment (i.e., chemical dosing, vessels, media, piping, valves, etc.) must be maintained. In terms of process control, it would require periodic backwashing and maintenance of the chemical feed system if pH adjustment was included. Frequent water quality monitoring is also required to detect breakthrough. The technical, managerial, and financial complexity of the system would be greatly increased.

The pipeline, backflow preventer, fittings, and meter proposed in Alternative II will also need regular maintenance. However, the operational requirements of those elements can be performed by distribution operators and is less complex.

4.1.3. Life-cycle Cost

Life-cycle cost refers to the sum of capital construction costs and recurring O&M costs over the full life span of the selected alternative. Capital construction costs for Alternative I include the cost of pilot testing, furnishing treatment equipment, installation, startup and permitting. The capital construction costs for

Alternative II include the installation of a 4-inch pipeline to the City of Ceres water system with all required fittings and the connection fee to the City of Ceres. Annual O&M costs for the treatment systems refer to the recurring cost to operate and maintain the treatment equipment. Typical O&M recurring costs included in the treatment system estimates are labor, chemicals, media replacement and disposal, sampling, electricity, permitting, reporting, and a capital improvement reserve. Annual O&M costs for the consolidation alternative include monthly service and volume charges, annual backflow preventer inspections, and a capital improvement reserve.

Table 4-1 shows a comparison of the life-cycle cost for all alternatives using current water rates. The comparison is made for a 20-year, 30-year, and 40-year life and uses a 2.5 percent discount rate. The life-cycle costs are expressed in 2018 US dollars.

Table 4-1 Life-Cycle Costs Comparison

	Alternative I.A	Alternative I.B	Alternative II.A	Alternative II.B
Capital Construction	\$420,500	\$419,100	\$726,879	\$508,879
O&M Cost (20-yr)	\$743,603	\$813,754	\$398,296	\$314,114
O&M Cost (30-yr)	\$998,375	\$1,092,561	\$534,759	\$421,736
O&M Cost (40-yr)	\$1,197,402	\$1,310,365	\$641,364	\$505,809
20-yr Life-Cycle	\$1,164,103	\$1,232,854	\$1,125,175	\$822,993
30-yr Life-Cycle	\$1,418,875	\$1,511,661	\$1,261,638	\$930,615
40-yr Life-Cycle	\$1,617,902	\$1,729,465	\$1,368,243	\$1,014,688

The life-cycle cost of Alternative II.A is approximately 10 percent less than the life-cycle cost of Alternative I.A. However, the costs of Alternative II could be further reduced if the Ceres Unified School District allows the CWMHP to connect to the end of the 12-inch water main serving the Patricia Kay Beaver Elementary School.

Figure 4-1 displays the cumulative project cost, in 2018 dollars, for each alternative using increasing water rates. Volumetric water charges were assumed to follow the existing rate schedule through 2022, and then increase by 3 percent annually. Alternative II.A has the highest cumulative cost over the project life. Alternative II.B becomes the lowest cost alternative after 4 years. Grant funding was not considered for any alternative.

CERES WEST
MOBILE HOME PARK
Water Supply Feasibility Study

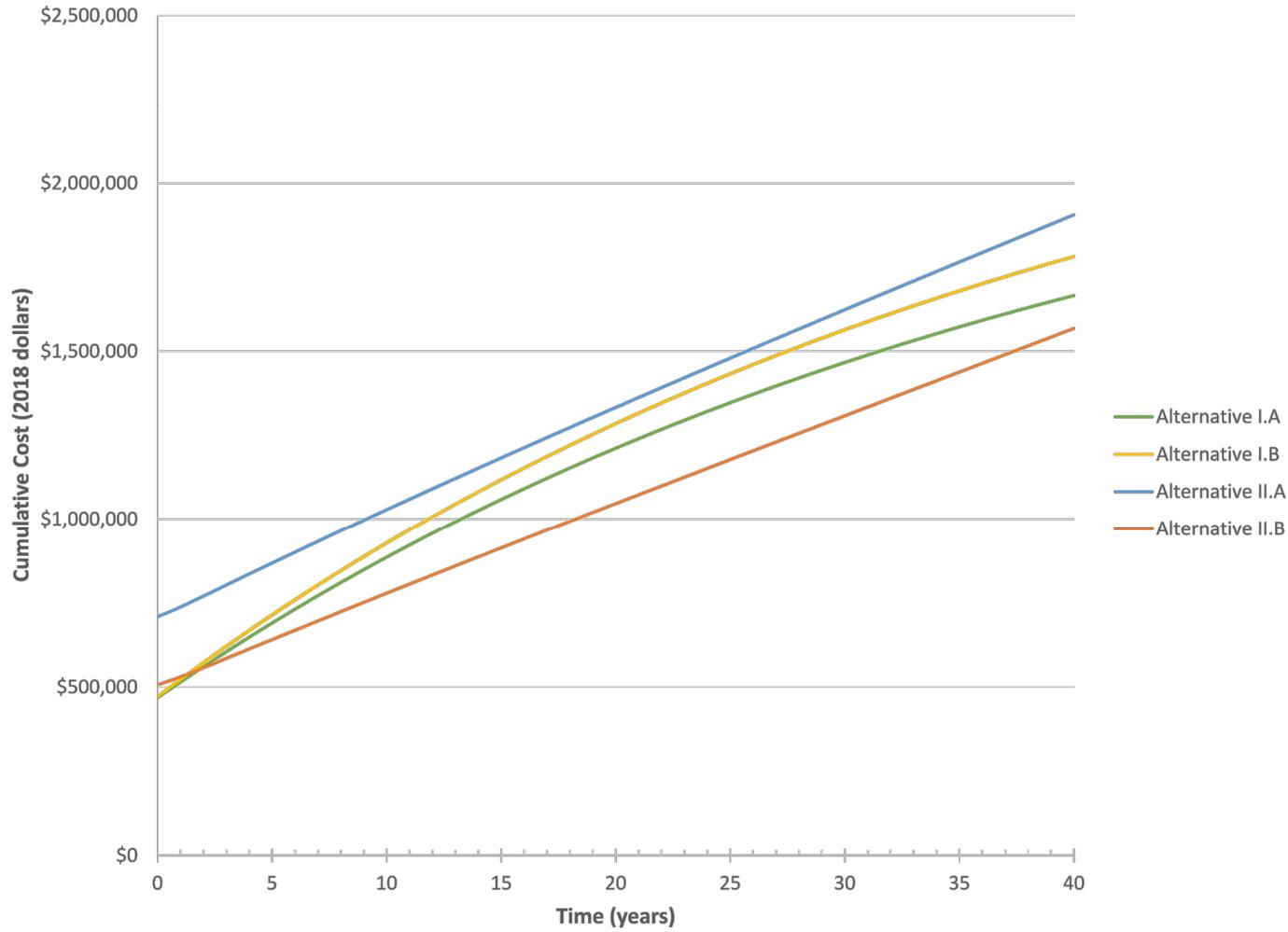


Figure 4-1
40-year Cumulative
Cost Comparison

4.2. Recommended Alternative

Based on the comparison of both alternatives and on the findings presented in this Study, Alternative II is recommended for the following reasons:

- ❖ It provides superior reliability in the water supply quality and quantity. A larger water system has a greater level of resources to ensure water quality and adequate supply.
- ❖ It requires less maintenance and simplifies the operation of the CWMHP water system. The maintenance of the water main and backflow preventer is significantly simpler than the maintenance of a treatment system.

4.3. Funding

If KS Mattson Partners, LP was unable to self-fund this project, both alternatives, on-site treatment and consolidation, would likely qualify as eligible projects to be funded by the Drinking Water State Revolving Fund (DWSRF). The DWSRF is administered by the SWRCB Division of Financial Assistance (DFA). According to SWRCB-DFA staff, the CWMHP may be eligible for financial assistance for planning and construction. Financial assistance would likely be available as loans, grants, principal forgiveness, or a combination thereof. The CWMHP is located in a Severely Disadvantaged Community (SDAC) Block Group as reported by the U.S. Census American Community Survey (ACS). According to 2012-2016 ACS data, the Block Group's Median Household Income (MHI) is \$37,500.

Eligible SCWSs serving an SDAC may be eligible for principal forgiveness or a grant of up to 100 percent of the construction project cost (maximum of \$5 million). The financing terms for a construction project loan are a 0 percent interest rate and a financing term of the useful life of the financed facilities, up to 30 years.

During SFY 2017-18, the State Water Board will continue to provide incentives to encourage the consolidation of Public Water Systems (PWSs), especially those systems with serious drinking water public health problems such as CWMHP. These incentives include:

- Up to \$10 million (as of SFY 2017-18) in zero percent interest rate financing may be awarded for a construction project (incentive project) that benefits an eligible PWS if such a PWS completes a full consolidation with a water system serving a small disadvantaged or small severely disadvantage community.
- Giving priority financing to consolidation projects ranked within the same category.
- Using the financial assistance terms that the smaller consolidating entity would be eligible for.
- Funding to replace any capacity lost as a result of the consolidation.

Other incentives may be considered and consolidating agencies are encouraged to discuss other potential incentives with SWRCB staff.

In the event of a full consolidation between the City and CWMHP, the City could receive project funding using the more favorable financial assistance terms that CWMHP would qualify for. As an SCWS serving an SDAC, the project could be eligible for principal forgiveness or a grant of up to 100 percent of the construction cost. In addition to this, the City would be eligible for up to \$5 million in zero percent interest

rate financing for a separate eligible construction project. The draft Intended Use Plan for SFY 2017-18 will increase the available financing for the incentive project to \$10 million.

**Appendix A -
Compliance Order No. DER-13CO-001**



DEPARTMENT OF ENVIRONMENTAL RESOURCES

3800 Cornucopia Way, Suite C, Modesto, CA 95358-9494
Phone: 209.525.6700 Fax: 209.525.6774

Compliance Order No. DER-13CO-001

**STANISLAUS COUNTY
DEPARTMENT OF ENVIRONMENTAL RESOURCES**

RE: CERES WEST MOBILE HOME PARK
System No. 5000077

TO: KS Mattson Partners, LP
2048 Grayson Road
Ceres CA 95307

**COMPLIANCE ORDER
FOR
VIOLATION OF THE ARSENIC MAXIMUM CONTAMINANT LEVEL**

ISSUED ON March 6, 2013

Section 116655, Chapter 4 of the California Health and Safety Code authorizes the issuance of an Order for failure to comply with a requirement of the California Safe Drinking Water Act, or any regulation, standard, permit, or order issued there under.

FINDINGS

The Ceres West Mobile Home Park (hereafter "CWMHP") is a community water system located in the unincorporated area of Stanislaus County adjacent to the city of Ceres. CWMHP provides potable water to approximately 150 residents of a mobile home park. The parcel is approximately 3.71 acres in size and provides domestic water by means of 46 service connections.

The domestic water system is owned by a California Limited Partnership, KS Mattson Partners, LP. The water system operates under the authority of a Domestic Water Supply Permit, No. 5000077, granted on May 20, 1993, by the Department of Environmental Resources (hereafter "Department"). The water system has one active well, South Well, PS Code #5000077-001.

South Well exceeds the arsenic maximum contaminant level (MCL) of 0.010 mg/L. Based on four quarters of monitoring in 2012, the water system exceeded the arsenic MCL of 0.010 in the well. The results of the four quarters of arsenic monitoring that were completed in September of 2012 exceeded the arsenic MCL, with a level of 0.019 mg/L.

CONCLUSIONS OF LAW

Based on the above Findings, the Department has determined that the CWMHP Water System has violated provisions contained in the California Health and Safety Code and Title 22, California Code of Regulations (CCR). These violations include, but are not limited to, the following:

1. Health and Safety (H&S) Code Section 116555(a)(1): Specifically, the CWMHP Water System is operating South Well that produces water that does not comply with a primary drinking water standard.

Compliance Order No. DER-13CO-001

2. H&S Code Section 116555(a)(3): Specifically, the CWMHP Water System failed to ensure that a reliable and adequate supply of pure, wholesome, healthful, and potable water is provided.
3. 22CCR Section 64431(a): Specifically, the water supplied by the CWMHP Water System exceeds the maximum contaminant level of 0.010 mg/L for arsenic and, therefore, does not comply with a primary drinking water standard.

ORDER

In order to ensure that the water supplied by the CWMHP Water System is at all times safe, wholesome, healthful, and potable, and pursuant to Section 116655 of the H&S Code, the water system is ordered to take the following actions:

1. Cease and Desist from failing to comply with CHSC Sections 116555(a)(1) and (a)(3) and Section 64431 Title 22, California Code of Regulations (CCR) by ensuring that the system is provided with a reliable and adequate supply of pure, wholesome, healthful, and potable water, which is in compliance with all primary drinking water standards according to the plan and schedule set forth in this Order.
2. **By March 31, 2014**, submit to the Department, for a review and approval, a final plan to correct the existing water quality problem and eliminate the need to deliver water to the system that does not meet the primary drinking water standards. The plan shall include a time schedule for completion. The plan and time schedule shall be reviewed and approved by the Department.
3. Complete all the improvements and/or additions outlined in the water system's proposed arsenic removal/treatment system construction program in accordance with the approved plan and schedule, **but no later than March 31, 2016**.
4. Since the CWMHP Water System must make use of water from its well to meet system demand until a project is completed to provide water meeting drinking water standards, the water system shall continue to provide public notification in accordance with Section 64467 Title 22, CCR of its inability to meet the arsenic MCL.

CWMHP Water System shall provide quarterly public notification of its inability to meet the arsenic MCL during any calendar quarter that the four-quarter running annual average from South Well exceeds the MCL. The notification procedures and format are provided in Attachment A. Proof of public notification shall be provided to the Department following each quarterly notification by the 10th day of the month following notification, using the form provided as Attachment B.

SUBMIT A COPY OF THE NOTICE TO THIS DEPARTMENT FOR APPROVAL PRIOR TO DISTRIBUTION. A COPY OF YOUR NOTICE IS DUE BY: MARCH 29, 2013.

5. CWMHP Water System shall continue to collect quarterly samples from the Well for arsenic analysis. The analytical results shall be reported to the Department no later than the 10th day following the month in which the samples were collected.
6. CWMHP Water System shall submit quarterly progress reports to the Department **beginning in March 2013**. The progress reports shall provide updated information related to the actions that have occurred during the last quarter to move the water system toward compliance, any problems that may have set the compliance program behind schedule, and the responses planned by the water system to make up any lost time.
7. The Department reserves the right to make such modifications to this Order as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Order and shall be effective upon issuance.

Compliance Order No. DER-13CO-001

All submittals required by this Order shall be addressed to:

Rachel Riess, R.E.H.S.
Senior Environmental Health Specialist
Stanislaus County Department of Environmental Resources
3800 Cornucopia Way, Suite C
Modesto, CA 95358-9494

8. If the CWMHP Water System is unable to perform the tasks specified in this Order for any reason, whether within or beyond its control, and if the CWMHP Water System notifies the Department in writing no less than five days in advance of the due date, the Department may extend the time for performance if the CWMHP Water System demonstrates that it has used its best efforts to comply with the schedule and other requirements of this Order.
9. If the CWMHP Water System fails to perform any of the tasks specified in this Order by the time described herein or by the time subsequently extended pursuant to Item 6 above, the CWMHP Water System shall be deemed to have not complied with the obligations of this Order and may be subject to additional judicial action, including civil penalties specified in H&S Code, Section 116725 and 116730.
10. Stanislaus County shall not be liable for any injuries or damages to persons or property resulting from acts of omissions by the CWMHP Water System, its employees, agents, or contractors in carrying out activities pursuant to this Order, nor shall Stanislaus County be held as a party to any contract entered into by the CWMHP Water System or its agents in carrying out activities pursuant to this Order.
11. Stanislaus County Ordinance provides that fees must be charged for staff time in responding to maximum contaminant level (MCL) violations. The fee charged is the Department's weighted labor rate of \$95.00 per hour, with a one-hour minimum. To date, one hour has been spent responding to the MCL violation. This Department will invoice you.

PARTIES BOUND

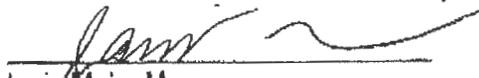
This Order shall apply to and be binding upon the CWMHP Water System, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The requirements of this Order are severable, and the CWMHP Water System shall comply with each and every provision thereof notwithstanding the effectiveness of any provisions.

Date

3/14/13


Janis Mein, Manager
Environmental Health
Department of Environmental Resources
Stanislaus County

Compliance Order No. DER-13CO-001

ATTACHMENT A – Public Notification

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.
Tradúzcalo o hable con alguien que lo entienda bien.

[Insert System Name] Has levels of Arsenic Above Drinking Water Standards

Our water system OR Water produced by Well _____ of our water system recently failed a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what happened, what you should do, and what we are doing to correct this situation.

Option 1: We routinely monitor for the presence of drinking water contaminants. Testing results we received on [Insert date(s) or month year.] show that our system exceeds the standard, or maximum contaminant level (MCL), for Arsenic. The standard for Arsenic is 0.010 mg/L OR 10 ug/L. The average level of Arsenic over the last year was _____mg/L OR ug/L. Compliance with the arsenic maximum contaminant level (MCL) is based on the average concentration of four consecutive quarterly samples (or an annual average) for each well, unless fewer samples would cause the running annual average to be exceeded.

Option 2: We routinely monitor for the presence of drinking water contaminants. Compliance with the Arsenic maximum contaminant level (MCL) is based on the average concentration of four consecutive quarterly samples (or an annual average) for each well. Testing results from Wells Number 9, 10 and 11 collected over the last four quarters (or year) show that our system exceeds the Arsenic MCL of 10 micrograms per liter (ug/L). The average Arsenic concentrations from these well(s) ranged from _____ ug/L to _____ ug/L. Compliance with the arsenic maximum contaminant level (MCL) is based on the average concentration of four consecutive quarterly samples (or an annual average) for each well, unless fewer samples would cause the running annual average to be exceeded.

What should I do?

- **You do not need to use an alternative (e.g. , bottled) water supply.** However, if you have specific health concerns, consult your doctor.

What does this mean?

This is not an immediate risk. If it had been, you would have been notified immediately. However, *some people who drink water containing arsenic in excess of the MCL over many years may experience skin damage or circulatory system problems, and may have an increased risk of getting cancer.*

What happened? What was done?

[Describe corrective action.] _____

We anticipate resolving the problem within [estimated time frame].

For more information, please contact [insert name of contact] at [insert phone number] or at the following mailing address: [insert business/ mailing address].

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

This notice is being sent to you in compliance with the California Domestic Water Quality and Monitoring Regulations as a means of keeping the public informed.

Dated: _____

Compliance Order No. DER-13CO-001



DEPARTMENT OF ENVIRONMENTAL RESOURCES

3800 Cornucopia Way, Suite C, Modesto, CA 95358-9494

Phone: 209.525.6700 • Fax: 209.525.6774

www.stancounty.com

Drinking Water Notification to Consumers
PROOF OF NOTIFICATION

Name of System: _____

Please explain what caused the problem if determined and what steps have been taken to correct it.

Consumers Notified _____ Yes _____ No (if no explain)

Date of Notification: _____

On the date of notification set forth above, I served the above referenced document(s) on the consumers by:

- Sending a copy through the U.S. Mail, first class, postage prepaid, addressed to each of the resident(s) at the place where the property is situated, pursuant to the California Civil Code.
Newspaper (if the problem has been corrected).
Personally hand-delivering a copy to each of the consumers.
Posting on a public bulletin board that will be seen by each of the consumers (for small non-community water systems with permission from the Environmental Resources Department)
Other Approved Method:

I hereby declare the foregoing to be true and correct.

Signature of Person Serving Notice

Date

Notice: Complete this Proof of Notification and return it, along with a copy of the water user notification, to the Department of Environmental Resources, 3800 Cornucopia Way Suite C, Modesto, CA 95358, within 7 Days after notifying water users.

Brenda Rau

From: Sherry Schroyer <sschroyer@wavecable.com>
Sent: Tuesday, April 19, 2016 8:52 PM
To: Brenda Rau
Cc: mrskwm@hotmail.com
Subject: Ceres West - Water Well
Attachments: Ceres West - Stanislaus County Compliance Order.pdf; Ceres West Mobile Home Park.docx; Ceres West MHP - Research - Water Well.docx; Ceres West - Water Well Progress Report - Dec 2014.docx; Ceres West - Water Well - Qtrly Progress Report - March 2015.docx; Ceres West - Quality Service - Bid for Action Plan (Water Well).pdf

Brenda:

Attached is: 1) the original Compliance Order from Stanislaus County, 2) a write-up of the background and information about the well, 3) an attachment showing the research of estimated costs for the various methods to get the well in compliance, 4) the December 2014 Quarterly Rpt outlining all that had been completed as of that date, 5) the last Quarterly Report that was submitted to Stanislaus County outlining what had been done and the next steps, and 6) a bid from Quality Service to compile an Action Plan and then move forward.

Tom McCoy was our contact at Stanislaus County and was the contact for moving forward in compiling an Action Plan and then moving forward with the Action Plan to get the well in compliance. I don't know if anything was done after this date. Ken had decided at that point to move forward in putting in constructing an Arsenic Treatment Plant.

I will also be sending you an e-mail that came from my contact at the City of Ceres, Tom Westbrook. Although he indicated that they would be willing to meet, when I contacted him to schedule the date – he indicated that the closest city water was at the Patricia Kay Beaver Elementary School located at 4927 Central Ave in Ceres, CA - approximately .14 miles from Ceres West MHP, but it was NOT an option as it has no additional capacity to serve another community. The next closest water was too far to connect based on cost etc. (details outlined in my March 2015 Quarterly Rpt). I will still send you the e-mail for your records. It has Tom Westbrook's contact information should you need to contact him.

So, I will send you one additional e-mail in regard to the Ceres West Water Well. I hope this is helpful. Please let me know if you have additional questions.

Thank you,

Sherry Schroyer
(707) 592-7732

ITEM	Unit	Unit Cost	Quantity	Item Cost
8" C900	LF	\$24	3000	\$72,000
8" BFP	EA	\$5,000	1	\$5,000
8" METER	EA	\$11,500	1	\$11,500
8" VALVE	EA	\$6,000	4	\$24,000
FH	EA	\$4,500	6	\$27,000
Trench Patch	SF	\$2.50	9000	\$22,500
Connect to Existing	EA	\$5,000	1	\$5,000
TOTAL				\$167,000
20% Contingency				\$33,400
Grand TOTAL				\$200,400

**Appendix B -
Compliance Order No. DER-16CO-005**



April 22, 2016

Ken Mattson, Owner
KS Mattson Partnership, LP
PO Box 5490
Vacaville, CA 95696

TRANSMITTAL OF COMPLIANCE ORDER NO. DER-16CO-005 FOR ARSENIC MAXIMUM CONTAMINANT LEVEL

The Ceres West Mobile Home Park Water System has ongoing violations of the Maximum Contamination Level (MCL) for arsenic, as specified in the Domestic Water Quality and Monitoring Regulation, Chapter 15, Title 22, California Code of Regulations. The Stanislaus County Department of Environmental Resources originally issued Compliance Order No. DER-13CO-001 in response to these violations, on March 6, 2013. A revised compliance order is being transmitted to the Ceres West Mobile Home Park Water System under cover of this letter.

Please respond to each item of the Directives by the deadlines established in the compliance order. If you have any questions regarding this matter, please contact Rachel Riess at (209) 525-6720.

Sincerely,

Rachel Riess, REHS
Registered Environmental Health Specialist

Enclosure (2)

cc: Quality Services Inc., 2996 McHenry Avenue, Escalon, CA 95320

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STANISLAUS COUNTY
DEPARTMENT OF ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL HEALTH

TO: Ceres West Mobile Home Park
2030 Grayson Road
Ceres, CA 95307

Attn: Ken Mattson, Owner
KS Mattson Partnership, LP

COMPLIANCE ORDER NO. DER- 16CO-005
FOR
VIOLATION OF HEALTH AND SAFETY CODE SECTION 116555 (a) (1)
AND THE PRIMARY DRINKING WATER STANDARD FOR ARSENIC
WATER SYSTEM NO. 5000077
Issued on April 22, 2016

The Department of Environmental Resources (hereinafter "Department"), acting by and through its Division of Environmental Health (hereinafter "Division") and the Manager for the Division (hereinafter "Manager"), hereby issues this Compliance Order (hereinafter "Order") pursuant to Sections 116330 (f) and 116655 of the California Health and Safety Code (hereinafter "CHSC") to the Ceres West Mobile Home Park Water System (hereinafter, "Ceres West") for violation of the CHSC Section 116555(a)(1) and Title 22, California Code of Regulations (hereinafter "CCR"), Section 64431.

1 APPLICABLE AUTHORITIES

2 **Section 116555(a) (1) of the CHSC states in relevant part:**

3 (a) Any person who owns a public water system shall ensure that the system does
4 all of the following:

- 5 (1) Complies with primary and secondary drinking water standards.

6 **Section 116655 of the CHSC states in relevant part:**

7 (a) Whenever the Department determines that any person has violated or is
8 violating this chapter, or any permit, regulation, or standard issued or adopted
9 pursuant to this chapter, the director may issue an Order doing any of the following:

- 10 (1) Directing compliance forthwith.

- 11 (2) Directing compliance in accordance with a time schedule set by the
12 department.

- 13 (3) Directing that appropriate preventive action be taken in the case of a
14 threatened violation.

15 (b) An Order issued pursuant to this section may include, but shall not be limited
16 to, any or all of the following requirements:

- 17 (1) That the existing plant, works, or system be repaired, altered, or added to.

- 18 (2) That purification or treatment works be installed.

- 19 (3) That the source of the water supply be changed.

- 20 (4) That no additional service connection be made to the system.

- 21 (5) That the water supply, the plant, or the system be monitored.

- 22 (6) That a report on the condition and operation of the plant, works, system, or
23 water supply be submitted to the Department.

1 CCR, Title 22, Section 64431, states in relevant part:

2 Public water systems shall comply with the primary MCLs in table 64431-A as
3 specified in this article.

4 **Table 64431-A**
5 **Maximum Contaminant Levels**
6 **Inorganic Chemicals**

<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
Aluminum	1.
Antimony	0.006
Arsenic	0.010
Asbestos	7 MFL*
Barium	1.
Beryllium	0.004
Cadmium	0.005
Chromium	0.05
Cyanide	0.15
Fluoride	2.0
Nitrate	0.010
Mercury	0.002
Nickel	0.1
Nitrate (as nitrogen)	10.
Nitrate+Nitrite (sum as nitrogen)	10.
Nitrite (as nitrogen)	1.
Perchlorate	0.006
Selenium	0.05
Thallium	0.002

7 * MFL=million fibers per liter; MCL for fibers exceeding 10 um in length.

8 CCR Title 22, Section 64432, states in relevant part:

9 (g) If the level of any inorganic chemical, except for nitrate, nitrite, nitrate plus
10 nitrite, or perchlorate, exceeds the MCL, the water supplier shall do one of the
11 following:

12 (1) Inform the Department within 48 hours and monitor quarterly beginning in
13 the next quarter after the exceedance occurred; or

1 (2) Inform the Department within seven days from the receipt of the analysis
2 and, as confirmation, collect one additional sample within 14 days from
3 receipt of the analysis. If the average of the two samples collected exceeds
4 the MCL, this information shall be reported to the Department within 48
5 hours and the water supplier shall monitor quarterly beginning in the next
6 quarter after the exceedance occurred.

7 (h) If the concentration of an inorganic chemical exceeds ten times the MCL, within
8 48 hours of receipt of the result the water supplier shall notify the Department and
9 resample as confirmation. The water supplier shall notify the Department of the
10 result(s) of the confirmation sample(s) within 24 hours of receipt of the confirmation
11 result(s).

12 (1) If the average concentration of the original and confirmation sample(s) is
13 less than or equal to ten times the MCL, the water supplier shall monitor
14 quarterly beginning in the quarter following the quarter in which the
15 exceedance occurred.

16 (2) If the average concentration of the original and confirmation sample(s)
17 exceeds ten times the MCL, the water supplier shall, if directed by the
18 Department;

19 (A) Immediately discontinue use of the contaminated water source; and
20 (B) Not return the source to service without written approval from the
21 Department.
22

1 (i) Compliance with the MCLs shall be determined by a running annual average; if
2 any one sample would cause the annual average to exceed the MCL, the system is
3 immediately in violation. If a system takes more than one sample in a quarter, the
4 average of all the results for that quarter shall be used when calculating the running
5 annual average. If a system fails to complete four consecutive quarters of monitoring,
6 the running annual average shall be based on an average of the available data.

7

8 **CCR, Title 22, Section 64552 of the CHSC states in relevant part:**

9 (a) Each public water system applying for an initial domestic water system permit
10 shall submit an application that includes:

11 (1) A map and description of the entire existing and propose service area;

12 (2) The population, and number and type of residential, commercial,
13 agricultural, and industrial service connections, in the system's projected service area;

14 (3) Design drawings of proposed facilities drawn to scale, showing location, size
15 and construction;

16 (4) As-built drawings of existing facilities, drawn to scale, showing location,
17 size, construction materials, and year of installation of any water main or other facility
18 that has already been constructed;

19 (5) Estimated MDD and PHD with the methods, assumptions and calculations
20 used for the estimations;

21 (6) A source water assessment and description of each source of water
22 proposed for use to meet the estimated MDD and information demonstrating that the

1 sources are adequate to do so, such as, but not limited to, well pump tests, the
2 capacities of all pumping facilities;

3 (7) Information that demonstrates how the system proposes to reliably meet
4 four hours of PHD using, but not limited to, available source capacity and distribution
5 reservoirs.

6
7

STATEMENT OF FACTS

8 Ceres West is operated under Water Supply Permit No. 2013-03-002, which was
9 issued on May 8, 2013 (revised February 18, 2015).

10

11 Ceres West water system is located in Stanislaus County along Highway 99,
12 approximately 0.6 miles southeast of the City of Ceres. Ceres West's service area is
13 approximately 3.71 acres in size.

14

15 Ceres West water system is classified as a community water system that serves the
16 residents of the mobile home community. According to the 2015 Annual Report to the
17 Division, Ceres West serves approximately 161 people through 46 service
18 connections. All service connections are un-metered. The water system obtains its
19 water supply from one active well located on Ceres West's property.

20

21 The well discharges to an approximately 5200-gallon pressure tank, prior to entering
22 the domestic water system. Irrigation demands are not provided by this well.

23



1 Title 22, CCR, Division 4, Chapter 15, Article 4, establishes primary drinking water
2 standards and monitoring and reporting requirements for inorganic constituents.
3 Community water systems must comply with the maximum contaminant level for
4 arsenic of 0.010 mg/L, as established in Title 22 CCR Section 64431.

5
6 Samples collected in September 2012 showed arsenic concentrations over the MCL
7 in water produced by South Well (PS Code 5000077-001) as noted in **Table 1** below.
8 Therefore, in accordance with Section 64432 (g), Ceres West was required to begin
9 quarterly arsenic monitoring of each non-compliant well, unless it chose to submit an
10 additional sample (which it did not do). Section 64432 (i) provides that compliance
11 with the arsenic MCL is based on a "running annual average" (RAA) of the quarterly
12 monitoring samples, computed each quarter. Furthermore, Section 64432 (i) states:
13 "If any one sample would cause the annual average to exceed the MCL, the system is
14 immediately in violation." A summary of the wells that produce water with arsenic
15 above the MCL is presented in the table below. All results are as reported to the
16 Division by the laboratory that performed the analysis.

17 **Table 1: Arsenic Monitoring Results (in mg/L)**

Sample Quarter	4 th Quarter 2011	1 st Quarter 2012	2 nd Quarter 2012	3 rd Quarter 2012	Running Annual Average
South Well	0.016	0.020	0.019	0.018	0.018

18

19 On March 6, 2013, Compliance Order DER-13CO-001 was issued to Ceres West
20 water system for violation of the arsenic maximum contaminant level directing in part:

- 1 1. Continue to provide quarterly public notification of Ceres West's failure to
- 2 meet the arsenic MCL during any calendar quarter that RAA exceeds the
- 3 MCL and shall submit proof of each public notification provided.
- 4 2. Commencing in March 2013, submit a report to the Division showing actions
- 5 taken each quarter to bring the water system into compliance.
- 6 3. Submission of a Final Plan to the Division for review and approval by March
- 7 31, 2014.
- 8 4. Completion of all improvements and/or additions outline in the Final Plan by
- 9 March 31, 2016.

10 On April 19, 2016, an Office Hearing was conducted at the Division's Office located at
 11 3800 Cornucopia Way, Suite C, Modesto, CA 95358, due to Ceres West's failure to
 12 meet the Orders of Compliance Order DER-13CO-001.

13
 14 Based on the arsenic results for 2015, it is highly likely that the South Well will exceed
 15 the arsenic MCL this year and be in violation of CHSC, Section 116555 and Section
 16 64442. The results of these last samples are as follows in Table 2. All results are as
 17 reported to the Division by the laboratory that performed the analysis.

18 **Table 2: Arsenic Reported in 2015 (in mg/L)**

Sample Date	3/9/15	6/15/15	9/15/15	12/1/15	Running Annual Average
South Well	0.017	0.020	0.020	0.019	0.019

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DETERMINATION

Based on the above Statement of Facts, the Division has determined that the water system has violated the California Health and Safety Code, Section 116555 and Section 64431, Title 22, CCR, since the water produced by the South Well during the 3rd quarter of 2012 exceeded the arsenic MCL, and continues to be in violation through the date of this Order, as shown above in **Table 1 and Table 2.**

DIRECTIVES

The Ceres West water system is hereby directed to take the following actions:

1. On or before April 29, 2016, submit a written response to the Division indicating its agreement to comply with the directives of this Order and with the Corrective Action Plan addressed herein.

2. Commencing on the date of service of this Order, provide quarterly public notification, in accordance with **Enclosure No. 1**, of Ceres West's failure to meet the arsenic MCL during any calendar quarter that RAA exceeds the MCL.

3. Commencing on the date of service of this Order, submit proof of each public notification conducted in compliance with **Directive No. 2**, herein above, within 10 days following each such notification, using the form provided as **Enclosure No. 2.**

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4. Commencing on the date of service of this Order collect quarterly samples for arsenic from each well, as required by Section 64432(g), and ensure that the analytical results are reported to the Division electronically by the analyzing laboratory no later than the 10th day following the month in which the analysis was completed, but no later than the last business day of the month following the close of the calendar quarter.

5. On or before May 31, 2016, provide to the Division in person at the Division's office located at 3800 Cornucopia Way, Suite C, Modesto, CA 95358, an final Corrective Action Plan. The Corrective Action Plan shall include a time schedule for completion of each of the phases of the project such as construction, startup and a date when the water system will be in compliance with the arsenic MCL.

6. Perform each and every element of the Division's approved Corrective Action Plan according to its time schedule.

7. On or before July 10, 2016, and every three months thereafter, submit a report to the Division using the form provided as **Enclosure No. 3** (enclosed) showing actions taken to comply with the Corrective Action Plan during the previous three months.

- 1 8. On or before April 1, 2017, complete all of the improvements and/or additions
2 outline in Ceres West's Corrective Action Plan.
- 3
- 4 9. On or before April 1, 2018, Ceres West water system shall return to compliance
5 with all requirements of the Safe Drinking Water Act.
- 6
- 7 10. No later than April 11, 2018, demonstrate to the Division that the water
8 delivered by the Ceres West complies with the arsenic MCL.
- 9
- 10 11. Notify the Division in writing no later than five (5) days prior to the deadline for
11 performance of each **Directive**, set forth herein, if the Ceres West anticipates it
12 will not timely meet such performance deadline.

13
14 All submittals required by this Order shall be addressed to:

15 Rachel Riess, REHS
16 Department of Environmental Resources
17 3800 Cornucopia Way, Suite C
18 Modesto, CA 95358

19 As used in this Order, the "date of issuance" shall be the date of this Order; and the
20 "date of service" shall be the date this Order was served, personally or by certified
21 mail, to Ceres West.

22
23 The Division reserves the right to make modifications to this Order and/or to issue
24 further Order(s) as it may deem necessary to protect public health and safety.

1 Modifications may be issued as amendments to this Order and shall become effective
2 upon issuance.

3

4 Nothing in this Order relieves Ceres West of its obligation to meet the requirements of
5 the California SDWA, or any regulation, standard, permit or Order issued thereunder.

6

7

PARTIES BOUND

8 This Order shall apply to and be binding upon Ceres West, its owners, shareholders,
9 officers, directors, agents, employees, contractors, successors, and assignees.

10

11

SEVERABILITY

12 The Directives of this Order are severable, and Ceres West shall comply with each
13 and every provision hereof, notwithstanding the effectiveness of any other provision.

14

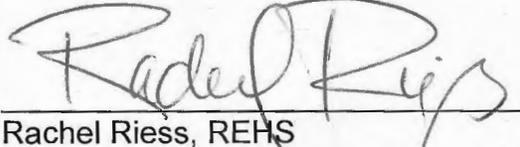
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FURTHER ENFORCEMENT ACTION

16 The California SDWA authorizes the Department to: issue a Citation with assessment
17 of administrative penalties to a public water system for violation or continued violation
18 of the requirements of the California SDWA or any regulation, permit, standard,
19 Citation, or Order issued or adopted thereunder including, but not limited to, failure to
20 correct a violation identified in a Citation or Compliance Order. The California SDWA
21 also authorizes the Department to take action to suspend or revoke a permit that has
22 been issued to a public water system if the public water system has violated
23 applicable law or regulations or has failed to comply with an Order of the Department;



1 and to petition the superior court to take various enforcement measures against a
2 public water system that has failed to comply with an Order of the Department. The
3 Board does not waive any further enforcement action by issuance of this Order.

4  _____ Date 4/22/16

5 Rachel Riess, REHS
6 Senior Environmental Health Specialist
7 Division of Environmental Health
8 Department of Environmental Resources
9 Stanislaus County
10

11 Certified Mail No. 7014 3490 0001 6851 2737

- 12 Enclosures: (1) Public Notification Template w/ Instructions
13 (2) Proof of Public Notification Form
14 (3) Quarterly Progress Report

Instructions for Tier 2 Chemical or Radiological MCLs Notice Template

Template Attached

Since exceeding chemical or radiological maximum contaminant levels (MCLs) is a Tier 2 violation, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [California Code of Regulations Title 22, Chapter 15, Section 64463.4(b)]. **Each water system required to give public notice must submit the notice to the State Water Resources Control Board, Division of Drinking Water (DDW) for approval prior to distribution or posting, unless otherwise directed by the DDW [64463(b)].**

Notification Methods

You must use the methods summarized in the table below to deliver the notice to consumers. If you mail, post, or hand deliver, print your notice on letterhead, if available.

<i>If You Are a...</i>	<i>You Must Notify Consumers by...</i>	<i>...and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method...</i>
Community Water System [64463.4(c)(1)]	Mail or direct delivery ^(a)	Publication in a local newspaper
		Posting in conspicuous public places served by the water system or on the Internet ^(b)
		Delivery to community organizations
Non-Community Water System [64463.4(c)(2)]	Posting in conspicuous locations throughout the area served by the water system ^(b)	Publication in a local newspaper or newsletter distributed to customers
		Email message to employees or students
		Posting on the Internet or intranet ^(b)
		Direct delivery to each customer

(a) Notice must be distributed to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system.

(b) Notice must be posted in place for as long as the violation or occurrence continues, but in no case less than seven days.

The notice attached is appropriate for the methods described above. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the health effects and notification language in italics unchanged. This language is mandatory [64465].

Multilingual Requirement

The notice must (1) be provided in English, Spanish, and the language spoken by any non-English-speaking group exceeding 10 percent of the persons served by the water

system and (2) include a telephone number or address where such individuals may contact the water system for assistance.

If any non-English-speaking group exceeds 1,000 persons served by the water system, but does not exceed 10 percent served, the notice must (1) include information in the appropriate language(s) regarding the importance of the notice and (2) contain the telephone number or address where such individuals may contact the water system to obtain a translated copy of the notice from the water system or assistance in the appropriate language.

Population Served

Make sure it is clear who is served by your water system -- you may need to list the areas you serve.

Corrective Action

In your notice, describe corrective actions you are taking. Do not use overly technical terminology when describing treatment methods. Listed below are some steps commonly taken by water systems with chemical or radiological violations. Use one or more of the following actions, if appropriate, or develop your own:

- “We are working with [local/state agency] to evaluate the water supply and researching options to correct the problem. These options may include treating the water to remove [contaminant] or connecting to [system]’s water supply.”
- “We have stopped using the contaminated well. We have increased pumping from other wells, and we are investigating drilling a new well.”
- “We will increase the frequency at which we test the water for [contaminant].”
- “We have since taken samples at this location and had them tested. They show that we meet the standards.”

After Issuing the Notice

Send a copy of each type of notice and a certification that you have met all the public notice requirements to the DDW within ten days after you issue the notice [64469(d)]. You should also issue a follow-up notice in addition to meeting any repeat notice requirements the DDW sets.

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately.

It is a good idea to issue a “problem corrected” notice when the violation is resolved.

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.
Tradúzcalo o hable con alguien que lo entienda bien.

**[System] Has Levels of [Contaminant]
Above the Drinking Water Standard**

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. Water sample results received on [date] showed [name of contaminant] levels of [level and units]. This is above the standard, or maximum contaminant level (MCL), of [standard and units].

What should I do?

- **You do not need to use an alternative water supply (e.g., bottled water).**
- This is not an immediate risk. If it had been, you would have been notified immediately. However, [Insert relevant health effects language from section 64465 appendix].
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

[Describe corrective action]. We anticipate resolving the problem within [estimated time frame].

For more information, please contact [name of contact] at [phone number] or [mailing address].

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- SCHOOLS: Must notify school employees, students, and parents (if the students are minors).
- RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including nursing homes and care facilities): Must notify tenants.
- BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property.

This notice is being sent to you by [system].

State Water System ID#: _____. Date distributed: _____.



DEPARTMENT OF ENVIRONMENTAL RESOURCES

3800 Cornucopia Way, Suite C, Modesto, CA 95358-9494
Phone: 209.525.6700 Fax: 209.525.6774

Drinking Water Notification to Consumers
PROOF OF NOTIFICATION

Name of System: _____

Please explain what caused the problem if determined and what steps have been taken to correct it.

Consumers Notified _____ Yes _____ No (if no explain)

Date of Notification: _____

On the date of notification set forth above, I served the above referenced document(s) on the consumers by:

_____ Sending a copy through the U.S. Mail, first class, postage prepaid, addressed to each of the resident(s) at the place where the property is situated, pursuant to the California Civil Code.

_____ Newspaper (if the problem has been corrected).

_____ Personally hand-delivering a copy to each of the consumers.

_____ Posting on a public bulletin board that will be seen by each of the consumers (for small non-community water systems with permission from the Environmental Resources Department)

_____ Other Approved Method: _____

I hereby declare the foregoing to be true and correct.

Dated: _____

Signature of Person Serving Notice

Notice: Complete this Proof of Notification and return it, along with a copy of the water user notification, to the Department of Environmental Resources, 3800 Cornucopia Way Suite C, Modesto, CA 95358, within 7 Days after notifying water users.

Quarterly Progress Report

Water System:	Water System No.:
Compliance Order No.:	Violation:
Calendar Quarter:	Date Prepared:

This form should be prepared and signed by Water System personnel with appropriate authority to implement the directives of the Compliance Order and the Corrective Action Plan. Please attach additional sheets as necessary. The quarterly progress report must be submitted by the 10th day of each subsequent quarter, to the Division of Drinking Water, _____ District Office.

Summary of Compliance Plan:

Tasks completed in the reporting quarter:

Tasks remaining to complete:

Anticipate compliance date:

Name

Signature

Title

Date

**Appendix C -
Treatment Equipment Proposal**



Ceres West Mobile Home Park

Arsenic Treatment Solution

Site Profile & Proposal

MOD33-24722CO-3-285

Contact Information	
End User / Utility: Ceres West Mobile Home Park Site / Well Identity / Location: 2048 E Grayson Road, Ceres, CA Local Engineer / Firm: AM Consulting Engineers Other Pertinent Notes: Operator: Target Date for Installation: Specific Treatment Goals: Arsenic removal	Date: 9/8/2016 Project Contact: Paul Sereno Contact Phone: 559-473-1371 Contact Email: paul.sereno@am-ce.com Rep Contact: Rep Information:

System Parameters / Site Specific	
System Type / Application: Municipal (municipal, institution, industry) Population Served: 161 (estimated) Number of Connections: 46 (for municipal applications) Number of Wells: 1 (# wells to be treated) Design Flow (GPM): 50 (max design flow rate to be treated) Ave Flow (GPM): 6 (typical) Gallons per Day: 7,887 (average daily usage over 12 months) Gallons per Year: 2,878,755 (annual usage or quantity) Existing Treatment or Disinfection: none Equipment Available for Offloading: Pump Operation / Pressure: 5-hp submersible pump, 50 gpm max Available Electrical Supply: Atm Storage Tank Present / Size: none Hydropneumatic Tank Present / Size: 5,200 gallon steel tank Building Present/ Available Space: Any Additives i.e. Phosphates, Fluoride: none Discharge Options Available: none, septic system for domestic waste	<div style="background-color: #ffffcc; padding: 2px;">Site Specific Notes:</div> Well >> Cl2 >>pH Correction >> E33 >>Distribution Assumed use of existing chlorination system Assumed use of Septic System for Backwash Water Management Assumed Treated Water Backwash from Distribution Additional Water Quality Data may be required prior to final contract. pH correction required to extend media performance <div style="background-color: #ffffcc; padding: 2px;">Site Shipping Address:</div> To Be Confirmed <div style="background-color: #ffffcc; padding: 2px;">Prepared by:</div> E. Nicol eric@adedge technologies.com

Water Chemical Analysis							
Codes	Parameters		Codes	Parameters			
Project Specific Parameters Source: Codes: All = Applies to all projects 1 = Arsenic project 2 = Iron / Mn / Sulfide / As project 3 = Fluoride project 4 = Uranium, Radium project 5 = Nitrate project 6 = General Filtration 7 = UF / RO Membrane Filtration 8 = Other	All	pH	7.50	4,5,7	Sodium	50.98	mg/L Na
	1,2,7	Total As	21.230	4,5,7	Nitrate	1.06	mg/L NO ₃ as N
	Optional	As(III)	<1	4,5,7	Chloride	17.44	mg/L Cl
	All	Total Sulfides		3,4,5,7	Bicarbonate	88.46	mg/L (as CaCO ₃)
	All	Hardness	54.45	3,4,5,7	Sulfate	36.57	mg/L as SO ₄
	All	Alkalinity	108.00	3,4,5,7	Fluoride	<0.2	mg/L F
	All	Calcium	12.78	3,4,5,6,7	Conductivity	3480.00	umho/cm
	All	Magnesium	5.46	3,4,5,6,7	TDS	262.86	mg/L TDS
	All	Silica	54.06	3,4,5,7	Gross Alpha		pCi/L
	1,2,7	Phosphate		4,5,7	Radium		pCi/L Ra 226/228
All	Suspended Solids		4,5,7	Uranium		mg/L U 238	
All	Iron	<0.05	All	Turbidity	1.29	NTU	
All	Manganese	0.07	All	Temperature		°F	
All	TOC	0.44	1,2,4,5,7	Tannins	<2	mg/L	
	Ammonia			Chromium VI		mg/L	

Adsorption	
AdEdge Packaged System Media: MOD33-24722CO-3-285 Bayoxide E33 No. of vessels: 3 Total Qty of media (cu ft): 24 System footprint: 88"L x 30"W x 80"H Operation: Parallel Backwashing: Once a month @ 29 gpm Backwashing rate: 9 gpm/ sqft Est. total BW water (gallons), all vessels: 1,044	Contact time (EBCT): 3.6 (based on peak flow) Design Flow Rate: 50 (typical expected) Ave gallons/day : 7,887 (based on utilization) Hydraulic Utilization % 11% (actual system utilization 24-7) Est. working capacity: 35,350 (bed volumes to breakthrough) Bed volumes / day: 44 (throughput) Est. Gallons to breakthrough: 6,346,022 (contam. breakthrough) Est. Media life (months): 26 (est frequency of changeout) Est. Media life (Years): 2.20 (est frequency of changeout)

System Costs													
Modular Treatment System: Included Chemical Feed Module - pH : Included Submittals / O&M Manual: Included H2ZERO Backwash System: TBD AdEdge Startup and Commissioning: Included Engineering / Permitting: By others Estimated Freight, taxes (if applicable): Not included Total capital, startup (sans freight): \$41,350	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: left; background-color: #ffffcc;">Annual Operating Costs</th> </tr> </thead> <tbody> <tr> <td>Replacement media:</td> <td>\$3,538 (prorated media, excluding labor)</td> </tr> <tr> <td>Consumable estimate:</td> <td>\$700 (chemical - HCL)</td> </tr> <tr> <td>Recycle Water Pump Costs</td> <td>TBD \$ per year</td> </tr> <tr> <td>Est. Annual Oper. Costs</td> <td>\$4,238 (prorated media, chemical)</td> </tr> <tr> <td>Operating Costs per 1000 gal:</td> <td>\$1.47 (ave calculated per 1,000 gals)</td> </tr> </tbody> </table>	Annual Operating Costs		Replacement media:	\$3,538 (prorated media, excluding labor)	Consumable estimate:	\$700 (chemical - HCL)	Recycle Water Pump Costs	TBD \$ per year	Est. Annual Oper. Costs	\$4,238 (prorated media, chemical)	Operating Costs per 1000 gal:	\$1.47 (ave calculated per 1,000 gals)
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Replacement media:	\$3,538 (prorated media, excluding labor)												
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Recycle Water Pump Costs	TBD \$ per year												
Est. Annual Oper. Costs	\$4,238 (prorated media, chemical)												
Operating Costs per 1000 gal:	\$1.47 (ave calculated per 1,000 gals)												

AdEdge Arsenic Treatment System System Scope of Supply and Features



9/8/2016

Scope pg 1 of 1

Ceres West Mobile Home Park

Adsorption Vessels/Media

Modular Model MOD33-2472CO-3-285, arsenic adsorption system
Modular system for field installation
(3) 24 x 72 -inch composite vessels in parallel
SCH 80 PVC hub and lateral collection system
Granular Ferric Oxide arsenic adsorption media, (24) cubic feet total
Gravel/quartz underbedding

Process Valves, Piping & Instrumentation

Top mounted main process control valve with NXT Timer
Inlet/outlet connections
Manual diaphragm valve for drain line flow control (shipped loose) - to be installed by others
0-100 psi Pressure Gauges (shipped loose) - to be installed by others
(1) Turbine Style Flow meter (shipped loose) - to be installed on inlet piping
(1) Turbine style flowmeter (loose) to be installed on backwash piping
(6) GF 1.5" PVC Electric Actuated True Union Ball Valve plus
(1) 1.50" Check valve PVC transparent spigot GF EPDM
Treated water used for backwashing
Field piping to be provided and completed by installer
(1) Relay Panel for auxiliary backwash & control

Field Services & Miscellaneous

System installation by others
Commissioning and training provided by AdEdge
AdEdge shop drawings & design report
(1) Standard Operation & Maintenance manual provided at startup

Customer Provided Support

Single phase 115VAC, 20 amp electrical service
Drain or discharge point for periodic backwash water
Concrete slab or base for treatment system
Enclosure / weather protected if outdoors as necessary
Consistent water supply at 30 - 100 PSIG, pressure relief valve if required
Inlet, outlet, interconnecting pipe (installed & provided by contractor)
Unions, isolation ball valves, sample taps (installed & provided by contractor)
Installation contractor available during onsite startup

Terms

Lead time is typically 6-7 weeks for fabrication upon approved drawings
Freight is NOT included, to be billed at time of shipment; FOB Duluth, GA
Sales / use tax (if applicable) are NOT included
1 year manufacturer warranty on equipment
See contract letter for Terms and Conditions



Example modular system

Chemical Feed Module - (HCL)

Stenner 45 MHP Peristaltic Dosing Pump
50 Gallon PE Tank with supports for mounting
includes suction tubing with foot valve
(1) 2.0-inch PVC Static Mixer (share with Cl2)
(1) Injection Quill w/check
*43% HydroChloric Acid by customer

**Appendix D -
SWRCB-DDW Letter**



State Water Resources Control Board

Division of Drinking Water

June 13, 2016

Ken Mattson
KS Mattson Partners LP
P.O. Box 5490
Vacaville, CA 95696

RE: Ceres West Mobile Home Park Water System – 2030 E Grayson Road, Ceres CA 95307

Dear Mr. Mattson:

Effective June 24, 2015, Senate Bill 88 (Statutes 2015, Chapter 27) added Sections 116680 – 116684 to California Health & Safety Code, addressing consolidation of public water systems.

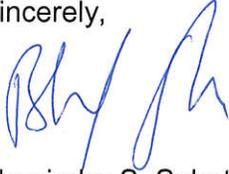
Our records indicate that the water delivered by Ceres West Mobile Home Park public water system (System) contains arsenic at levels that exceed the maximum contaminant level established in state and federal regulations. Since approximately 2006, the System has consistently failed to provide safe drinking water due to the high arsenic levels. It is our understanding that the System's service area is outside the boundaries of City of Ceres (City) but within the City's General Plan Study Area. It is also our understanding that the System's service area and distribution system extends to an area approximately 1000 yards from the City's nearest connection at the intersection of Redwood Avenue and Central Avenue.

The State Water Resources Control Board (State Water Board) strongly encourages the System and the City to work out voluntary consolidation of their public water systems. However, if a voluntary consolidation is not timely achieved, the State Water Board may determine to exercise its authority pursuant to Health & Safety Code section 116682, subdivision (a) to achieve consolidation of System with the City's public water system.

The State Water Board acknowledges that consolidation is a complex process and stands ready to assist you so that you are successful in delivering safe, affordable and accessible drinking water to your community in a cost-effective manner. The State Water Board will provide technical assistance and work with the City and the Ceres West Mobile Home Park to develop an appropriate and necessary financing package. Technical assistance will be available from the State Water Board's Division of Drinking Water (DDW) and Division of Financial Assistance (DFA).

If you have any questions regarding this matter, please contact Ms. Rachel Riess, Stanislaus County Environmental Health Division or myself at (209) 948-3881. For funding related questions, please contact Mr. George Faggella at (916) 449-5652.

Sincerely,



Bhupinder S. Sahota, P.E.
Senior Sanitary Engineer
Stockton District
NORTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

cc: Jeremy Damas, Director of Public Works
City of Ceres
2220 Magnolia Street
Ceres, CA 95307
Jeremy.Damas@ci.ceres.ca.us

Stanislaus County EHD

Sara Lytle-Pinhey, Executive Officer
Stanislaus LAFCo
1010 10th Street, 3rd Floor
Modesto, CA 95354
Pinheys@stancounty.com

**Appendix E -
City of Ceres Connection Fees**



Engineering Division
 2220 Magnolia Street
 Ceres, CA 95307
 (209) 538-5792
 Fax (209) 538-5675

Sewer/Water Connection Fees

Effective as of October 1, 2013 (Resolution 2013-73)

Sewer Connection Fees (1)	North Ceres Fee	Ceres Fee (3)
---------------------------	-----------------	---------------

Residential:

- Single Family Resident (each) (6) \$6079.20
- Multi-Family Residential (per unit) (4) \$5,288.90

Non Residential:

- | | |
|------------------------|--------------------------|
| | Cost/1,000 SF (3) |
| • Office & Schools (5) | \$ 1,565.33 |
| • Commercial (5) | \$ 1,133.87 |
| • Industrial (5) | \$ 2,049.16 |

Water Connection Fees (1)	Outside City Limits (9)	Ceres Fee (3)
---------------------------	-------------------------	---------------

Residential:

- Single Family Resident (each) \$10,246.41. \$6,830.94
- Multi-Family Residence (per unit) \$5,471.28 \$3,647.52

Non Residential:

- | | |
|--------------------|--------------------------|
| | Cost/1,000 SF (3) |
| • Office & Schools | \$ 2,356.20 \$ 1,570.80 |
| • Commercial | \$ 2,356.20 \$ 1,570.80 |
| • Industrial | \$ 2,253.69 \$ 1,502.46 |

Monthly Water/Sewer Charges (fees pertain to R-1 zone only)

Sewer	Water	
\$52.96 Ceres	\$20.25 Ceres	Effective 7-1-2013
\$52.33 North Ceres Service Area	\$20.25 County (9)	Effective 7-1-2013

Park in Lieu Fees

- Single Family Residential (per unit) \$4,521.00
- Multi-Family Residential (per unit) \$3,772.00
- Commercial/Industrial (per 1,000 SF) \$ 0.00

- (1) Connections outside City Limits require City Council approval and agreement to Annex. Water connection fee minimum \$3,332.50
- (2) Most uses
- (3) Includes 2% Admin Fee
- (4) \$4,212.16 for 2nd unit if 2nd unit is smaller than 1st unit; 1st unit = \$4905.00
- (5) \$14.157 per gallon per day of flow, and \$1,306.970 per pound of BOD per day, and \$347.280 per pound of TSS per day
- (6) Waste Water Capacity Charge = \$4,905.00/DU
- (7)
- (8)
- (9) Amount is 1.5 times the City of Ceres Fee

**Appendix F -
City of Ceres Monthly Water Rates**

PASSED AND ADOPTED by the Ceres City Council at a regular meeting thereof held on the 13th day of November, 2017 by the following vote:

AYES: Council Members:

NOES: Council Members:

ABSENT: Council Members:

Chris Vierra, Mayor

ATTEST:

Diane Nayares-Perez, City Clerk

Exhibit A – Monthly Water Rate Summary

	Current	1/1/2018	1/1/2019	1/1/2020	1/1/2021	1/1/2022
Service Charges (Monthly)						
1" Meter or smaller	\$20.13	\$28.18	\$38.61	\$40.54	\$42.57	\$44.27
1 1/2" Meter	\$45.30	\$63.42	\$86.89	\$91.23	\$95.79	\$99.62
2" Meter	\$80.53	\$112.74	\$154.46	\$162.18	\$170.29	\$177.10
3" Meter	\$201.33	\$281.86	\$386.15	\$405.46	\$425.73	\$442.76
4" Meter	\$402.66	\$563.72	\$772.30	\$810.92	\$851.46	\$885.52
6" Meter	\$805.31	\$1,127.43	\$1,544.58	\$1,621.81	\$1,702.90	\$1,771.02
8" Meter	\$1,431.67	\$2,004.34	\$2,745.94	\$2,883.24	\$3,027.40	\$3,148.50
10" Meter	\$2,452.44	\$3,433.41	\$4,703.78	\$4,938.96	\$5,185.91	\$5,393.35
Volumetric Charges						
<u>Single Family</u>						
Tier 1 per thousand gallons ²	\$2.00	\$2.80	\$3.84	\$4.03	\$4.23	\$4.40
Tier 2 per thousand gallons ²	\$2.90	\$4.06	\$5.56	\$5.84	\$6.13	\$6.38
<u>Non-Single Family</u>						
Rate per thousand gallons	\$2.00	\$2.80	\$3.84	\$4.03	\$4.23	\$4.40

¹ County customers pay 1.50 times inside-City rates because of the increased cost of service.

² Single family residential Tier 1 usage is defined as 0 to 75,000 gallons/month. Tier 2 usage is defined as usage greater than 75,000 gallons/month.

**Appendix G -
Fire Protection Requirement Documentation**

Keyes Fire Protection District

PO Box 827, Keyes, CA, 95328



Re: Ceres Western Mobile Home Park

To whom it may concern,

This letter is in regards to your project at Ceres Western Mobile Home Park. Our Fire District and the County Fire Marshal have reviewed the documentation provided by your firm. Upon review, we would like to request that a hydrant be installed at the roadway, to be accessible by our fire apparatus, that we can use for fire suppression if the need should arise.

Best regards,

Erik Klevmyr
Fire Chief - Keyes Fire Protection District
209-634-7690

Paul Sereno

From: Erik Klevmyr <eklevmyr@keyesfire.com>
Sent: Friday, February 3, 2017 4:39 PM
To: Paul Sereno
Subject: Re: Ceres West MHP Hydrant

Paul,
That would suffice, thank you.
Erik

Erik Klevmyr

Fire Chief - Keyes Fire Protection District PO Box 827, Keyes, CA 95328 www.keyesfire.com Office - 209-634-7690

On 2017-02-03 13:35, Paul Sereno wrote:

> Hi Erik,
>
> I wanted to verify the type of hydrant we'll need to install for
> this project. Am I correct in that we'll need a wharf hydrant with our
> 4" line?
>
> Thanks,
>
> PAUL SERENO
>
> Associate Engineer
>
> 5150 N Sixth Street, Suite 124
>
> Fresno, CA 93710
>
> Office 559-473-1371 Ext 103
>
> Cell 559-375-2631
>
> Fax 559-513-8449
>
> paul.sereno@am-ce.com

EXHIBIT C

Government Code Section 56133

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Government Code Section 56133

- (a) A city or district may provide new or extended services by contract or agreement outside its jurisdictional boundary only if it first requests and receives written approval from the commission.
- (b) The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundary but within its sphere of influence in anticipation of a later change of organization.
- (c) If consistent with adopted policy, the commission may authorize a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to respond to an existing or impending threat to the health or safety of the public or the residents of the affected territory, if both of the following requirements are met:
 - (1) The entity applying for approval has provided the commission with documentation of a threat to the health and safety of the public or the affected residents.
 - (2) The commission has notified any alternate service provider, including any water corporation as defined in Section 241 of the Public Utilities Code, that has filed a map and a statement of its service capabilities with the commission.
- (d) The executive officer, within 30 days of receipt of a request for approval by a city or district to extend services outside its jurisdictional boundary, shall determine whether the request is complete and acceptable for filing or whether the request is incomplete. If a request is determined not to be complete, the executive officer shall immediately transmit that determination to the requester, specifying those parts of the request that are incomplete and the manner in which they can be made complete. When the request is deemed complete, the executive officer shall place the request on the agenda of the next commission meeting for which adequate notice can be given but not more than 90 days from the date that the request is deemed complete, unless the commission has delegated approval of requests made pursuant to this section to the executive officer. The commission or executive officer shall approve, disapprove, or approve with conditions the extended services. If the new or extended services are disapproved or approved with conditions, the applicant may request reconsideration, citing the reasons for reconsideration.
- (e) This section does not apply to any of the following:
 - (1) Two or more public agencies where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider.
 - (2) The transfer of nonpotable or nontreated water.
 - (3) The provision of surplus water to agricultural lands and facilities, including, but not limited to, incidental residential structures, for projects that serve conservation purposes or that directly support agricultural industries. However, prior to extending surplus water service to any project that will support or induce development, the city

or district shall first request and receive written approval from the commission in the affected county.

- (4) An extended service that a city or district was providing on or before January 1, 2001.
 - (5) A local publicly owned electric utility, as defined by Section 9604 of the Public Utilities Code, providing electric services that do not involve the acquisition, construction, or installation of electric distribution facilities by the local publicly owned electric utility, outside of the utility's jurisdictional boundary.
 - (6) A fire protection contract, as defined in subdivision (a) of Section 56134.
- (f) This section applies only to the commission of the county in which the extension of service is proposed.

(Amended by Stats. 2015, Ch. 763, Sec. 2.5. Effective January 1, 2016.)

EXHIBIT D

LAFCO Policy 15

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POLICY 15 - OUT-OF-BOUNDARY SERVICE CONTRACTS OR AGREEMENTS

(Amended January 24, 2018)

Government Code Section 56133 (Cortese-Knox-Hertzberg Act) specifies that a city or special district must apply for and obtain LAFCO approval before providing new or extended services outside its jurisdictional boundaries. The Commission will consider this policy in addition to the provisions of Government Code Section 56133 when reviewing out-of-boundary service extension requests.

- A. Pursuant to Government Code Section 56133(b), the Commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries, but within its sphere of influence, in anticipation of a later change of organization. The Commission may authorize a city or district to provide new or extended services outside its sphere of influence to respond to an existing or impending threat to the public health or safety of the residents of the affected territory in accordance with Government Code Section 56133(c).
- B. The Commission has determined that the Executive Officer shall have the authority to approve, or conditionally approve, proposals to extend services outside jurisdictional boundaries in cases where the service extension is proposed to remedy a clear health and safety concern for existing development.

In cases where the Executive Officer recommends denial of such a proposed service extension or where the proposal will facilitate new development, that proposal shall be placed on the next agenda for which notice can be provided so that it may be considered by the Commission. After the public hearing, the Commission may approve, conditionally approve, or deny the proposal.

- C. Considerations for Approving Agreements: Annexations to cities and special districts are generally preferred for providing public services; however, out-of-boundary service extensions can be an appropriate alternative. While each proposal must be decided on its own merits, the Commission may favorably consider such service extensions in the following situations:
 - 1. Services will be provided to a small portion of a larger parcel and annexation of the entire parcel would be inappropriate in terms of orderly boundaries, adopted land use plans, open space/greenbelt agreements or other relevant factors.
 - 2. Lack of contiguity makes annexation infeasible given current boundaries and the requested public service is justified based on adopted land use plans or other entitlements for use.
 - 3. Where public agencies have a formal agreement defining service areas provided LAFCO has formally recognized the boundaries of the area.
 - 4. Emergency or health related conditions mitigate against waiting for annexation.
 - 5. Other circumstances which are consistent with the statutory purposes and the policies and standards of the Stanislaus LAFCO.
- D. Health or Safety Concerns: The requirements contained in Section 56133(c) of the Government Code will be followed in the review of proposals to serve territory with

municipal services outside the local agency's sphere of influence. Service extensions outside a local agency's sphere of influence will not be approved unless there is a documented existing or impending threat to public health and safety, and the request meets one or more of the following criteria as outlined below:

1. The lack of the service being requested constitutes an existing or impending health and safety concern.
 2. The property is currently developed.
 3. No future expansion of service will be permitted without approval from the LAFCO.
- E. Agreements Consenting to Annex: Whenever the affected property may ultimately be annexed to the service agency, a standard condition for approval of an out-of-boundary service extension is recordation of an agreement by the landowner consenting to annex the territory, which agreement shall inure to future owners of the property.
1. The Commission may waive this requirement on a case-by-case basis upon concurrence of the agency proposing to provide out-of-boundary services.
 2. The Commission has determined, pursuant to Government Code Section 56133(b) that the Beard Industrial Area shall not be subject to the requirement for consent-to-annex agreements, based on the historical land use of the area and its location within the Sphere of Influence of the City of Modesto.
- F. Area-wide Approvals: The Commission has recognized and approved extensions of sewer and/or water services to specific unincorporated areas, including the Bret Harte Neighborhood, Robertson Road Neighborhood, and the Beard Industrial Area. New development in these delineated unincorporated areas is considered infill and does not require further Commission review for the provision of extended sewer and/or water services. The Commission may consider similar approvals for areawide service extensions on a case-by-case basis when it determines each of the following exists:
1. There is substantial existing development in the area, consistent with adopted land use plans or entitlements.
 2. The area is currently located within the agency's sphere of influence.
 3. The agency is capable of providing extended services to the area without negatively impacting existing users.
 4. The proposal meets one of the situations outlined in Section C of this Policy where extension of services is an appropriate alternative to annexation.
- G. In the case where a city or district has acquired the system of a private or mutual water company prior to January 1, 2001, those agencies shall be authorized to continue such service and provide additional connections within the certificated service area of the private or mutual water company, as defined by the Public Utilities Commission or other appropriate agency at the time of acquisition, without LAFCO review or approval as outlined in Government Code Section 56133. The continuation of service connections under this policy shall not be constrained by the sphere of influence of that local agency

at that time. Proposals to extend service outside this previously defined certificated area would come under the provisions of Government Code Section 56133 for the review and approval by the Commission prior to the signing of a contract/agreement for the provision of the service.

- H. Exemptions: Consistent with Government Code Section 56133, this policy does not apply to:
1. Two or more public agencies where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider.
 2. The transfer of non-potable or non-treated water.
 3. The provision of surplus water to agricultural lands and facilities, including but not limited to, incidental residential structures, for projects that serve conservation purposes or that directly support agricultural industries. However, prior to extending surplus water service to any project that will support or induce development, the city or district shall first request and receive written approval from the commission in the affected county.
 4. An extended service that a city or district was providing on or before January 1, 2001.
 5. A local publicly owned electrical utility, as defined by Section 9604 of the Public Utilities Code, providing electrical services that do not involve the acquisition, construction, or installation of electrical distribution facilities by the local publicly owned electric utility, outside of the utility's jurisdictional boundaries.
 6. A fire protection contract, as defined in Section 56134 and Policy 15a.

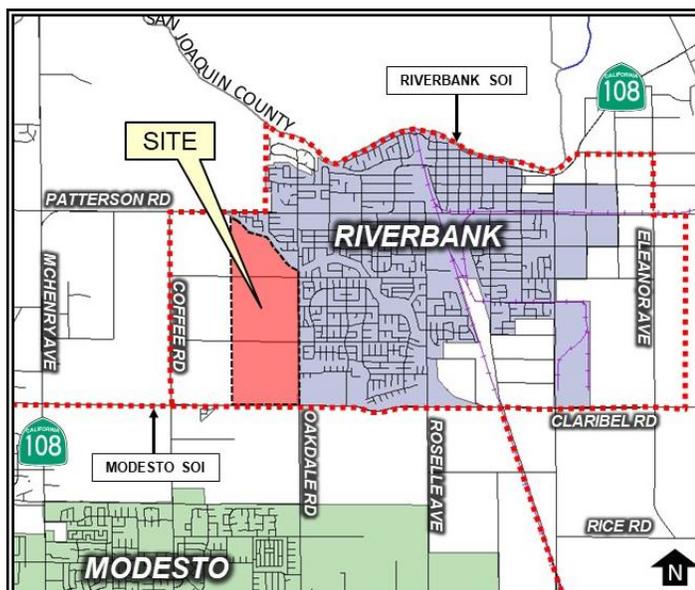
EXECUTIVE OFFICER'S AGENDA REPORT
JUNE 26, 2019

LAFCO APPLICATION NO. 2019-06 –
CROSSROADS WEST
CHANGE OF ORGANIZATION TO THE CITY OF RIVERBANK

PROPOSAL

The proposal is a request to annex approximately 403.79 acres at the northwest corner of Claribel Road and Oakdale Road to the City of Riverbank. The annexation is within the City's Sphere of Influence. The change of organization is meant to accommodate the Crossroads West Specific Plan which proposes a mix of residential, retail, parks, open space, public facilities and other mixed uses.

1. **Applicant:** City of Riverbank, by Resolution of Application.
2. **Location:** Northwest corner of the Claribel Road and Oakdale Road intersection, within the City of Riverbank's Sphere of Influence (See Exhibit A – Maps & Legal Description).
3. **Parcels Involved and Acreage:**
The project includes approximately 403.79 acres and includes 9 Assessor's Parcel Numbers (APNs).
4. **Reason for Request:**



The proposed annexation is intended to accommodate the Crossroads West Specific Plan, adopted by the City of Riverbank. The Specific Plan includes a mix of residential, retail, mixed uses, parks, open space, as well as potential school and fire station sites. The annexation would allow extension of City utilities and services to facilitate future development on the property consistent with the Specific Plan.

FACTORS

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires several factors to be considered by a LAFCO when evaluating a proposal. The following discussion pertains to the factors, as set forth in Government Code Section 56668:

- a. ***Population and population density; land area and land use; assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.***

The project area is considered uninhabited territory as there are less than 12 registered voters. The area currently consists of primarily agricultural uses, scattered single family homes and a city-owned sports complex. It has been pre-zoned by the City for a Specific Plan that includes residential, retail, parks, open space, potential school sites and other

mixed uses. The City is in the final stages of completing developable area within the existing Crossroads development to the east and anticipates Crossroads West will be a logical extension for growth over the next 10 years.

Upon annexation, the property taxes will be shared in accordance with the City/County Master Property Tax Agreement. The subject territory is located in Tax Rate Area 109-001. The current total assessed land value of the territory is \$4,250,769.

- b. *The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.***

Essential governmental services that are currently provided to the subject area and those services that will be provided after the reorganization is finalized are summarized in the following chart:

Type	Current Service Provider	Future Service Provider (Following Reorganization)
Law Enforcement	Stanislaus County Sheriff	Same
Fire Protection	Stanislaus Consolidated Fire Protection District	Same
Planning & Building Inspection	Stanislaus County	City of Riverbank
School District	Sylvan Union & Modesto City School Districts	Same
Water (Potable)	Well	City of Riverbank
Sewer	Septic	City of Riverbank
Roads	Stanislaus County	City of Riverbank
Mosquito Abatement	Eastside Mosquito Abatement	Same

Plan for Services

The City submitted a Plan for Services with the proposal (attached as Exhibit B) describing future City services that would be extended to the area as well as other service providers in the area, including the Stanislaus County Sherriff and Stanislaus Consolidated Fire Protection District. When reviewing the City’s Plan for Services, the Commission shall consider the ability of the City and districts to deliver adequate, reliable and sustainable services and will not approve a proposal that has the potential to significantly diminish the level of service(s) within the City and districts’ current boundaries. Additional information regarding the proposed services to the area is discussed further in factors “j” and “k.”

- c. ***The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.***

As indicated in the previous chart, many of the services currently provided will transfer to the City of Riverbank and property taxes will be shared in accordance with the Master Property Tax Agreement. There are no known negative impacts to existing County governmental structures, adjacent areas or social and economic interests as a result of the change of organization.

- d. ***The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in Section 56377.***

Section 56377 requires the Commission to consider LAFCO policies and priorities that would guide development away from existing prime agricultural lands and consider development of existing vacant or nonprime agricultural land for urban uses within the existing jurisdiction of a local agency or within the sphere of influence of a local agency before any expansion of boundaries.

The project site is located within the City of Riverbank Sphere of Influence and is adjacent to the City's boundary on its northern and eastern boundaries. Development of project site will result in the loss of prime farmlands (as described in the next factor). According to the City's Agricultural Preservation Plan, the project site has been identified as a key location for accommodating the projected economic growth and housing needs for the City. The City considers it to be a logical extension of the current Crossroads development, annexed in 1997. LAFCO recently approved an amendment to the City's Sphere of Influence and Primary Area (near term designation) in 2016. The currently proposed annexation encompasses the Primary Area just west of Oakdale Road.

- e. ***The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.***

In accordance with LAFCO Policy, the City of Riverbank prepared a Plan for Agricultural Preservation (attached as Exhibit C to this report). The Plan for Agricultural Preservation describes the impact to agricultural resources and identifies that approximately 226.38 acre of prime farmland, 85.55 acres of unique farmland, and 35.46 acres of farmland of local importance are located within the Crossroads West Specific Plan area. As a result of the proposed annexation, this acreage would be directly and permanently converted to nonagricultural uses. The conversion of these lands is considered a significant impact according to the Environmental Impact Report (EIR) Findings. The City of Riverbank identified following mitigation measure related to agricultural preservation as outlined in the Mitigation Monitoring and Reporting Plan:

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.

The above mitigation will be implemented by the City and is intended to minimize the impacts to agricultural lands as a result of the project, consistent with the menu of strategies in the Commission's Agricultural Preservation Policy.

- f. *The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting proposed boundaries.***

The proposed boundary would include nine Assessor's Parcel Numbers shown on the legal description and map (Exhibit A). It would also include the adjacent road right-of-way of Oakdale Road and Claribel Road, consistent with the Commission's policies.

- g. *A regional transportation plan adopted pursuant to Section 65080***

The Regional Transportation Plan (RTP) is prepared and adopted by the Stanislaus Association of Governments (StanCOG) and is intended to determine the transportation needs of the region as well as the strategies for investing in the region's transportation system. The RTP was considered as part of the City's environmental review and it was concluded that the project does not appear to conflict with StanCOG's currently adopted Regional Transportation Plan or any specific plans.

- h. *The proposal's consistency with city or county general and specific plans***

The proposed annexation area has been pre-zoned as Specific Plan SP-3 as part of the Crossroads West Specific Plan. The Specific Plan was prepared consistent with the goals and policies of the City's General Plan.

i. *The sphere of influence of any local agency, which may be applicable to the proposal being reviewed.*

The territory is currently within the City's Sphere of Influence and the "Primary Area" of Influence. Stanislaus LAFCO considers a Primary Area as the near-term growth area for a City. The project area is also within the boundaries of the following agencies: Stanislaus Consolidate Fire Protection District, Eastside Mosquito Abatement District, and the Modesto Irrigation District. Upon annexation the area will remain in the other districts identified.

j. *The comments of any affected local agency or other public agency.*

All affected agencies and jurisdictions have been notified pursuant to State law requirements and the Commission adopted policies. Affected agencies were also notified during the City's process of adopting environmental documentation and pre-zoning for the project. Responses received as of the drafting of this report are attached as Exhibit D (starting on page 47) and include:

- Letter from the Stanislaus Environmental Review Committee dated May 8, 2019 noting it has no comments on the project.
- Letter from Best Best & Krieger on behalf of the Stanislaus Consolidated Fire Protection District dated May 10, 2019 requesting that the Commission deny or delay approval of the application. (The "Discussion" section of this staff report outlines the District's concerns and the City's response.)
- Letter from the Central Valley Regional Water Quality Control Board dated June 12, 2019 noting various permitting requirements.
- Letter from the City of Riverbank received June 19, 2019 in response to Stanislaus Consolidated Fire Protection District's concerns.

k. *The ability of the receiving entity to provide services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.*

The City of Riverbank is a full-service provider of municipal services including domestic water, sanitary sewer, storm drainage, street construction/maintenance, and street lighting. Police services are provided through a contract with the Stanislaus Sheriff's Department. Fire protection services will continue to be provided by the Stanislaus Consolidated Fire Protection District as the District's boundary covers the annexation area. The City's Plan for Services (Exhibit B) summarizes supplies and demands for each of these services and the financial mechanisms available for each.

According to the Crossroads West Specific Plan, funding for constructing backbone infrastructure (sewer, water, drainage and roads), public facilities (landscaping, parks, fire service, police service, and transit) and other services may be financed through area specific impact fees, assessment and special tax districts, community facilities district, private funding and other funding sources.

Water: The City will require any future applicant/developer to construct the water supply

infrastructure needed to connect to the City of Riverbank domestic water system. Based on proposed land uses, the annexation area is estimated to generate an annual per day water demand of 1.8 million gallons per day. There are three City-operated groundwater wells located in close proximity to the Specific Plan area, directly to the east of Oakdale Road. These wells have the ability to generate up to 3,900 gallons per minute of potable groundwater. To offset the increased demand for potable water in the Specific Plan area, an additional groundwater well site is planned north of Morrill Road just south of the MID Main canal.

The City states that overall, the total volume of water supply projected is accounted for within the City's 2015 Urban Water Management Plan will be sufficient to meet the demands of the Specific Plan area, within the framework and context of the 2025 City of Riverbank General Plan.

Wastewater Collection and Treatment: The sanitary sewer collection will be by an underground collection system installed as per the City of Riverbank standards, criteria and specifications. The Plan for Services describes system improvements that will be needed, including new main lines and the potential for an interim lift station to serve the first phase of the project. Sanitary sewer disposal will flow to the City's wastewater treatment plant (WWTP) located just north of the City.

Overall, the City's Plan states that it has adequate capacity to meet the sewer demands in the Specific Plan area. The existing demand of the City is 1.64 million gallons per day (mgd). The projected total of the existing demand with the addition of the Specific Plan is 2.21 mgd. Per the 2007 Sewer Collection System Master Plan and the 2015 City of Riverbank Municipal Service Review the buildout of the City's WWTP would result in the ability to handle 7.9 mgd.

Storm Drainage: Any development and urbanization would increase runoff and will require adequate storm drainage facilities and improvements. The City of Riverbank has General Plan policies and City standards related to storm drainage and runoff that all development is required to comply with. Storm water facilities are expected to be built as the area develops. Storm drainage improvements will be installed by each project applicant, subject to City of Riverbank's Systems Development Fee program.

Fire Protection Services: The Stanislaus Consolidated Fire Protection District (District) currently provides fire protection services to the annexation area and would continue to do so following annexation. The Specific Plan identifies a potential location for a new fire station to be located near the corner of Crawford and Oakdale Roads. Development impact fees are the primary source of funding for new facilities. The City has stated that it will work with the District to implement the District's development impact fee program and ensure that all new development pay its fair share.

The City's Plan for Services states that based on the current adequacy of existing response times and the ability of the District to serve the City, it is anticipated that with the payment of development impact fees to the District and development of a new fire station that the annexation area will continue to be served adequately. The District also receives revenues from a special benefit assessment to support ongoing fire services. As parcels are created in the annexation area, each new parcel will contribute to the District's special assessment to finance the District's ongoing operations.

Police Protection: The City of Riverbank currently contracts with the Stanislaus County Sheriff for polices services. New development will result in additional demand for law enforcement. New facilities and equipment will be funded through development impact fees, and operating costs will be funded through a combination of an increased tax base and the Specific Plan area annexing into an existing community facilities district or forming a new one. The City's Plan for Services states that the existing police facilities will be sufficient to serve the proposed annexation area.

l. Timely availability of water supplies adequate for projected needs as specified in Government Code Section 65352.5.

The City owns its public water supply system, which is operated and maintained by the City's Public Works Department. The Specific Plan area is estimated to generate an annual per day water demand of approximately 1.8 million gallons per day. The City has provided documentation regarding the sufficiency of both existing wells and proposed plans indicating that the total volume of water supply projected will be sufficient to meet the demands of the Specific Plan.

m. The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.

The Specific Plan proposes approximately 261.5 acres for a mix of housing densities and types, to serve the needs of different households. The development of Crossroads West is anticipated to result in between 1,170 and 1,872 low, medium and high-density dwelling units. These units would contribute towards meeting the City's regional housing needs.

n. Any information or comments from the landowner or owners, voters, or residents of the affected territory.

For the current proposal, there are 10 registered voters within the affected territory. Staff has received a handful of phonecalls with general inquiries about the proposal and the LAFCO process. Staff also received an email from a resident north of the project site (attached as part of Exhibit D). The email includes concerns related to the potential for fees or assessments, concerns about biological resources and issues related to previous City projects. References to potential fees or assessments in the noticing of the project were related to the annexation site itself and not surrounding properties (although surrounding properties are also required to be notified). Regarding biological resources, the proposal's EIR includes mitigations regarding pre-construction surveys and avoidance of certain seasons for special status species.

No other written comments have been received at the time of this staff report.

o. Any information relating to existing land use designations.

The property is currently zoned A-2-40 (General Agriculture) in the Stanislaus County Zoning Ordinance and is designated Agriculture in the County's General Plan. The City of Riverbank has prezoned the area as SP-3 Specific Plan designation for a variety of residential uses, commercial uses, parks, mixed uses and open space.

p. The extent to which the proposal will promote environmental justice.

As defined by Government Code §56668, “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. There is no documentation or evidence suggesting the proposal will have a measurable effect for or against promoting environmental justice.

q. Information contained in a local mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone pursuant to Section 51178 or maps that identify land determined to be in a state responsibility area pursuant to Section 4102 of the Public Resources Code, if it is determined that such information is relevant to the area that is the subject of the proposal.

According to the Environmental Impact Report, the project site has not been identified as being within a very high fire hazard severity zone.

DISCUSSION

LAFCO Staff has completed the following analysis to further evaluate issues and address factors unique to LAFCO’s role pursuant to State Law and the Commission’s adopted Policies and Procedures. The following is a discussion on each of these additional considerations.

Plan for Agricultural Preservation

The Commission adopted an Agricultural Preservation Policy that provides evaluation standards for the review of proposals that could induce or lead to the conversion of agricultural lands. The Policy requires that applicants prepare a Plan for Agricultural Preservation that details the impacts to agricultural lands, identifies a method to minimize impacts, and provides additional information to assist the Commission in making its findings for approval of a project. The Policy states that the Commission may consider approval of a proposal that contains agricultural land when it determines there is sufficient evidence demonstrating the following:

- a. Insufficient alternative land is available within the existing sphere of influence or boundaries of the agency and, where possible, growth has been directed away from prime agricultural lands towards soils of lesser quality.*
- b. For annexation proposals, that the development is imminent for all or a substantial portion of the proposal area.*
- c. The loss of agricultural lands has been minimized based on the selected agricultural preservation strategy. For the purposes of making the determination in this section, the term “minimize” shall mean to allocate no more agricultural land to non-agricultural uses than what is reasonably needed to accommodate the amount and types of development anticipated to occur.*
- d. The proposal will result in planned, orderly, and efficient use of land and services. This can be demonstrated through mechanisms such as:*

- i. Use of compact urban growth patterns and the efficient use of land that result in a reduced impact to agricultural lands measured by an increase over the current average density within the agency's boundaries (e.g. persons per acre) by the proposed average density of the proposal area.*
- ii. Use of adopted general plan policies, specific or master plans and project phasing that promote planned, orderly, and efficient development.*

The City's Plan for Agricultural Preservation identifies that there are no alternative lands available within the City's boundaries that meet the objectives of the proposed annexation. The City's objectives include maintaining a strong commercial corridor and providing housing opportunities to meet its Regional Housing Needs Allocation (RHNA).

The findings above also require the City to demonstrate that it has minimized the loss of agricultural land and that the development will result in planned, orderly, and efficient use of land and services. As mentioned previously in this report, the proposal includes a provision for 1:1 agricultural mitigation, which is consistent with the menu of strategies in LAFCO's Policy. Further, the City has identified that it will provide open space along the westerly edge of the Crossroads West Specific Plan area to protect continued agricultural uses in those areas.

Given the existence of nearby infrastructure, the City limits being directly to the north and east of the site, and the location of the site within the Primary Area of the Sphere of Influence, the proposal can be considered a logical and orderly extension of the City's boundary. Further, the specific plan provides a plan for land use, circulation, plan for services and provides a variety of future housing options that include low, medium, and high-density residential uses that the City identifies as an efficient use of land.

LAFCO's policy also requires that development be considered imminent for all or a substantial portion of a proposed annexation area. According to the application, the City has approved a development agreement, tentative map, and preliminary development plan for the first phase of development in the area nearest to the Oakdale Road and Claribel Road intersection and a tentative map for residential development to the north of this area. Therefore, development is expected to be imminent in a substantial portion of the area.

Based on the information provided by the City, Staff believes that the Commission can make the findings contained within the Agricultural Preservation Policy for approval of the proposal.

Fire Protection District Concerns

LAFCO staff received a letter dated May 10, 2019 from Best Best & Krieger on behalf of the Stanislaus Consolidated Fire Protection District (attached in full as Exhibit D—starting on page 49). The letter objects to the City's application and requests that LAFCO delay or deny the proposal based on the need for the adoption of development impact fees to mitigate fire protection impacts. The letter states that the project is inconsistent with the City's General Plan policies related to fire protection services and is therefore not compliant with CEQA. The letter also states that the City has refused to adopt the impact fees set forth in the District's Development Impact Fee Study prepared in 2018.

The City of Riverbank provided a letter dated June 19, 2019 (Exhibit D - starting on page 119) that responds to the District's concerns and also indicates that the City has had ongoing

communications with the District about the Crossroads West project. The City states that mechanisms exist for the City and District to ensure that the proposal complies with General Plan policies during implementation of the project. The City has also indicated its willingness to continue coordinating with the District regarding implementation of impact fees.

ENVIRONMENTAL REVIEW

The City of Riverbank, as Lead Agency, certified and adopted an Environmental Impact Report (EIR) for the Crossroads West Specific Plan pursuant to the California Environmental Quality Act (CEQA). As part of the environmental review, the EIR also addressed the proposed change of organization for the Specific Plan area.

Statement of Overriding Considerations

The City identified significant impacts in the EIR, which could not be eliminated or mitigated to a level of insignificance. In certifying the EIR for the proposal, the City Council adopted certain Findings of Fact and a Statement of Overriding Considerations, concluding the significant effects of the project are outweighed by the benefits of the development plan. Significant and unavoidable impacts of the proposed specific plan include: (1) aesthetics and visual resource impacts; (2) agricultural resource impacts; (3) air quality impacts; (4) greenhouse gas, climate change and energy impacts; (5) noise impacts; (6) public service and recreation impacts; (7) transportation and circulation impacts; (8) greenhouse gas emissions impacts; and (9) transportation and circulation impacts. The City's environmental determination, adopted by Riverbank City Council Resolution No. 2019-013, is attached in full as Exhibit B to this report. (Copies of the City's environmental documentation, including the draft and final EIR has been provided previously in electronic format for the Commission and public's review and is available on the LAFCO website.)

LAFCO as a Responsible Agency

Pursuant to CEQA, the Commission, as a Responsible Agency, must consider the EIR prepared by the City, including the environmental effects of the project, prior to reaching a decision on the project. If the Commission decides to approve the proposal, the Commission's resolution should include one or more findings required by CEQA Guidelines Section 15091(a) for each significant effect of the project and make findings in Section 15093, as necessary, to adopt statements of overriding considerations, and file a Notice of Determination in compliance with CEQA Guidelines Section 15096(i).

Findings for Approval

Consistent with the above, upon conclusion of the Public Hearing on this matter, if the Commission decides to approve the City's request, it may consider establishing the same findings and the statement of overriding considerations adopted by the City of Riverbank, as Lead Agency. The Commission would thus adopt a resolution that finds all of the following:

- Finds that the Commission complied with the requirements of CEQA Section 15096, et seq., by independently reviewing and considering the environmental effects of the project as presented in the EIR for the project prepared by the City of Riverbank, as Lead Agency, is adequate prior to reaching a decision on the proposal.

- Finds that by using independent judgment and in light of the entire public record, the Commission did not identify any feasible alternatives or mitigation measures within its power that would substantially lessen or avoid any significant effect the proposal would have on the environment [Guidelines Section 15096(g)(1)].
- Finds that prior to reaching a decision on the proposal, the Commission made the required findings pursuant to CEQA Guidelines Sections 15091, 15093, and 15096(h).

ALTERNATIVES FOR COMMISSION ACTION

Following consideration of this report and any testimony or additional materials that are submitted at the public hearing for this proposal, the Commission may take one of the following actions:

- Option 1** APPROVE the proposal, as submitted by the applicant.
- Option 2** DENY the proposal.
- Option 3** CONTINUE this proposal to a future meeting for additional information.

STAFF RECOMMENDATION

Based on the discussion in this staff report, including the factors set forth in Government Code Section 56668, Staff recommends that the Commission approve the proposal and adopt Resolution No. 2019-13 (attached as Exhibit E), which:

- a. Certifies, as a Responsible Agency under CEQA, that the Commission has considered the environmental documentation prepared by the City of Riverbank as Lead Agency and makes the appropriate CEQA findings;
- b. Finds the proposal to be consistent with State law and the Commission's adopted Policies and Procedures;
- c. Approves the change of organization, subject to the terms and conditions and directs the Executive Officer to initiate protest proceedings.

Respectfully submitted,

Javier Camarena

Javier Camarena
Assistant Executive Officer

Attachments - Exhibit A: Maps and Legal Description (pg. 13)
Exhibit B: Plan for Services (pg. 23)
Exhibit C: Plan for Agricultural Preservation (pg. 35)
Exhibit D: Comments Received as of June 19, 2019 (pg. 47)
Exhibit E: Riverbank City Council Resolution 2019-013: CEQA Findings (pg. 133)
Exhibit F: Draft LAFCO Resolution No. 2019-13 (pg. 257)

Additional support documentation has been made available on LAFCO's website under "Public Notices" (<http://www.stanislauslafco.org/info/PublicNotices.htm>) and includes:

- [Draft Environmental Impact Report](#)
- [Final Environmental Impact Report](#)
- [Mitigation Monitoring & Reporting Program](#)
- [Crossroads West Specific Plan](#)
- City Council Resolution and Ordinances

EXHIBIT A

Maps and Legal Description

LAFCO APP. 2019-06
CROSSROADS WEST
PROJECT MAP



RIVERBANK SOI

SAN JOAQUIN COUNTY

SITE

PATTERSON RD

MCHENRY AVE

TULLY RD

CARVER RD

14

LANGWORTH RD

ELEANOR AVE

RIVERBANK

CLARIBEL RD

ROSELLE AVE

OAKDALE RD

COFFEE RD

MODESTO SOI



KIERNAN AVE

BANGS AVE

RICE RD

MODESTO

MILNES RD



LAFCO APP. 2019-06
CROSSROADS WEST
PROJECT MAP (2)

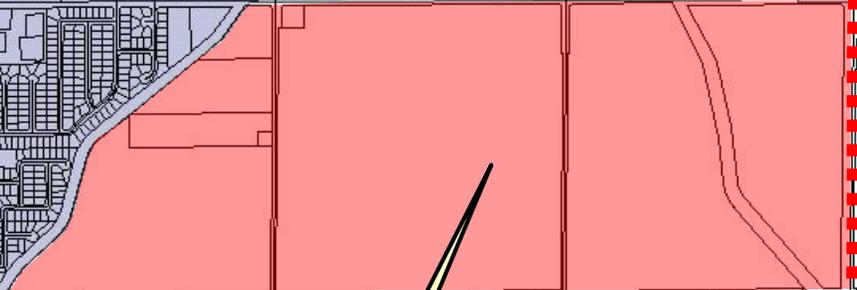


ROSELLE AVE

RIVERBANK

RIVERBANK SOI

OAKDALE RD



SITE

MORRILL RD

CRAWFORD RD

COFFEE RD

PATTERSON RD

RIVERBANK SOI

MODESTO SOI

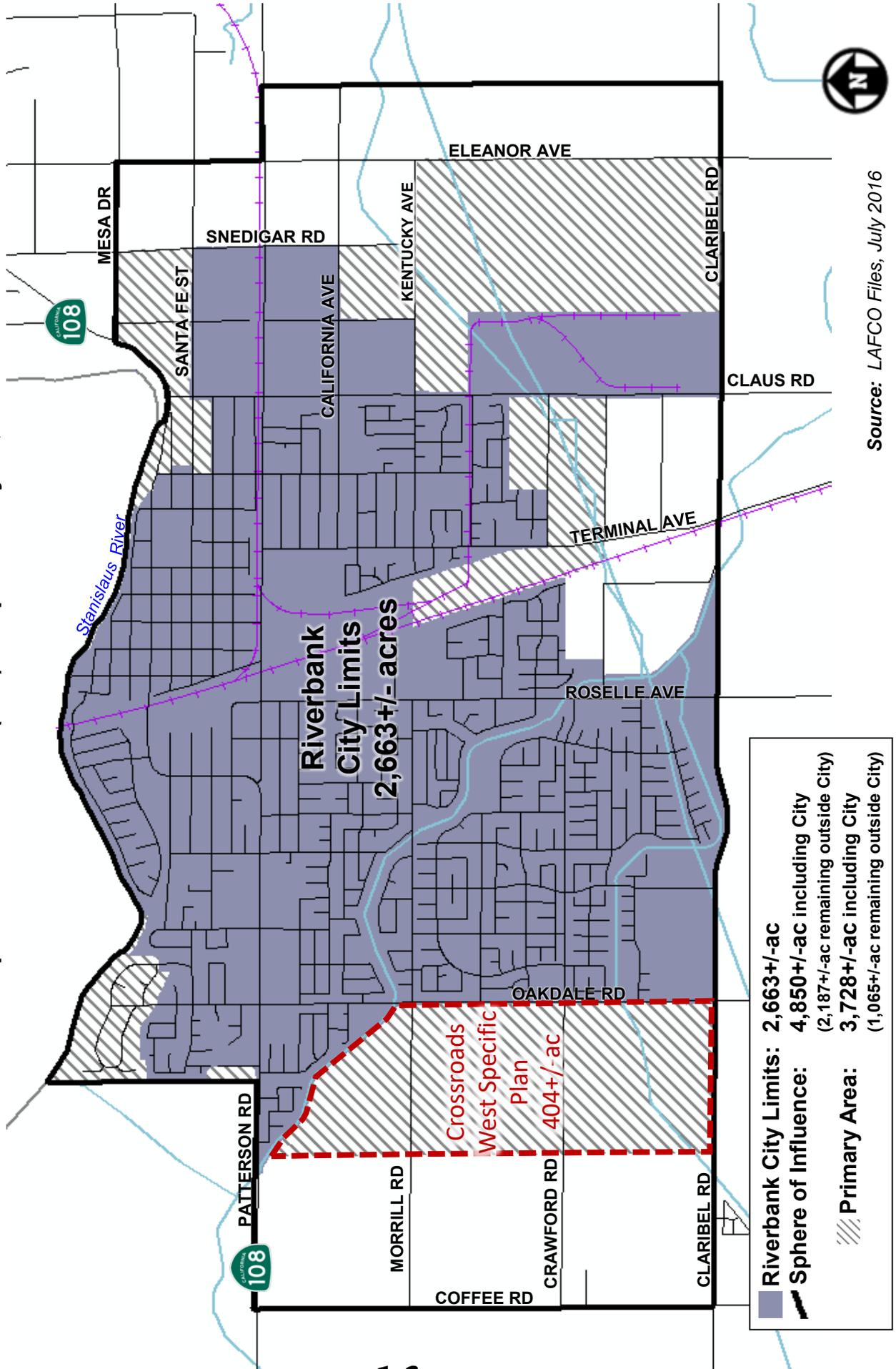
15

MCHENRY AVE



Riverbank

Sphere of Influence (SOI) Adopted: July 27, 2016



Source: LAFCO Files, July 2016

Crossroads West Change of Organization to the City of
Riverbank

APNs

074-006-022

074-006-021

074-006-016

074-006-014

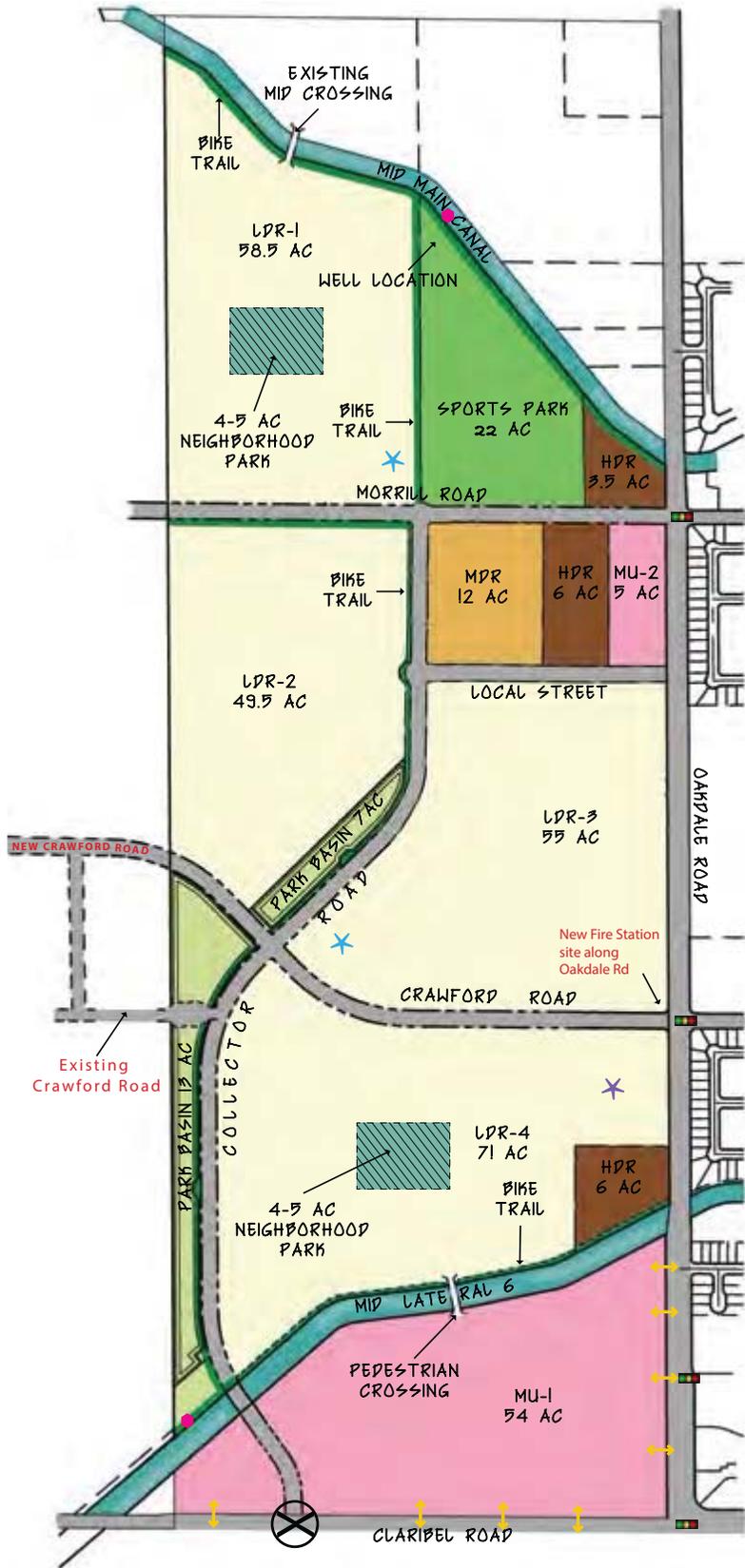
074-006-013

074-011-009

074-014-006

074-014-007

074-011-004



LEGEND/NOTES

- LOW-DENSITY RESIDENTIAL (LDR) - 5-8 DU/Acre ^{3,4}
- MEDIUM DENSITY RESIDENTIAL (MDR) - 8-16 DU/Acre
- HIGH DENSITY RESIDENTIAL (HDR) - 20+ DU/Acre
- REGIONAL SPORTS PARK (P)
- MIXED USE 1 (MU-1) ⁵
- MIXED USE 2 (MU-2)
- School (S)
- PARK/BASIN (P)
- Neighborhood Park
- ARTERIALS, COLLECTORS AND LOCAL STREETS

Acres	D.U.'s	Average D.U./Acre	S.F.
234	1,521	6.5	-
12	144	12	-
15.5	310	20	-
22	-	-	-
54	0/350	-	550,000/360,000
5	38	12	27,000
20	-	-	-
25	-	-	-
387.5¹	2,013/2,363		577,000/387,000

LEGEND/NOTES

- ACCESS POINTS FOR COMMERCIAL
- EXISTING TRAFFIC SIGNALS
- POSSIBLE TRAFFIC SIGNAL
- POSSIBLE SCHOOL SITE ³ (S)
- ACTIVE ADULT ²
- BIKE TRAIL
- STORM DISCHARGE
- POSSIBLE NEIGHBORHOOD PARK

NOTES:

- ¹ Total acreage does not include the existing Right-of-Ways for the MID Main Canal, Oakdale Road, MID Lateral No. 6, or Claribel Road.
- ² Active Adult is allowed anywhere within the LDR designation.
- ³ The School locations are a placeholder within the LDR.
- ⁴ LDR unit count includes Neighborhood Park land which has an underlying land use designation of LDR.
- ⁵ In Mixed Use 1, development could consist of all retail (550,000 sf) and no residential; or up to 350 units of residential and about 360,000 sf of retail.
- ⁶ Park area and school areas are included in the LDR acreage.
- ⁷ The Land Use areas and shapes as shown on this Land Use Map are conceptual. Shapes of the Land Use areas may be reconfigured based on final design.



Figure 5 – Proposed Crossroads West Land Use Map



CROSSROADS WEST
CHANGE OF ORGANIZATION TO
THE CITY OF RIVERBANK



All that certain real property being a portion of Section 34 & 27 of Township 2 South, Range 9 East Mount Diablo Base and Meridian; situate in the County of Stanislaus, State of California, more particularly described as follows:

COMMENCING at the Section Corner common to Sections 2 and 3, Township 3 South, Range 9 East, Mt. Diablo Base and Meridian and Sections 34 and 35, Township 2 South, Range 9 East Mt. Diablo Base and Meridian, said point also being the centerline intersection of Claribel Road and Oakdale Road; thence North 89°38'50" West 50.01 feet to a point 50.00 feet westerly of the West line of said Section 2 to the **TRUE POINT OF BEGINNING**; said point also being the Southwest corner of the existing City limit line and the Crossroads change of organization recorded August 11, 1997;

Thence leaving said Southwest corner the following four (4) courses:

- 1) thence Westerly along the centerline of Claribel Road and the Southerly line of said Section 34; North 89°38'50" West a distance of 2592.85 feet to a point on the north-south centerline of section 34;
- 2) thence Northerly along the said North-South centerline of Section 34, North 00°22'42 West a distance of 2652.00 feet to the center one-quarter of said section 34;
- 3) thence Northerly along the said North-South centerline of Section 34, North 00°23'10" West a distance of 2643.64 feet to a point on the Southerly line of the North-South centerline of section 27;
- 4) thence Northerly along said North-South centerline of section 27, North 00°25'20" West a distance of 2431.39 feet to a point on the southwesterly corner of the Patterson Road No. 2 Reorganization to the City of Riverbank, recorded August 9, 1991; said line also being the Southerly right way line of the 100.00 foot wide Modesto Irrigation Districts main canal;

Thence leaving the North-South centerline of said section 27, Southeasterly along said Southerly line of the Patterson Road No. 2 Reorganization and Southerly line of said canal the following six (6) courses:

- 1) thence continuing along said Patterson Road Reorganization South 59°58'22" East a distance of 197.60 feet to the beginning of a 300.00 foot curve concave southwesterly, the radius of which bears North 48°03'15" East;
- 2) thence Southeasterly along the arc of said 300.00 foot curve, through a central angle of 18°01'38", an arc distance of 94.39 feet;

- 3) thence Southeasterly along said Patterson Road No. 2 Reorganization south $41^{\circ}56'45''$ East a distance of 423.66 to the beginning of a 400.00 foot radius curve concave northeasterly; the radius of which bears South $15^{\circ}06'39''$ West;
- 4) thence Southeasterly along the arc of said 400.00 foot curve, through a central angle of $32^{\circ}56'36''$, an arc distance of 229.99 feet;
- 5) thence Southeasterly along said Patterson Road No. 2 Reorganization, South $74^{\circ}53'21''$ East a distance of 534.61 feet to the beginning of a 300.00 foot curve concave southwesterly the radius of which bears North $36^{\circ}10'15''$ West;
- 6) thence continuing southeasterly along the arc of said 300.00 foot curve, through a central angle of $19^{\circ}14'26''$, an arc distance of 100.74 feet, to a point on the Southwesterly corner of the Khatri reorganization to the City of Riverbank recorded on February 23, 1988;

Thence leaving said Patterson Road No. 2 City limit line continuing Southeasterly along said Khatri Reorganization and South right-of-way line of said canal the following (5) courses:

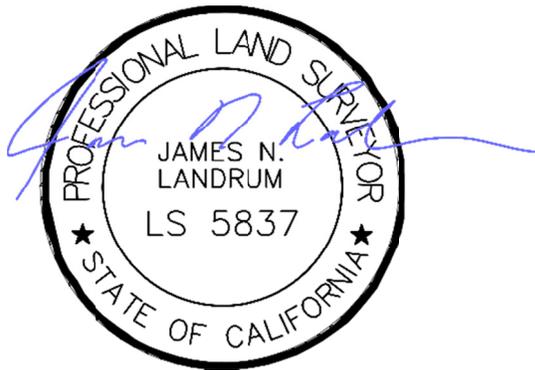
- 1) thence Southeasterly along the arc of said 300.00 foot curve, through a central angle of $16^{\circ}41'58''$, an arc distance of 87.44 feet;
- 2) thence Southeasterly along said Khatri Reorganization, South $38^{\circ}56' 57''$ East a distance of 1409.99 feet to the beginning of a 450.00 foot radius curve concave northeasterly; the radius of which bears South $36^{\circ}10'15''$ West;
- 3) thence Southeasterly along the arc of said 450.00 foot curve, through a central angle of $14^{\circ}52'48''$, an arc distance of 116.87 feet;
- 4) thence Southeasterly along said Khatri Reorganization South $53^{\circ}51' 15''$ East a distance of 295.42 feet to a point on a 276.00 foot radius curve, concave northeasterly, the radius of said curve bears South $30^{\circ}32'21''$ West;
- 5) thence Southeasterly along the arc of said curve, through a central angle of $5^{\circ}36'24''$, an arc distance of 27.01 feet to a point 25.00 feet westerly of the east line of section 27; said point being the current westerly City limit line and the northwest corner of the said Crossroads Annexation;

Thence southerly along said westerly city limits line the following four (4) courses:

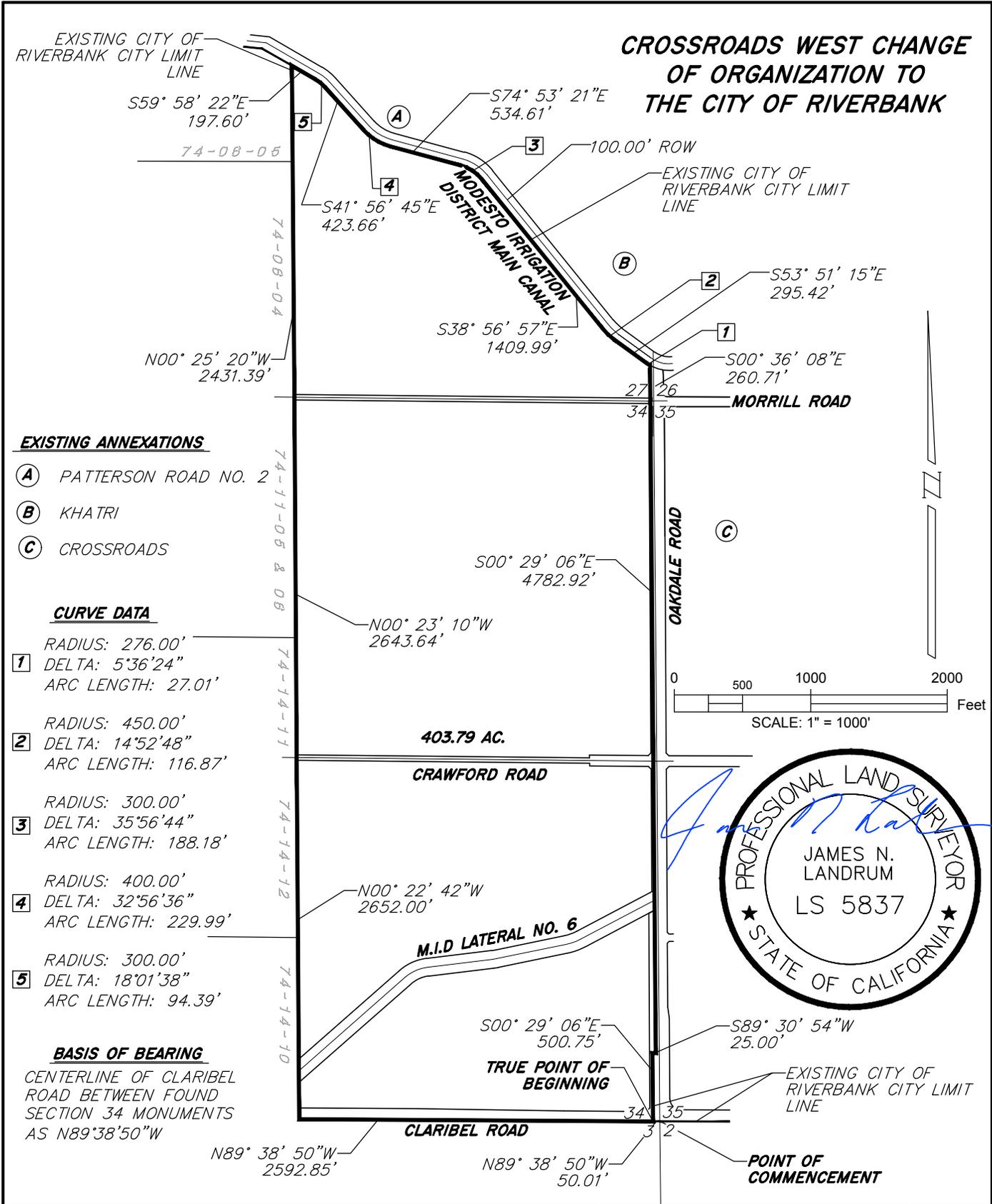
- 1) thence 25.00 feet West of and parallel with the east line of Section 27, South $00^{\circ}36'08''$ East a distance of 260.71 feet to a point 25.00 feet west of the east line of section 34;

- 2) thence 25.00 feet west of and parallel with the east line of said Section 34, South 00°29'06" East a distance of 4782.92 feet to an angle point in the current City limit line;
- 3) thence South 89°30' 54" West a distance of 25.00 feet to a point 50.00 feet westerly of the east line of section 34;
- 4) thence 50.00 feet westerly and parallel with the east line of said Section 34, South 00°29'06" East a distance of 500.75 feet to the **TRUE POINT OF BEGINNING**.

Containing 403.79 Acres, more or less.



CROSSROADS WEST CHANGE OF ORGANIZATION TO THE CITY OF RIVERBANK



Drawn By: JNL
 Date: 04/08/19
 Scale: 1"=1000'
 Job No.: 06293
 Phone: 866.526.4214

CROSSROADS WEST CHANGE OF ORGANIZATION
 BEING A PORTION OF SECTION 34 & SECTION 27
 TOWNSHIP 2 SOUTH, RANGE EAST 9, M.D.B.&M,
 COUNTY OF STANISLAUS, STATE OF CALIFORNIA
 RIVERBANK CALIFORNIA

MVE Inc.
 1117 L Street, Modesto, CA 95354
 866.526.4214 | www.mve.net
 Northern California | Southern California | Nevada

SHEET
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 OF **4**

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EXHIBIT B

Plan for Services

PLAN FOR SERVICES – CROSSROADS WEST SPECIFIC PLAN

ANNEXATION

City of Riverbank

Project Description

The Crossroads West Specific Plan (CWSP, Project, or Plan Area) is located within the unincorporated area of Stanislaus County. The approximately 380-acre Plan Area is adjacent to the City of Riverbank (City) limits to the north and east. The Plan Area is contained within the City's existing Sphere of Influence (SOI).

The nine parcels that comprise the Plan Area are primarily used for agricultural operations including a cow dairy operation with 550 milking cows, row crops, and fallow land. Seven home sites exist within the Plan Area and many of them have accessory structures on-site including storage buildings, shop buildings, and barn structures. Additionally, an approximately 11-acre regional City park, the Riverbank Sports Complex, is currently developed in the northeastern portion of the Plan Area, near the intersection of Morrill Road and Oakdale Road. Crawford Road and Morrill Road traverse the Plan Area from east to west.

Modesto Irrigation District (MID) provides water supply for the existing agricultural uses and maintains two easements on the Plan Area: a MID main canal with a crossing is located along the northern boundary of the Plan Area, and MID Lateral 6 traverses the southern portion of the Plan Area from northeast to southwest. A series of private irrigation ditches distribute the MID water from the on-site ditches throughout the Plan Area.

The Plan Area is bounded on the east by Oakdale Road, on the south by Claribel Road, on the north by the MID Main Canal, and on the west by those property lines approximately 0.5-mile west of Oakdale Road. The proposed Project includes development of up to 1,872 Low Density Residential (LDR) units, up to 192 Medium Density Residential (MDR) units, and up to 388 High Density Residential (HDR) units. The Project also includes up to 550,000 square feet (sf) of Mixed Use 1 (MU-1) uses, and up to 27,000 sf of Mixed Use 2 (MU-2) uses. It is noted that development in MU-1 could consist of a maximum of 550,000 sf of retail uses and no residential uses, or up to 350 units of residential uses and 360,000 sf of retail uses. The CWSP is designed to provide flexibility, so other combinations of retail and residential development could occur as the MU-1 area builds out, but not more than the maximum density presented would be allowed without an amendment approved by the City. Additionally, the proposed Project would increase the size of the existing 11-acre Regional Park, the Riverbank Sports Complex, to 22 acres. The plan accommodates the possibility for a future 10 to 12-acre elementary school as well as a 20-acre middle school within the Plan Area. The proposed Project would provide approximately 42 acres of park, open space, and Regional Sports Park uses.

The Project also included a General Plan amendment, which amended the City's Land Use Element to designate the entire Plan Area under the City's Specific Plan (SP) land use designation. The City also adopted pre-zoning consistent with the land use designations in the CWSP.

The City has approved a Development Agreement, Tentative Map and Preliminary Development Plan for the MU-1 area, and at the time of this application the City is processing a Development Agreement and Large Lot Tentative Map for the residential acreage to the north of the MU-1 area.

The quantifiable objectives of the proposed Project include annexation of approximately 380 acres of land into the Riverbank City limits, and the subsequent development of land, which will include: Low Density Residential, Medium Density Residential, High Density Residential, Regional Sports Park, Mixed Use, Elementary School, Park/Basin, Neighborhood Park, and transportation and utility improvements.

Environmental Review

On March 19, 2019, the City of Riverbank City Council certified an Environmental Impact Report (EIR) (SCH: 2017032062), and CEQA Findings of Fact and Overriding Considerations on the proposed annexation, and determined that the project, even with appropriate mitigation measures in place, would have a significant and unavoidable effects on the environment but that the benefits to the community outweighed the impacts. In addition, the Plan Area was previously analyzed at a programmatic level in the City's 2005-2025 General Plan Update Environmental Impact Report.

Water Supply

The City will require any future applicant/developer to construct the water supply infrastructure suggested as part of the adopted Master Plan necessary to serve the proposed annexation area and future development. This will require, with any development, connection to the City of Riverbank domestic water system.

Existing Water Supply

The City's existing water system delivers water to residential, commercial and industrial areas within Riverbank. There are nine (9) wells that currently operate within the City. Together these provide 9,885 gallons per minute (gpm) of potable water to the City's domestic water system.

The City's sole source of water supply is groundwater. The City's potable groundwater is delivered through a pressurized distribution system. The City's water supply and distribution system includes ten (10) wells with pumps, two (2) one million-gallon (MG) peaking reservoirs with booster pump stations, and over 44 miles of pipeline 8 inches to 12 inches in diameter. There

are also several miles of 4-inch and 6-inch diameter pipelines. The City’s wells range in depth from 240 feet to 830 feet with an average depth of 440 feet. Yields from the wells range from 620 gallons per minute (gpm) at Well No. 2 to 1,500 gpm at Wells No.10 and 12. The average yield is about 1,000 gpm, while the total available yield from all wells is 9,885 gpm (15,914 AFY if operated continuously). The average specific capacity of the City’s wells between 1999 and 2015 was approximately 71 gpm/ft of drawdown. A summary of the well capacities and other well data is shown in the table below.

TABLE 1

ACTIVE WELL DATA LIST

Well Number	Construction Date	Well Capacity
		(gpm)
2	1956	660
3	1965	625
4	1972	900
6	1981	1,000
7	1990	1,200
8	2001	1,200
9	2004	1,300
10	2007	1,500
12	2010	1,500
Total		9,885

Source: City of Riverbank. 2015. Riverbank Urban Water Master Plan .

A majority of existing users in the CWSP area obtain their potable water from private wells located on individual properties. Some existing landowners have agreements with the Modesto Irrigation District (MID) to obtain irrigation water.

Water Demand

Water demand was estimated from demand projection calculations and a quantitative evaluation of the CWSP planned land uses. Several demand factors were used to determine the CWSP area’s water demands. These factors are consistent with the City’s Supply Study and Water Master Plan, dated November 2007. Based on the planned mix of land uses and their corresponding demand factors, the CWSP area is estimated to generate an annual per day water demand of 1,796,856 gallons per day (gpd).

There are three (3) City operated groundwater wells that are located in close proximity to the CWSP area, directly to the east of Oakdale Road. These wells have the ability to generate up to 3,900 gpm of potable water. To offset the increased demand for potable water by the CWSP area, an additional groundwater well site is planned north of Morrill Road just South of the MID Main Canal.

The new well will be financed through the City's Systems Development Fee (SDF) program, which the City has adopted pursuant to Government Code § 66000 et seq. Water lines that are eligible for reimbursement through the SDF program will be installed by project applicants, and reimbursed upon their completion, dedication to, and acceptance by the City. Water facilities for the MU-1 site may be financed additionally through sales taxes generated onsite.

Overall, the total volume of water supply projected and accounted for within the City's 2015 Urban Water Management Plan will be sufficient to meet the demands of the CWSP area, within the framework and context of the 2025 City of Riverbank General Plan.

Wastewater Collection and Treatment

Wastewater service is provided by the City of Riverbank via their network of collection infrastructure and the City Wastewater Treatment Plant (WWTP), which is located just north of the Stanislaus River outside the City limits. The City Public Works Department Sewer Division repairs and maintains the sewer collection system, including laterals, sewer mains, and the WWTP. The collection system serves the existing properties within City Limits. Existing average daily wastewater flows in the city are 1.64 million gallons per day (mgd) (as of November 2015). The maximum treatment capacity is 7.9 mgd (as of 2015).

Existing Wastewater Facilities

The collection system consists of 6-inch to 36-inch diameter collection piping and nine (9) sewer lift/pump stations. All wastewater is conveyed from the collection system to the WWTP through a 27-inch gravity line located on a trestle over the Stanislaus River. Wastewater is then treated in aerated lagoons and disposed in infiltration basins.

The City maintains nine (9) sewer pump station located throughout the City. The closest sewer pump station to the Plan Area is the Silverrock pump station, located at the intersection of Oakdale Road and Silverrock Road. This station has two pumps with 500 gallon per minute (gpm) capacities, for a combined capacity of 1,000 gpm.

Wastewater System Improvements

A new sewer lift station (Crawford Road Pump Station) was constructed as recommended in the 2001 Sewer Master Plan. The service area of the pump station includes the Crossroads residential area and other areas south and east of the Modesto Irrigation District (MID) Main Canal. An 18-inch truck line was also installed within Crawford Road to feed the Crawford Road Sewer Pump Station.

To account for the addition wastewater flows in the Project area, after the construction of the proposed Project, additions to the existing wastewater infrastructure will be needed. The sanitary sewer collection will be by an underground collection system installed as per the City of Riverbank standards, criteria and specifications. Sanitary sewer disposal will flow to the WWTP for treatment.

New sewer main lines and an extension of the 18-inch truck line will be constructed in the new arterial and collector roads in the Plan Area. These improvements will service the majority of the Plan Area; however, a portion of development south of Crawford Road will be required to utilize a new sewer pump station that will be placed in the southwest portion of the site, near the Mixed-Use Area 1 (MU 1) land use north MID lateral No. 6.

An 18-inch line in Crawford Road; a 10-inch line in Morrill Road; and eight-inch line where Crawford Road intersects the westerly boundary of the Plan Area will be constructed to serve the Plan Area. All new sewer lines will be installed at varying slopes to provide the best service for the Project. Should any area develop prior to the necessary sewer improvements or truck line extension, this flow may be required to utilize a temporary lift station that connects to the 10-inch line in Morrill Road.

The development of the MU-1 property may require the construction of an interim sewer lift station to serve the western most limits of the MU-1 area. This private sewer pump station will be connected by way of a force main to the Crossroads Commercial development easterly of Oakdale Road. At the time the residential development occurs north of MID Lateral No.6, and concurrent with the construction of the north-south collector roadway through the Plan Area and the construction of the bridge over MID Lateral 6, the sewer line will be extended to the south side of MID Lateral 6 to allow for gravity connection from within the MU-1 property. At this point the private sewer pump station will be abandoned.

A preliminary analysis was performed on the downstream system in Roselle Avenue, north of Crawford Road Lift Station (CRLS). The existing flows from the CRLS are greater than the capacity in the stretch of 18-inch from CRLS to Talbot Lift Station (TLS) and from TLS to First Street. Therefore, a force main or a new and larger gravity main would need to be extended to a point downstream where the existing gravity sewer has adequate capacity.

The reduction of the CRLS flows from the TLS flows would be 1,172 gpm. This flow is less than 80 percent full capacity of the 18-inch line it currently ties into. Therefore, the existing line could remain and be utilized by the TLS. As mentioned above, the CRLS would need to have a force main extended past the TLS to a point where the gravity line could accept the flow plus any additional flow due to future upgrades to the CRLS. A proposed solution to the lack of capacity would be to extend a 16-inch force main from CRLS to the existing 30-inch sewer main near First Street.

Eligible sewer transmission lines will be financed and reimbursed to project applicants through the City’s SDF program. Sewer facilities for the MU-1 site may be financed additionally through sales taxes generated onsite.

Wastewater Treatment Demand

The City’s 2015 Municipal Service Review and Sphere of Influence Update includes projected wastewater generation factors for various land uses. Based on these calculations, it was determined that the City will have flows totaling 6.63 mgd with a WWTP buildout capacity of 7.9 mgd as a result of buildout of the entire General Plan Area.

The overall collection sewer strategy for the City of Riverbank, including the CWSP area, consist of laterals and sewer mains with pump station location along the collection system to convey wastewater to a 27-inch gravity line which conveys the wastewater to the City’s WWTP. The wastewater would be treated at the WWTP. The CWSP area would require sewer allocation and would be required to pay connection fees.

Sanitary Sewer demand for the CWSP area is based on the anticipated population at buildout. This is determined through population density demand factors applied to the planned mix of land uses. Based on these factors, the estimated average daily sanitary sewer flow generated by CWSP area at buildout is 568,740 gallons per day (gpm). A detailed analysis is shown below:

<i>LAND USE</i>	<i>PROPOSED ACREAGE</i>	<i>GENERATION FACTOR (GPD/AC)</i>	<i>WASTEWATER GENERATION (GPD)</i>
LDR – Low Density Residential	234.0	1,500	351,000
MDR – Medium Density Residential	12.0	2,500	30,000
HDR – High Density Residential	15.5	4,000	62,000
MU-1 – Mixed Use 1	54.0	1,760	95,040
MU-2 – Mixed Use 2	5.0	1,760	8,800
P – Parks/Open Space/Regional Sports Park	42.0	400	16,800
S – Elementary School	12.0	425	5,100
TOTAL			568,740

SOURCE: SEWER COLLECTION SYSTEM MASTER PLAN (2007), TABLE 4-3.



The City has availability to serve the proposed Project in addition to the existing service commitments. The City's previous MSR for its Sphere of Influence modification included growth within the City's Sphere of Influence, which included the CWSP area.

Wastewater treatment demand improvements will be financed through an update to the City's SDF program for wastewater. The MU-1 Development Agreement requires the MU-1 developer to participate in the adjusted SDF program to fund wastewater treatment expansion. The City will include similar provisions in the Development Agreement for residential projects north of the MU-1 site.

Overall, the City has adequate capacity to meet the Sewer demands in the CWSP area. The existing demand of the City Limits is 1.64 mgd. The proposed wastewater demand of the CWSP area is 568,740 mgd. The projected total of the existing demand with the addition of the CWSP area is 2.21 mgd. Per the 2007 Sewer Collection System Master Plan and the 2015 City of Riverbank Municipal Service Review the buildout of the City's WWTP would result in the ability to handle 7.9 mgd.

Storm Drainage

Existing Drainage Facilities

In general, the City of Riverbank drains from east to west. The City conveys runoff to multiple points along the Stanislaus River and discharges storm water to two (2) MID canals (MID Main and Lateral No. 6). As indicated in the 2008 Storm Drain System Master Plan, the City storm drain system generally consists of the following facilities: collection piping ranging from 12 inches to 54 inches, four (4) detention basins, six (6) storm water pump stations, seven (7) gravity storm water outfalls to the Stanislaus River, and two (2) outfalls to a MID Main Canal. MID and the City have entered into two (2) storm drain discharge agreement authorizing a total of seven discharge points.

Typically, storm water is collected into detention basins and then pumped out within 24 to 48 hours following a storm. Additionally, the City enforces storm drain regulations established by the US EPA and State of California. Storm Drainage from industrial areas within the City is typically disposed of on-site with the exception of the closed cannery, which may have drained into the sanitary sewer. Storm drainage from the newer commercial/industrial areas is either detained on site or released to the city system after the peak discharge has passed, or is disposed of on-site.

Currently, the Regional Sports Park located at the northern end of the CWSP area is the only existing development within the CWSP area that has drainage facilities to accommodate storm water runoff. The storm facilities at the Regional Sports Park were developed as part of the

overall plan for the Park and they tie into the existing City of Riverbank facilities located in Morrill Road and Oakdale Road. Any remaining storm runoff flows onto adjacent properties as there are no other formal drainage systems in the area. Some water is retained on-site and is used for the agricultural uses that exist on the site. The runoff generally flows to the south and west as that is how the Plan Area naturally slopes.

Storm Water Drainage and System Improvements

The City of Riverbank completed a Storm Drain System Master Plan in 2008 that evaluated existing storm drainage infrastructure, identified system deficiencies, and recommended improvements.

Any development and urbanization would increase runoff and will require adequate storm drainage facilities and improvements. City General Plan Policy PUBLIC-4.13 states that the City will enforce a no-net runoff policy for areas proposed for development outside the current City limits. City General Plan Policies PUBLIC 4.7 and 4.8 encourage new development to utilize pervious surfaces and percolation ponds, for natural storm water collection and filtration, in concert with the City's existing and future drainage infrastructure, to help reduce the amount of runoff and encourage groundwater recharge. Developers will be required to fund and install adequate drainage infrastructure in their projects to comply with these policies. In addition, critical components of the system must be in place so as to prevent an increase in flow beyond the existing capacity.

As presented in the CWSP, storm water facilities will be built as the CWSP area develops. Developers will be required to comply with MS4 standards as well as install storm water facilities. Storm drainage improvements will be installed by each project applicant, subject to SDF credits or reimbursement for eligible improvements.

Fire Protection

Stanislaus Consolidated Fire Protection District (SCFPD) provides fire protection and first response to emergencies for the City of Riverbank, as well as the unincorporated area within its Sphere of Influence. SCFPD has 11 fire stations throughout Stanislaus County and SCFPD currently has 81 paid employees and approximately 25 volunteers. SCFPD handles in excess of 4,200 calls per year, ranging from medical aids, structural fires, hazardous materials responses, wildland fires, and miscellaneous calls. SCFPD Station No. 36, located at 3324 Topeka Street, serves the City of Riverbank 24-hours a day. This station is located approximately 1.5 miles northeast of the Plan Area.

In 2014, SCFPD Station No. 36 received 1,790 calls for service. Out of this, 154 calls were fire related, 1,083 were EMS/Rescue related and 301 were considered good intent. The District as a whole responded to 4,235 incidents during the same period.

The Insurance Services Office (ISO) Public Protection Classification Program currently rates the overall Fire District as Class 3 on a scale of 1 to 10, which 1 being the highest possible protection rating and 10 being the lowest. The ISO rating measures individual fire protection agencies against a Fire Suppression Rating Schedule, which includes such criteria as facilities and support for handling and dispatching fire alarms, first-alarm response and initial attack, and adequacy of local water supply for fire-suppression capabilities. For the SCFPCD, this survey was completed in 2014.

The CWSP includes a location for a future fire station to be located near the corner of Crawford and Oakdale Road. The construction of this future station will have a beneficial impact on response times and response effectiveness; this station will improve the District's ISO rating and enhance services to the citizens of Riverbank. The size of the proposed new fire station will be 1.25-3 acres in size.

The City of Riverbank and SCPD will work cooperatively to ensure new development pays its fair share for facilities associated with new growth. Development Impact Fees, pursuant to Government Code § 66000 et seq., are the primary source of funding for new District facilities such as the fire station. In addition, the Riverbank General Plan Policies PUBLIC 7.1-7.5 recognize that some City involvement is needed to address the need for new SCFPD facilities and services caused by new development, and these policies set forth standards for fire protection staffing, facilities, and minimum fire flow requirements. The City of Riverbank also assists the District in implementing District Development Impact Fees and ensuring that those fees are adequate to support the construction of the new station.

The SCFPD is currently updating their Development Impact Fees, through a new Facilities Impact Study. The Study will analyze SCFPD for fire facilities by the SCFPD to accommodate new development within their service area. Development Impact Fees are collected from new development, based upon the projected impact and need for new facilities caused by new development. Payment of impact fees within the CWSP area, and ongoing revenues from property taxes and other revenues generated by the CWSP area would fund capital costs associated with fire protection facilities.

Based on the current adequacy of existing response times and the ability of the Stanislaus Consolidated Fire District Services to serve the City, it is anticipated that with the development of a new fire station and the payment of Development Impact Fees to the Stanislaus Consolidated

Fire District the CWSP Area will result in adequate funding for a new station and other fire protection facilities to serve the CWSP area.

In addition, SCFPD currently has in place a special assessment for fire services. As parcels are created in the CWSP area, each new parcel will contribute to the District's special assessment to finance SCFPD's ongoing fire protection services to serve the CWSP area.

Police Protection

The City of Riverbank is served under contract by the Stanislaus County Sheriff through Riverbank Police Services. Riverbank's police station is located at 6727 Third Street in downtown Riverbank. Staffing includes one Lieutenant (Chief of Police), two Sergeants, 15 Deputy Sheriffs/Detectives, one Supervising Legal Clerk, two Legal Clerks and one Community Service Officer. In total, 18 sworn officers provide police services within the City of Riverbank.

The contract between the Stanislaus County Sheriff and the City specifies a minimum of 0.85 officers per thousand residents. General Plan Policy PUBLIC 8.2 establishes a goal or future target for the City to provide 1.25 sworn officers per 1,000 residents. The City's population estimates as of January 1, 2015 was 23,485. The ratio of sworn police officers to the stated population is approximately 0.77 officers per thousand residents. The estimated population for the City of Riverbank as of January 1, 2017 was 24,610.

The City's total budget for Riverbank Police Services in Fiscal Year 2015-2016 is \$3,808,800. According to the City's FY 2015/16 adopted budget, there are two unfunded positions within the Riverbank Police Services Department: one Deputy Sheriff and one Detective. Once these positions are funded, the City will reach its targeted contract rate of 0.85 officers per 1,000 residents.

Riverbank Police Services received 571 Priority 1 calls for service in 2014. Response time for Priority 1 (life-threatening) calls averaged 2:26 minutes, which is within the City's General Plan goal.

The City receives funding for law enforcement improvements through capital improvement fees, and operating funding of the Police Department occurs through the General Fund.

Approved and pending development projects in the City will result in additional demand for law enforcement services. Capital costs for new facilities and equipment would be funded through development impact fees, and operating costs would be funded through a combination of an increased tax base and the annexation of the CWSP to a new community facilities district (CFD) or formation of a new CFD.

The City has adopted a police staffing level of 1.25 officers per 1,000 residents. The City considers response time to be an important indicator of police services. Current response times are well within the General Plan policy PUBLIC-8.2 of ensuring a four-minute average response.

Impact fees from new development are collected based upon projected impacts, and the new facilities that are needed to serve new development. The adequacy of impact fees is reviewed on an annual basis to ensure that the fee is commensurate with the service. Payment of City's General Government/Police impact fees by the Project applicant, and ongoing revenues that would come from property taxes, sales taxes, and other revenues generated by the CWSP area, would fund capital and labor costs associated with police services.

Capital costs for new facilities and equipment would be funded through development impact fees. Operating costs could be funded through a combination of an increased tax bases and the formation of a new services CFD or annexation into an existing services CFD.

Based on the current adequacy of existing response times and the ability of the Riverbank Police Services to serve the City, it is anticipated that the existing police development facilities are sufficient to serve the CWSP area. The CWSP area would not require the construction of police department facilities in order to serve the CWSP area.

EXHIBIT C

Plan for Agricultural Preservation

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.

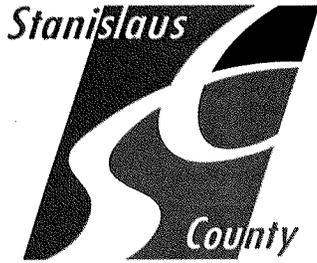
The proposed project has been identified as a key location for accommodating the projected economic growth, and subsequent employment and housing needs, for the City. This location has been determined as currently economically underutilized and the proposed project can assist with the growth.

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.

EXHIBIT D

Comments Received as of June 19, 2019:

- **Stanislaus Environmental Review Committee dated May 8, 2019**
(Pg. 48)
- **Best Best & Krieger (for Stanislaus Consolidated Fire Protection District) dated May 10, 2019** *(Pgs. 49-110)*
- **Central Valley Regional Water Quality Control Board dated June 12, 2019** *(Pgs. 111-117)*
- **Email dated June 13, 2019 from Rick Kimble** *(Pg. 118)*
- **City of Riverbank letter dated June 19, 2019** *(Pgs. 119-131)*



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Chief Executive Officer

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Chief Operations Officer/
Assistant Executive Officer

Keith D. Boggs
Assistant Executive Officer

Patrice M. Dietrich
Assistant Executive Officer

STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE

May 8, 2019

Javier Camarena, Assistant Executive Officer
Stanislaus Local Agency Formation Commission
1010 10th Street, 3rd Floor
Modesto, CA 95354

**SUBJECT: ENVIRONMENTAL REFERRAL – LOCAL AGENCY FORMATION
COMMISSION (LAFCO) – LAFCO APPLICATION NO. 2019-06 –
CROSSROADS WEST CHANGE OF ORGANIZATION TO THE CITY OF
RIVERBANK**

Mr. Camarena:

Thank you for the opportunity to review the above-referenced project.

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and has no comments at this time.

The ERC appreciates the opportunity to comment on this project.

Sincerely,

Patrick Cavanah
Sr. Management Consultant
Environmental Review Committee

PC:ss

cc: ERC Members



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May 10, 2019

VIA U.S. MAIL AND EMAIL

Javier Camarena, Assistant Executive Officer
Stanislaus LAFCO
1010 10th St, 3rd Floor
Modesto, CA 95354
camarenaj@stancounty.com

**Re: LAFCO APPLICATION NO. 2019-06 – CROSSROADS WEST
CHANGE OF ORGANIZATION TO THE CITY OF RIVERBANK**

Dear Mr. Camarena:

The Stanislaus Consolidated Fire Protection District (Fire District) objects to LAFCO Application No. 2019-06 (the “Application”), which relates to the Crossroads West Specific Plan (the “Project”).

The Fire District objects to the Application and requests Stanislaus Local Agency Formation Commission (LAFCO) deny the Application on the following grounds:

1. The Project is inconsistent with the City’s General Plan. In reviewing the Application, Stanislaus LAFCO must consider “the proposal’s consistency with city or county general and specific plans.” (Gov. Code, § 56668(h); Stanislaus LAFCO’s Policies and Procedures, Section 3, p. 4.) Here, the Project—of which the Application is part—is inconsistent with the City of Riverbank’s (City) General Plan.
 - a. In particular, the Project is inconsistent with City General Plan Policies PUBLIC 7.1, 7.2, 7.3, 7.4, and 7.5, which generally relate to fire protection services, staffing, and deployment adequate to serve the needs of existing and planned development.
 - b. The Fire District apprised the City of the Project’s inconsistency with the General Plan in numerous letters, including in letters dated July 30, 2018 and February 15, 2019, attached hereto as Exhibits “A” and “B” and incorporated herein.
 - c. The City approved the Project despite the Project’s inconsistency with the General Plan.



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ATTORNEYS AT LAW

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- The City and the Fire District, however, are in current discussions to potentially address the Project's inconsistency with the General Plan. In particular, the City and Fire District have entered into a Tolling Agreement and are currently engaged in settlement discussions that could result in the District agreeing to eliminate, or mitigate to a level of less than significance, the Project's current inconsistency with the General Plan. The Fire District thus requests that, at a minimum, Stanislaus LAFCO defer approving or denying the Application until the City and the Fire District complete settlement discussions.
2. The Project does not comply with CEQA. In reviewing the Application, Stanislaus LAFCO must consider the Application's compliance with CEQA. (Stanislaus LAFCO's Policies and Procedures, Section 4, p. 4 ["The Commission will insure that all proposals are reviewed in compliance with the California Environmental Quality Act (CEQA) and Commission adopted CEQA Procedures".]) For the reasons discussed in Exhibits "A" & "B" attached hereto, the City failed to comply with CEQA before approving the Project.
 3. The City has not remedied its failure to comply with CEQA. The City concedes in the Final Environmental Impact Report ("FEIR") for the Project that it has failed to adequately analyze the Project's adverse impacts on fire protection services. (See FEIR, p. 2.0-109 [City erroneously states: "Adequate equipment, staffing, facilities and response times for fire protection services are issues that are not physical impacts to the environment that must be addressed through the EIR process, or require mitigation under CEQA"].) However, the City provided the following assurance in the FEIR: "Issues regarding District response times will ... be addressed in the Plan for Services to be submitted as part of the annexation application to LAFCO. LAFCO will evaluate whether adequate equipment, staffing, and facilities will be provided once annexation occurs...." (FEIR, p. 2.0-110.)

The Plan for Services that the City submitted with the Application, however, does not "evaluate whether adequate equipment, staffing, and facilities will be provided once annexation occurs." (See City's Plan for Services, pp. 8-10.) Moreover, the Plan for Services fails to analyze the Project's consistency with the City's General Plan policies relating to fire protection services. Rather, the Plan for Services concludes: "Based on the current adequacy of existing response times [absent the Project], and the ability of the [Fire District] to serve the City [again, absent the Project], it is anticipated that the development of a new fire station and the payment of Development Impact Fees to [the Fire District] ... will result in adequate funding for a new station and other fire protection facilities to serve [the Project area]." (Plan for Services, pp. 9-10.) The City, however, provides no basis for this conclusion. Indeed, as further discussed below, the City has refused to adopt the Development



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Impact Fee (“DIF”) justified by the Fire District’s Development Impact Fee Study (“Study”).

The Fire District thus requests that Stanislaus LAFCO not approve the Application until the City actually analyzes the Project’s consistency with City General Plan Policies PUBLIC 7.1, 7.2, 7.3, 7.4, and 7.5 as required by CEQA.

4. The City has refused to adopt the DIF necessary to mitigate the Project’s impacts on fire protection services. The City notes in its Plan for Services that “the City of Riverbank and [Fire District] will work cooperatively to ensure new development pays its fair share for facilities associated with growth,” but the City has thus far refused to adopt the DIF justified by the Fire District’s Development Impact Fee Study, attached hereto as Exhibit “C.” The City notes that with “the payment of Development Impact Fees to the [Fire District], the [Project] Area will result in adequate funding for a new station and other fire protection facilities to serve the [Project] Area” (Plan for Services, pp. 9-10), but the City does not explain what Development Impact Fees it will pay, does not explain that the Fire District has already prepared a Study justifying a DIF, and does not explain that the City has thus far refused to adopt this DIF.

Rather than admit that the City has thus far refused to adopt the DIF justified by the Study, the City falsely claims that the Fire District “is currently updating their Development Impact Fees through a new Facilities Impact Study. The Study will analyze [the Fire District] for fire facilities by the [Fire District] to accommodate new development within their service areas.” (Plan for Services, p. 9 [emphasis added].) The Fire District, however, has already prepared its Development Impact Fee Study (attached hereto as Exhibit “C”) and has shared the Study with the City. The City fails to explain how the Project’s impacts on fire protection services will be mitigated given that the City has thus far refused to adopt the necessary DIF.

In short, the City concludes that the Project will not have a significant impact on fire protection services, but the City provides no substantive basis for this conclusion. As noted above, the City and Fire District are currently in negotiations to ensure that the Project’s impacts on fire protection services are properly mitigated, and these negotiations relate, in part, to the City adopting the necessary DIF. The City thus further requests that Stanislaus LAFCO not approve the Application until the City agrees to enforceable mitigation measures that ensure the Project will not have adverse impacts on fire protection services.



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5. The Project fails to adequately consider the Project's impact on fire protection services. In reviewing the Application, Stanislaus LAFCO must consider the following:

The need for organized community services [defined to include “governmental services” and “the public facilities necessary to provide those services”]; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent area.

(Gov. Code, § 56668(b); Stanislaus LAFCO Policies and Procedures, Section 2, p. 3.)

Here, as discussed above, approval of the Application would significantly increase demand for fire protection services and unduly strain the Fire District's ability to fulfill its obligations.

The Fire District appreciates Stanislaus LAFCO's consideration of its comments and again urges Stanislaus LAFCO to deny the Application—or at least defer approving the Application until the Project is consistent with the City's General Plan, complies with CEQA, and, with mitigation, no longer adversely impacts the Fire District's ability to provide necessary fire protection services.

Please contact me at your earliest convenience if you have any questions regarding the District's concerns.

Sincerely,

Christopher J. Diaz
For BEST BEST & KRIEGER LLP

EXHIBIT A



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July 30, 2018

VIA E-MAIL AND OVERNIGHT DELIVERY

John B. Anderson, Project Planner
City of Riverbank, Development Services Department
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Re: Comments On Crossroads West Specific Plan Draft EIR

Dear Mr. Anderson:

The Stanislaus Consolidated Fire Protection District (Fire District) is in receipt of the Draft Environmental Impact Report (Draft EIR) for the Crossroads West Specific Plan (Project) in the City of Riverbank (City). The Fire District values the opportunity to comment on the Draft EIR to ensure that the Fire District continues to meet the service delivery needs of the Riverbank community. To that end, the Fire District Board of Directors established an ad hoc committee to work with the City during this Project and to provide and oversee a detailed and thorough review of all Project-related documents, a commitment which required a significant expenditure of staff and counsel time. As part of that review, our legal counsel, Christopher Diaz, submitted a detailed April 21, 2017 comment letter to the City in response to its Notice of Preparation of the EIR, a letter which identified those topics for which the Fire District believes that analysis is required to ensure that the EIR adequately ascertains, discloses, and feasibly mitigates the potential environmental impacts of the Project (NOP Comment Letter).

Unfortunately, review of the Draft EIR shows that the City did not address the majority of the issues raised in the NOP Comment Letter, resulting in a Draft EIR that does not yet adequately ascertain, disclose, and feasibly mitigate all potential environmental impacts of the Project. Accordingly, and consistent with its commitment to ensure that the Fire District continues to meet the service delivery needs of the Riverbank community, and in compliance with State CEQA Guidelines section 15086(1) and 15087, the Fire District hereby submits the following comments on the Draft EIR:

- While Chapter 3.10, the Land Use, Population and Housing Chapter of the Draft EIR, includes a threshold to consider whether the Project would “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)



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adopted for the purpose of avoiding or mitigating an environmental effect,” the Draft EIR’s analysis of this threshold fails to address any of the City’s multiple General Plan policies that were the City adopted for the purpose of avoiding or mitigating the environmental effects of fire. (Draft EIR, pp. 3.10-8 – 3.10-13.) Specifically:

- Despite the Fire District’s request in its NOP Comment Letter, the Draft EIR does not reference or address City General Plan Policy PUBLIC-7.1, which requires that the EIR must confirm that the Project will have adequate fire flow pressure in relation to structure size, design, requirements for construction, and/or built-in fire protection systems. This must be address in the Final EIR. Absent confirmation of adequate fire flow pressure, the EIR must require all feasible mitigation necessary to reduce such an impact to a less than significant level.
- Despite the Fire District’s request in its NOP Comment Letter, the Draft EIR does not reference or address City General Plan Policy PUBLIC-7.2, which requires that the EIR confirm that that the Project infrastructure can ensure a minimum fire flow pressure of 1,500 GPM (sustainable for at least two hours) for residential use and a minimum fire flow pressure of 3,600 GPM (sustainable for longer periods) for larger residences and other building types, depending on the particular use and structure characteristics. This must be address in the Final EIR. Absent confirmation that the Project can ensure the required minimum fire flow pressure, the EIR must require all feasible mitigation necessary to reduce such an impact to a less than significant level.
- Despite the Fire District’s request in its NOP Comment Letter, Chapter 3.10 of the Draft EIR does not reference or address City General Plan Policy PUBLIC-7.3, which requires that that the EIR must confirm that the Project will include a location for a new fire station to ensure the appropriate level of service (including adequate response time per Policy PUBLIC-7.5), community compatibility, and efficiency. The Draft EIR does state that “a fire station site” would “be located near the corner of Crawford and Oakdale Road” and, while the site is marked on Figure 2.0-8, the *Conceptual Land Use Plan*, the size of the site is never disclosed. (Draft EIR, p. 2.0-6.) The Fire District preliminarily estimates that a minimum 1.25-acre site may be needed to meet the District’s needs. Similar projects we have evaluated have provided a site capable of encompassing 20 parking stalls, 4,000 square feet of administrative office space, and a 6,000 square foot fire station. The Fire District believes a further assessment by the City regarding the necessary lot size to accommodate the functions of the proposed fire station is required. Absent the Project’s provision of an adequately sized site for a new fire station, the EIR must require all feasible mitigation necessary to reduce such an impact to a less than significant level.



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- Chapter 3.12, Public Services and Recreation does reference City General Plan Policy PUBLIC-7.3, but states that “it is unclear at this time when the station [at the corner of Crawford and Oakdale Road] will be constructed. (Draft EIR, p. 3.12-17.) However, absent the Project’s provision of an adequately-sized site for a new fire station, and a commitment to timely construct it, the EIR must require all feasible mitigation necessary to reduce such an impact with regard to the Project’s inconsistency with General Plan Policy PUBLIC 7-3 to a less than significant level. It is not sufficient to simply to observe that the lack of certainty as to the timing of the construction of the future fire station would result in a significant and unavoidable impact with regard to the impacts of development of the fire station; the City cannot approve a project that is expressly inconsistent with a General Plan Policy, and the EIR must disclose the impacts related to this conflict and impose all feasible mitigation to avoid or mitigate the environmental effects of fires.
- Despite the Fire District’s request in its NOP Comment Letter, Chapter 3.10 of the Draft EIR does not reference or address City General Plan Policy PUBLIC-7.5, which requires that the EIR should include the results of a response survey to verify that the proposed location of the new fire station will meet response times within the established limits. Per Policy PUBLIC-7.5, the EIR should include a traffic analysis supported by substantial evidence that includes a determination as to whether the controlled ingress and egress at the proposed fire station location will assist in meeting the response times stated in Policy PUBLIC-7.5. Also, per Policy PUBLIC-7.5, the EIR must confirm that the emergency response system is 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; and second alarm assignment within 15 minutes of dispatch. Absent this, the EIR must require all feasible mitigation necessary to ensure that, with operation of the Project, adequate response times can be met.
- Chapter 3.12, Public Services and Recreation does reference City General Plan Policy PUBLIC-7.5, but references only an Insurance Services Office (ISO) Public Projection Classification Program survey 2014. Not only is this survey outdated, it does not include any analysis of response times in the Project area, meaning that is irrelevant to analysis of the Project’s compliance with Policy PUBLIC-7.5. At the very least the EIR must employ the data provided in the *Standards of Response Time Coverage Study for the Stanislaus Regional Fire Agency Partners*, which includes an analysis of response times in the City. (A hard copy of this analysis is included as an enclosure with this comment letter.) While this survey too is from 2014, and an updating of its analysis is the next step required by the City to ensure full



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disclosure in the EIR, this Study can assist with the City meeting its obligations under Policy PUBLIC -7.5 to verify that the proposed location of the new fire station will meet response times within the established limits. Critically, it is not sufficient to simply to observe that the lack of certainty as to the timing of the construction of the future fire station would result in a significant and unavoidable impact with regard to the impacts of development of the fire station; the City cannot approve a project that is expressly inconsistent with a General Plan Policy, and the EIR must disclose the impacts related to this conflict and impose all feasible mitigation to avoid or mitigate the environmental effects of fires.

- Despite the Fire District’s request in its NOP Comment Letter, Chapter 3.10 of the Draft EIR does not reference or address City General Plan Policy PUBLIC 7.4, which requires that the EIR include substantial evidence reflecting coordination 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. Absent this, the EIR must require all feasible mitigation necessary to reduce the impact of insufficient staffing to a less than significant level.
 - Chapter 3.12, Public Services and Recreation does reference City General Plan Policy PUBLIC-7.4, but, does not contain any evaluation whether the City will comply with this Policy in order to avoid inconsistency with its General Plan and to avoid or mitigation the environmental impacts of fire related to failure to comply with this Policy. (Draft EIR, pp. 3.12-7-3.12-8.)
- Despite the Fire District’s request in its NOP Comment Letter, the EIR does not include an assessment of current and proposed capital fee structures needed to effectively support the construction of a new fire station and equipment needs for the Project area. Instead, all the Draft EIR contains is a non-binding statement that “the City of Riverbank and the SCFPD will work cooperatively to ensure new development pays its fair share for facilities associated with new growth” and the observation that the imposition of Fire Mitigation Fees provide the financial tools necessary to guarantee capacity will be available for the future.” (Draft EIR, p. 3.12-18.) Instead, at the very least, to ensure all the adoption of all feasible mitigation, the EIR must include a mitigation measure comparable to MM 3.12-1 for Police Services, a measure already included in the Draft EIR, to require that, prior to the City recording a “Final Map” for each Project within the Plan Area, the owner of the project/map shall either annex the mapped property into a Community Facilities District (“CFD”), or create a new CFD for the mapped property, which will include funding for operational services with the Stanislaus Consolidated Fire Protection District.



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It is essential that these comments are adequately addressed in order to ensure that the level of fire protection services being provided by the Fire District to already-established areas of the community are not compromised by the Project. The Fire District's existing ratepayers must not be asked to make a choice between seeing their fire service lessened to accommodate the Project or to foot the bill for the fire service demands of the Project.

As a Responsible Agency for this Project, if the Fire District concludes that the Final EIR is inadequate for its purposes, under CEQA Guidelines section 15050 and 15096, it must challenge the adequacy of the EIR in court. Accordingly, we appreciate your consideration of the Fire District's comments on the Draft EIR, and look forward to the City's preparation of a Final EIR, or of a recirculated Draft EIR, that ensures the environmental review of the Project is adequate for the Fire District's purposes, and adequately ascertains, discloses, and feasibly mitigates all potential environmental impacts of the Project.

Sincerely,

Christopher J. Diaz
For BEST BEST & KRIEGER LLP

Encl.: Standards of Response Time Coverage Study for
the Stanislaus Regional Fire Agency Partners

cc: Stanislaus Consolidated Fire Protection District Board of Directors

EXHIBIT B



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February 15, 2019

VIA EMAIL

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Re: Comments On Crossroads West Specific Plan Draft EIR

Dear Mr. Anderson:

As you know, the Stanislaus Consolidated Fire Protection District (Fire District) provided the City of Riverbank (City) with a July 30, 2018 comment letter (Comment Letter) concerning the inadequacies of the Draft EIR for the Crossroads West Specific Plan (Project). The Fire District has reviewed the City’s response to the Comment Letter. Unfortunately, the City’s response is insufficient.

The City did not supplement the Draft EIR with the environmental analysis and mitigation measures required by CEQA. Instead, the City dismissed the Fire District’s concerns by incorrectly asserting that “[m]ost of the concerns identified by [the Fire District] are outside of the scope of CEQA.” (Final EIR, p. 2.0-111.) This simply is not true. Rather, it reflects the City’s misunderstanding of California law.

Under CEQA, a project is presumed to have a significant environmental impact where it would “[c]onflict with any applicable land use plan, policy, or regulation of an agency ... (including ... the general plan ...) adopted for the purpose of avoiding or mitigating an environmental effect.” (See State CEQA Guidelines, Appendix G, Section X [Land Use and Planning].) The Draft EIR acknowledges this threshold of significance. (Draft EIR, p. 3-10.8.) Yet, the City fails to reference any of the City’s General Plan policies concerning fire hazards—e.g., City General Plan Policies PUBLIC 7.1, 7.2, 7.3, 7.4, and 7.5—in its discussion of whether this threshold of significance is met. (See Draft EIR, Chapter 3.10.)

In its Final EIR, the City does not address its failure to determine whether the Project would conflict with City General Plan Policies PUBLIC 7.1, 7.2, 7.3, 7.4, and 7.5—a fact the City repeatedly concedes in its response to the Comment Letter, as discussed below.



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The City repeatedly deflects the Fire District’s concerns regarding the Project’s consistency with the General Plan by noting that it has analyzed the potential impacts to the environment that could result from physical construction of the new fire station. The Comment Letter, however, does not concern the environmental impacts of the new fire station. Rather, the City is concerned with the Project’s consistency with the General Plan. The Fire District thus again requests that the City comply with its statutory obligation under CEQA to analyze and discuss the Project’s consistency with City General Plan Policies PUBLIC 7.1, 7.2, 7.3, 7.4, and 7.5. Absent such analysis, the EIR is fatally defective as a matter of law.

The Fire District additionally notes that while the City does reference City General Plan Policies PUBLIC 7.1, 7.2, 7.3, 7.4, and 7.5 in its background discussion of Public Services and Recreation in the Draft EIR, the City failed to analyze the consistency of the Project with those policies as required by CEQA. Beyond the foregoing reasons, the Fire District notes the following inadequacies in the City’s response to the Comment Letter:

Response A-3: The City notes that the City’s adopted Design Standards for water facilities require adequate fire flow pressure. The City, however, does not explain, discuss, or analyze whether Project infrastructure can actually ensure the required fire flow pressure. Absent a discussion of how the Project will ensure the required minimum fire flow pressure, the EIR must require all feasible mitigation necessary to reduce such an impact to a less than significant level.

Response A-4: The City notes that the EIR provides for a one-to-three acre location for a future fire station, but the City does not analyze or discuss the basis for its implicit conclusion that such size and location would be sufficient to comply with City General Plan Policy PUBLIC 7-3. Further assessment is necessary to ensure that the size and location of the future fire station is sufficient to ensure consistency with City General Plan Policy PUBLIC 7-3. As noted in the Comment Letter, the Fire District estimates that a minimum 1.25-acre site—not the one-acre minimum provided in the Draft EIR—may be needed to meet the District’s needs.

Similarly, the City does not analyze whether there will be any temporary inconsistency with City General Plan Policies PUBLIC 7.1, 7.2, 7.3, 7.4, and 7.5 while the Project is being implemented, but before the future fire station is fully operational. Absent such analysis, the EIR must require all feasible mitigation necessary to ensure the Project’s consistency with City General Plan Policies PUBLIC 7.1, 7.2, 7.3, 7.4, and 7.5 both before and after the future fire station’s construction.

Response A-5: The City contends that “[a]dequate equipment, staffing, facilities and response times for fire protection services are issues that are not physical impacts to the environment that must be addressed through the EIR process, or require mitigation under CEQA.” Based on this understanding, the City admits it has not conducted analysis to determine the Project’s consistency with City General Plan Policy PUBLIC 7.5. Instead, the City explains:



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“Issues regarding District response times will ... be addressed in the Plan for Services to be submitted as part of the annexation application to LAFCO. LAFCO will evaluate whether adequate equipment, staffing, and facilities will be provided once annexation occurs....” In other words, the City concedes it has not analyzed, and does not know whether, the Project is consistent with City General Plan Policy PUBLIC 7.5. The City’s failure to analyze the Project’s consistency with General Plan policies constitutes a violation of CEQA.

Response A-6: The City’s Response A-6 suffers from the same flaw as Response A-5. The City admits it has not analyzed the Project’s consistency with City General Plan Policy PUBLIC 7.4 and fails to cite any concrete measure that ensures such consistency.

Response A-7: The City contends that “issues ... regarding fee structures do not involve physical changes to the environment requiring analysis or mitigation under CEQA.” In doing so, the City again ignores its obligation under CEQA to analyze the Project’s consistency with City General Plan Policies PUBLIC 7.1, 7.2, 7.3, 7.4, and 7.5. That said, the City does provide that it “has adopted mitigation fees on behalf of the District to ensure that facilities are funded appropriately by new development.” It is unclear to what mitigation fees the City is referring. Regardless, to ensure the adoption of all feasible mitigation necessary to render the Project consistent with the City’s General Plan, the EIR should include a mitigation measure comparable to MM 3.12-1 for Police Services, as further discussed in the Comment Letter.

In short, the Fire District requests that the City comply with its statutory obligation under CEQA to analyze whether the Project is consistent with City General Plan Policies PUBLIC 7.1, 7.2, 7.3, 7.4, and 7.5, and if is not consistent, to adopt mitigation measures to ensure consistency.

The Fire District has made clear its concerns regarding the EIR’s inadequacy under CEQA. Unless the Fire District’s concerns are addressed, the Fire District—as a Responsible Agency for the Project— may be compelled to challenge the adequacy of the EIR in court. The Fire District, however, hopes that it can work with the City to avoid any litigation.

Sincerely,

Christopher J. Diaz
For BEST BEST & KRIEGER LLP

cc: Stanislaus Consolidated Fire Protection District Board of Directors

EXHIBIT C

DEVELOPMENT IMPACT FEE STUDY FIRE FACILITIES



MARCH 8, 2018

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EXECUTIVE SUMMARY

The Stanislaus Consolidated Fire Protection District (the "District") provides fire protection, fire prevention, emergency medical, hazardous materials, technical rescue and disaster response to the cities of Riverbank, Waterford and the communities of Empire, Hickman, La Grange, the Airport Neighborhood and the Beard Industrial Tract in eastern Stanislaus County.

This study was prepared to determine the impact of new development as it relates to the cost of providing fire facilities, apparatus, vehicles and capital equipment in order to adequately provide service to both residential and non-residential development within the District. This report provides an overview of the calculation of development impact fees that are in compliance with the Mitigation Fee Act (California Government Code Section 66000 et. seq.), and substantiates the findings as required by the Act.

Impact fees paid by new development are intended to provide a mechanism for the District to provide necessary facilities, apparatus, vehicles, and equipment necessary to maintain current service levels. All data contained in this report was obtained from the District, Stanislaus County, and the City of Riverbank and Waterford Planning Departments.

The report and analysis has identified three zones of benefit which are geographic sub-areas of the District on which impact fees should be imposed:

- Zone 1 includes the City of Riverbank and its sphere of influence,
- Zone 2 includes the City of Waterford and its sphere of influence, and
- Zone 3 includes the unincorporated territory of the District excluding Zones 1 and 2.

Upon the submittal of this report to the District, the Board of Directors of the District (the "Board"), along with District Staff will review and evaluate the report for accuracy. The Board of Directors will also evaluate the recommended actions and provide policy direction. Once the Board is satisfied that the legislative requirements of Government Code section 66000 et. seq. have been met and the fee recommendations are valid, the Board shall submit a recommendation regarding the fee adjustments to the various land use agencies (County of Stanislaus, City of Riverbank and City of Waterford) for implementation.

After accepting and considering public input, the County and each City shall vote to approve findings and a resolution to set the appropriate fees. If accepted, the fees would be imposed pursuant to the Board of Supervisor's or the Councils' "police powers" under Article XI, section 7, of the California Constitution.

METHODOLOGY FOR IMPACT FEE STUDY

Development impact fees are calculated to fund the capital needs that are the direct result of growth due to new development. In order to fund the improvements needed due to growth occurring within the District it is necessary to determine what the appropriate fee should be, including at what rate the fee should be assessed. There are four basic steps followed in the calculation of any development impact fee, these include:

1. Prepare growth estimates;
2. Identify facility standards;
3. Determine the amount and cost of facilities required to accommodate new development based on facility standards and growth estimates;
4. Calculate the development impact fee by allocating the total cost of facilities per unit of development (on a square foot basis).

Facility Standards Methodology

One important issue in development impact fee studies is the identification of facility standards. Projections must be made of the new facilities that will be required to adequately serve new development. Facility standards determine new development's total need for new facilities and each development unit's fair share of those needs. Standards also ensure that new development does not fund deficiencies associated with existing development, as specified by legislative statute.

The types of standards that may be used in a development impact fee study include:

- ◆ **Demand Standards** – determine the amount of facilities required to accommodate growth, for example fire response per thousand new residents.
- ◆ **Cost Standards** – determine the cost per unit of demand based on the estimated cost of facilities, for example cost to provide fire services per capita.
- ◆ **Design Standards** – determine how a facility should be designed to meet expected demand, for example the size of the new fire stations needed.

The capital needs identified in this study are based on **Demand Standards** for Zones 1 and 2, the Cities of Riverbank and Waterford, and **Cost Standards** for Zone 3, the unincorporated areas of the District. Although the Design Standard could be considered for Zone 1 where a future fire station is needed, this methodology is more appropriately used when a development project has a design standard that differs from the facility standards currently used by the agency. That is not the case for development within the District at this time. Additionally, with the Design Standard existing deficiencies, which cannot be funded from impact fees, are not clearly identified.

Within the incorporated areas of Zones 1 and 2, which anticipate future population growth, the District seeks to determine the size and location of new fire stations, vehicles, and equipment necessary to ensure they will be sufficient to accommodate the personnel needed to serve the amount of anticipated new development. For the unincorporated areas in Zone 3, with limited or isolated development, the District will determine the current cost per structure based on the estimated cost of fire facilities.

The most commonly accepted approaches to determining a facility standard are described below.

- ◆ **The Existing Inventory Method** – uses a facility standard based on the ratio of existing facilities to the existing service population. Under this approach, new development funds the expansion of facilities at the same standard currently serving existing development. By definition, the existing inventory method results in no facility deficiencies attributable to existing development. This method is often used when a long-range plan for new facilities is not available. Only the initial facilities to be funded with fees are identified in the fee study. Future facilities to serve growth are identified through an annual capital improvement plan and budget process.
- ◆ **The Master Plan or System Method** – calculates the standard based on the ratio of all existing plus planned facilities to total future demand (existing and new development). This method is used when (1) the local agency anticipates increasing its facility standard above the existing inventory standard discussed above, and (2) planned facilities are part of a system that benefit both existing and new development. Using a facility standard that is higher than the existing inventory standard creates a deficiency for existing development. The jurisdiction must secure non-fee funding for that portion of planned facilities required to correct the deficiency.
- ◆ **The Planned Facilities Method** – calculates the standard solely based on the ratio of planned facilities to the increase in demand associated with new development. This method is appropriate when planned facilities only benefit new development, such as a new fire station in a previously undeveloped area. This method also may be used when existing facilities will serve new development or when there is excess capacity in existing facilities that can accommodate new development. In that case new development can fund facilities at a standard lower than the existing inventory standard and still provide an acceptable level of facilities.

This study uses a combination of the **Existing Inventory Method** and the **Planned Facilities Method** to determine facility standards for Zones 1 and 2 to essentially incorporate both a reimbursement fee and an improvement fee portion. A reimbursement fee is a “buy-in” fee imposed on new development to buy their share of the existing facilities and capital equipment that will serve the new development. Through use of the Existing Inventory Method, each new unit of development will essentially be required to “buy-in” to the District’s existing facilities in an amount based on the replacement value of existing facilities and equipment.

Further, due to expected growth within the boundaries of the incorporated areas of the District and the location of these new housing units, the existing fire stations are neither located in a suitable location to adequately serve residents nor large enough to accommodate the growth that is expected based on the City General Plans and various Specific Plans. Therefore, the planned facilities will be needed to serve the new development that is anticipated within the District, in conjunction with existing assets. The Fire District’s planned facilities will adequately serve the increase in demand associated with new development.

Thus, the Zones 1 and 2 impact fees include a portion of the replacement cost of existing facilities as well as a portion of the cost of future facilities. This approach is utilized because

each Zone is supported by the entire system of facilities and equipment even though the primary response may be provided by a specific station and equipment. Therefore, it is not practical to identify certain facilities or apparatus that serve future development as opposed to existing development. Using the existing inventory methodology in conjunction with the planned facilities method ensures that both existing and future development share in all capital costs for fire protection in proportion to the demand they create.

This study also uses the **Existing Inventory Method** described above to determine facility standards for Zone 3. The District currently provides fire and emergency response services to a large unincorporated response area. The District has determined that current service levels will be used as a benchmark and that new construction will not adversely affect these service levels. For the unincorporated areas served by the District, each new unit of development will essentially be required to “buy-in” to the District’s existing facilities in an amount based on the reimbursement value of existing facilities and equipment. This approach is utilized because the Zone is supported by the District’s entire system of facilities and equipment.

The District has the flexibility to alter the list of planned facilities shown in this report as conditions change. To the extent that development conditions change significantly from the assumptions included in this report and to the extent that the planned capital improvements used as the basis for the fee calculation change significantly, then the District should update the fee program to incorporate those changes.

THE MITIGATION FEE ACT

In 1987, the California Legislature adopted Assembly Bill 1600 which established a uniform process for formulating, adopting, imposing, collecting, accounting for, and protesting impact fees. In order to impose an impact fee, a local agency must go through a process to establish a reasonable relationship between a development project and the public improvement for which the development fee is charged.

The most important part of AB 1600 is the requirement for findings that connect any impact stemming from a development project to the type and amount of the fee imposed or what is commonly referred to as the "Nexus" requirements. Government Code Section 66001 states that after January 1, 1989, in any action "establishing, increasing, or imposing a fee as a condition of approval of a development project," the local agency shall do all of the following:

- 1) Identify the purpose of the fee.
- 2) Identify how the fee is to be used. If the use is for financing public facilities, the facilities shall be identified.
- 3) Determine how a reasonable relationship exists between the fee's use and the type of development project on which the fee is imposed.
- 4) Determine how a reasonable relationship exists between the need for the public facility and the type of development project on which the fee is imposed.
- 5) Determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.

Purpose of the Fee

The purpose of this development impact fee is to ensure that new development within the District pays its proportionate share of the capital investments to be made by the District along with its share of future capital costs, which are necessary to provide fire protection, fire suppression and other fire safety services adequate to accommodate a growing service population. The District is prudent in requiring that new development not burden existing property owners with the cost of public facilities required to accommodate growth. The District can further this objective through the imposition of development impact fees. The purpose of the development impact fee is to implement this policy by providing a funding source from new development for capital improvements to serve that development. The fee helps to ensure that the level of service for is maintained as new development offsets the increased costs of providing service as growth occurs.

Use of the Fee

The development impact fee will fund new fire station facilities, apparatus, vehicles and capital equipment needed to serve new development. All facilities and equipment will be located within the boundaries of the District. As detailed in the following sections of this report, these capital expenditures include:

- ◆ land for new fire stations
- ◆ fire station construction or expansion
- ◆ fire apparatus acquisition
- ◆ vehicle acquisition
- ◆ capital equipment acquisition
- ◆ financing costs associated with the above listed capital expenditures

This report provides the cost estimates for projected facility needs.

Benefit Relationship

The District will restrict fee revenues to the acquisition of land, construction of buildings, and purchase of apparatus, vehicles and capital equipment and related financing costs to serve new development. Fire facilities and capital equipment funded by the fee will further the District-wide network of services accessible to the additional residents and businesses associated with new development. Thus, there is a reasonable relationship between the use of fee revenues and the residential and non-residential types of new development that will pay the fee.

There are three land use agencies located within the District's boundaries – County of Stanislaus, City of Riverbank and City of Waterford. The anticipated growth plans of each land use agency will impact the service demands on the District and the resulting capital needs. As such, this fee study has established three impact fee zones to directly establish a nexus between the anticipated development and the utilization of the impact fee. The three zones will correlate to each land use agency, with Zone 1 including the boundaries of the City of Riverbank and its sphere of influence, Zone 2 including the boundaries of the City of Waterford and its sphere of influence, and Zone 3 including the unincorporated territory within the District but outside of Zones 1 and 2.

Burden Relationship

The purpose of assessing an impact fee is to provide the capital resources necessary to sustain a constant level of service for fire protection, emergency medical response, rescue and extrication, containment and mitigation of hazardous materials exposure, and other life safety services that is required of a growing service population. The relationship between the fee's use and the specific type of development is dependent upon the available development statistics. Based upon the District's recommendations outlined in the National Fire Protection Association (NFPA) Standards and the District's historical experience in serving development types within its boundaries, we are able to identify those structures that impose special or extraordinary mitigation needs for the Fire District. The impact fee is assessed accordingly, whereby, all fees are tiered so that high and moderate hazard, commercial or industrial structures, which carry an inherently greater risk for fire safety and as a result require more equipment and complex facilities to serve such structures, pay a higher per square foot fee than low hazard units.

Proportionality Relationship

The reasonable proportionality relationship can be established by identifying the facility costs attributable to future development, then establishing fee rates that allocate those costs in proportion to the demands created by each type of development project. The fee apportions costs between the existing population and new development in a manner proportional to their

contribution of the need for that facility. Further, fees are imposed based on building size as measured by habitable and enclosed square feet of each building. Thus, larger buildings that have a greater demand for service pay a proportionately higher fee than smaller buildings.

Other Requirements of AB 1600

In addition to the Nexus requirements, AB 1600 also outlines the accounting for funds received through imposition of impact fees on new construction projects. AB 1600 requires that upon receipt of a fee, the local agency deposit into a separate capital facilities account or fund, in a manner so as to avoid any commingling of the fees with other revenues and funds of the agency, and expend the fees solely for the purpose for which the fee was collected. Interest gained on the capital facilities accounts or funds shall be separated, accounted and expended in the same manner.

The agency Board shall make findings once each fiscal year with respect to any portion of impact fees remaining unexpended or uncommitted in its account five or more years after the deposit of the fee. The finding shall identify the purpose to which the fee is to be put and to demonstrate a reasonable relationship between the fee and the purpose for which it is charged.

The agency shall refund to the current record owner(s) of the project, on a prorated basis, the unexpended or uncommitted portion of the fee, with interest, for which the required findings cannot be made. Upon certain circumstances, with appropriately noticed hearings, the legislation allows alternative actions.

The agency shall annually adopt and update, by resolution at a publicly noticed hearing, any capital improvement plan defined in this legislation.

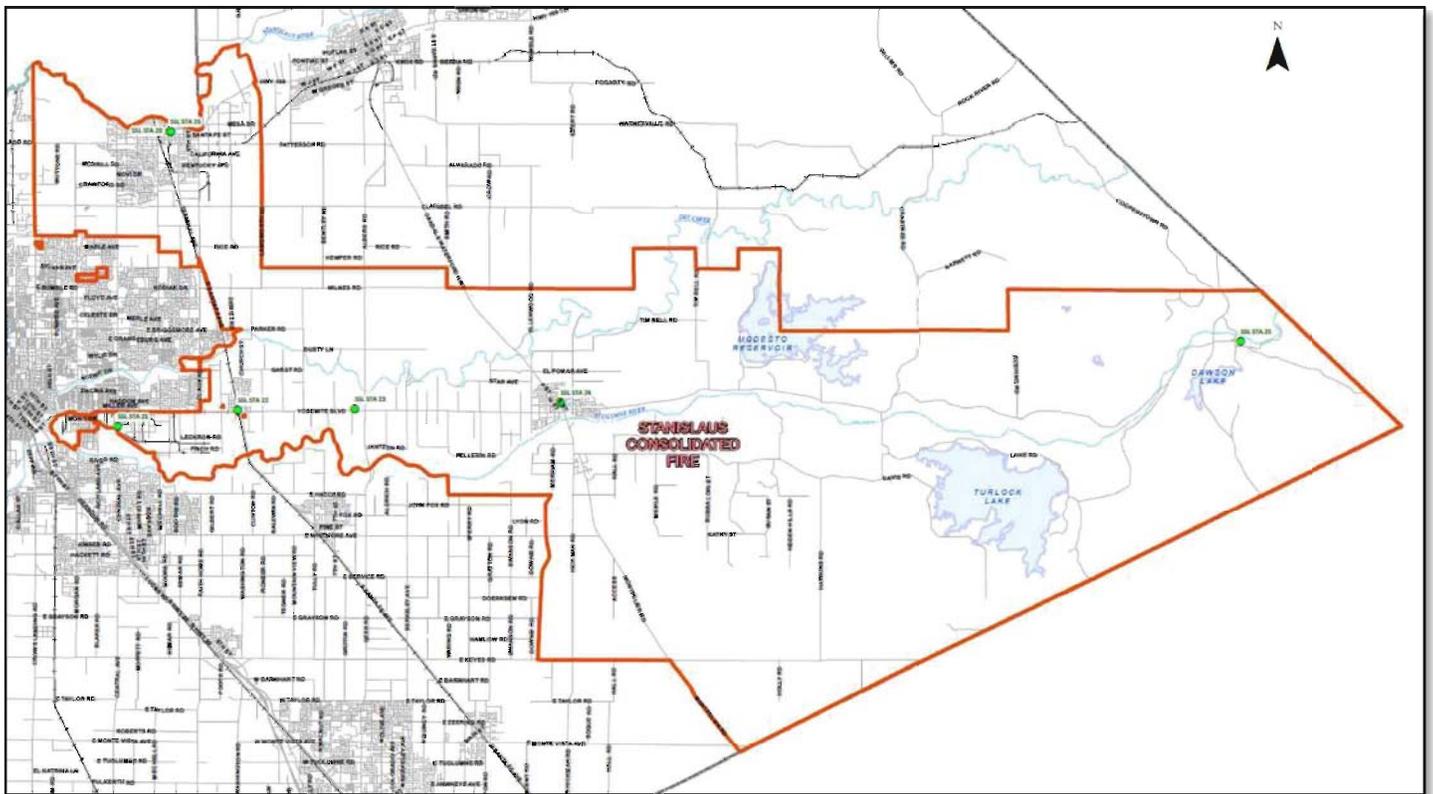
FIRE DISTRICT BACKGROUND INFORMATION

The District is located in the central to eastern portion of Stanislaus County. The District's boundaries stretch from the eastern edge of McHenry Avenue east to the county lines of Tuolumne, Mariposa and Merced. The District also touches the southern edge of San Joaquin County. Within the District's boundaries are two cities – Riverbank and Waterford – along with several unincorporated communities, including Empire, Hickman, and La Grange. The District also provides service to the Airport Neighborhood, Beard Industrial Tract, the Turlock and Modesto Reservoirs and portions of the Stanislaus and Tuolumne Rivers.

The terrain within the District is mostly flat land and lower rolling hills. There are very large agricultural and wildland areas, the latter prone to wildfires. Suburban areas within the District contain modest to large single-family homes, multi-family residential complexes, a rail system, convalescent/assisted living facilities, and businesses of all types.

As shown in **Figure 1**, the District covers 217 square miles with a population of approximately 50,000 people. The District is comprised of approximately 14,200 residential units and approximately 29 million square feet of non-residential building space.

FIGURE 1



The District is a combination paid/volunteer Fire Department, with 91 staff members (81 paid and 10 volunteer). In addition, the District also has mutual and automatic aid agreements with the surrounding fire districts.

The District currently operates out of 6 fire stations, with administrative offices located at its headquarters in Riverbank. A listing of the District's fire station locations, building size, year constructed and estimated value is identified in **Table 1**.

TABLE 1

Fire Station Inventory and Estimated Value				
Station Name	Address	Building Size	Year Built	Estimated Value
	3324 Topeka Street, Riverbank (Headquarters)	1,272	1940s	\$370,000
21	461 Mitchell Road, Modesto (Airport)	5,692	1950	\$1,070,000
22	4845 Yosemite Boulevard, Empire	7,002	1939	\$1,370,000
23	7737 Yosemite Boulevard, Modesto (Fruit Yard)	4,623	1985	\$790,000
24	129 E Street, Waterford	8,700	2017	\$3,560,000
25	30198 Main Street, La Grange	2,460	1980	\$700,000
26	3318 Topeka Street, Riverbank	11,690	1947	\$2,040,000
				Total: \$9,900,000
<i>Note: Estimated value of each station based on 2017-18 insured values per Special District Risk Management Authority (SDRMA). The estimated value for the Waterford Fire Station is based on station construction costs.</i>				

The District's fire stations and personnel are supported by fire apparatus and vehicles as identified in **Tables 2** and **3**.

TABLE 2

Apparatus Inventory and Estimated Value		
Apparatus Type	Year Purchased	Estimated Value
Parade Vehicle	1939	N/A
Pierce Rescue Engine	1989	\$275,000
Master Body Type 3 Engine	1999	\$220,000
Ford 550 Type 3 Engine	2003	\$35,000
Ford Fire Engine	2003	\$50,000
Pierce Arrow XT Pumper	2004	\$396,000
Pierce Arrow XT Pumper	2004	\$396,000
Pierce Type 1 Engine	2004	\$396,000
International 7600 SFA	2008	\$260,000
International Type 3 Engine	2011	\$306,000
Pierce/Velocity Truck	2013	\$982,000
Pierce/Velocity Engine	2015	\$565,000
Pierce/Velocity Engine	2015	\$565,000
Kenworth Fire Truck	2017	\$400,000
Total		\$4,846,000

Note: Estimated value of each apparatus based on 2017-18 insured values per Special District Risk Management Authority (SDRMA).

TABLE 3

Vehicle Inventory and Estimated Value		
Vehicle Type	Year Purchased	Estimated Value
Dodge Pickup	1998	\$25,000
Ford Expedition SUV	2000	\$20,000
Chevy Tahoe	2002	\$30,000
Chevy Tahoe	2002	\$30,000
Ford Expedition SUV	2004	\$28,000
Chevy Silverado	2008	\$26,000
Chevy Tahoe	2009	\$32,000
Ford Expedition SUV	2010	\$25,000
Ford Expedition SUV	2011	\$38,000
Ford Expedition SUV	2012	\$38,000
Ford Expedition XL 4x4	2012	\$27,000
Ford Explorer	2016	\$27,000
Ford Explorer	2016	\$27,000
Total		\$373,000

Note: Estimated value of each vehicle based on 2017-18 insured values per Special District Risk Management Authority (SDRMA).

As shown in **Table 4**, in addition to the vehicles and apparatus listed above, the District owns and utilizes approximately \$85,000 worth of water rescue vehicles and approximately \$18,000 worth of trailers to support other apparatus. Further, the District has acquired and utilizes approximately \$700,000 worth of life-saving capital equipment. For example, capital equipment purchased by the District includes: personal protective equipment, self-contained breathing apparatus, breathing air compressors, vehicle exhaust capture systems, communications systems, fire hoses, advanced life support equipment and rescue tools. Therefore, **when considering all assets, the District has made a capital investment of almost \$16 million.**

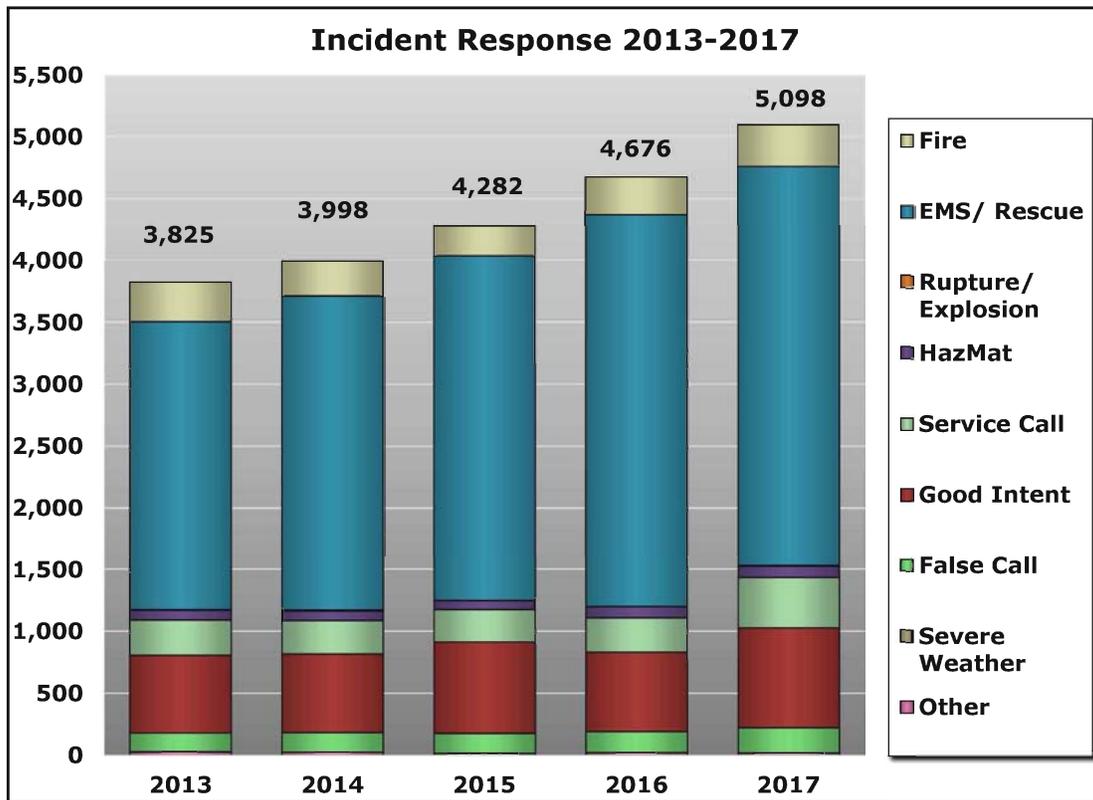
TABLE 4

Other Assets Estimated Value	
Asset Type	Estimated Total Value
Water Rescue Vehicles	\$85,000
Trailers	\$18,000
Capital Equipment	\$700,000
Total	\$803,000

Note: Estimated value of capital assets based on 2017-18 insured values per Special District Risk Management Authority (SDRMA).

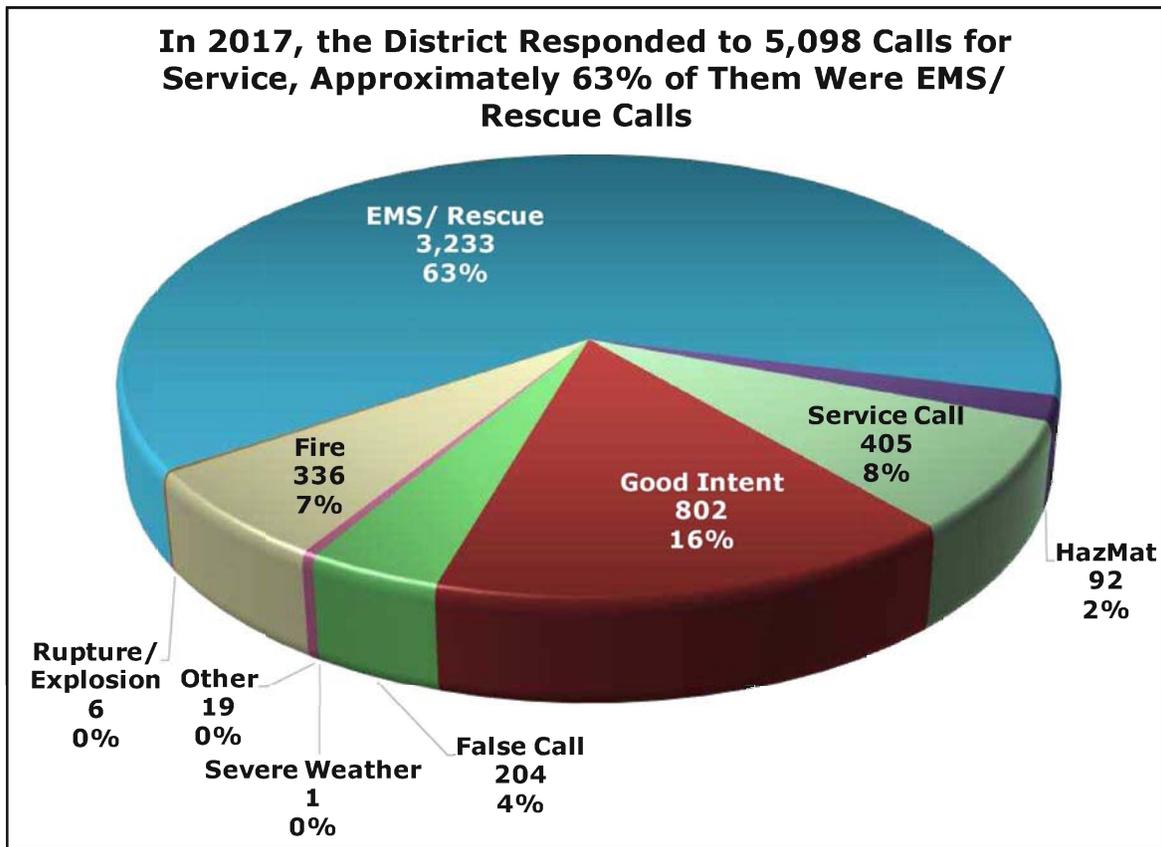
The District’s capital assets are used for fire and emergency medical response to the District’s service population as well as other communities through mutual and automatic aid agreements. As shown in **Chart 1**, calls for service in the District have increased by over 30% over the past 5 years, and this increase in service calls is expected to continue into the future.

CHART 1



Of the District's 5,098 calls for service in 2017, approximately 63% were EMS/Rescue calls, as shown in **Chart 2**. When responding to calls for service, the appropriate type of apparatus and fire personnel is dispatched to the scene based on the type of call and location of available units.

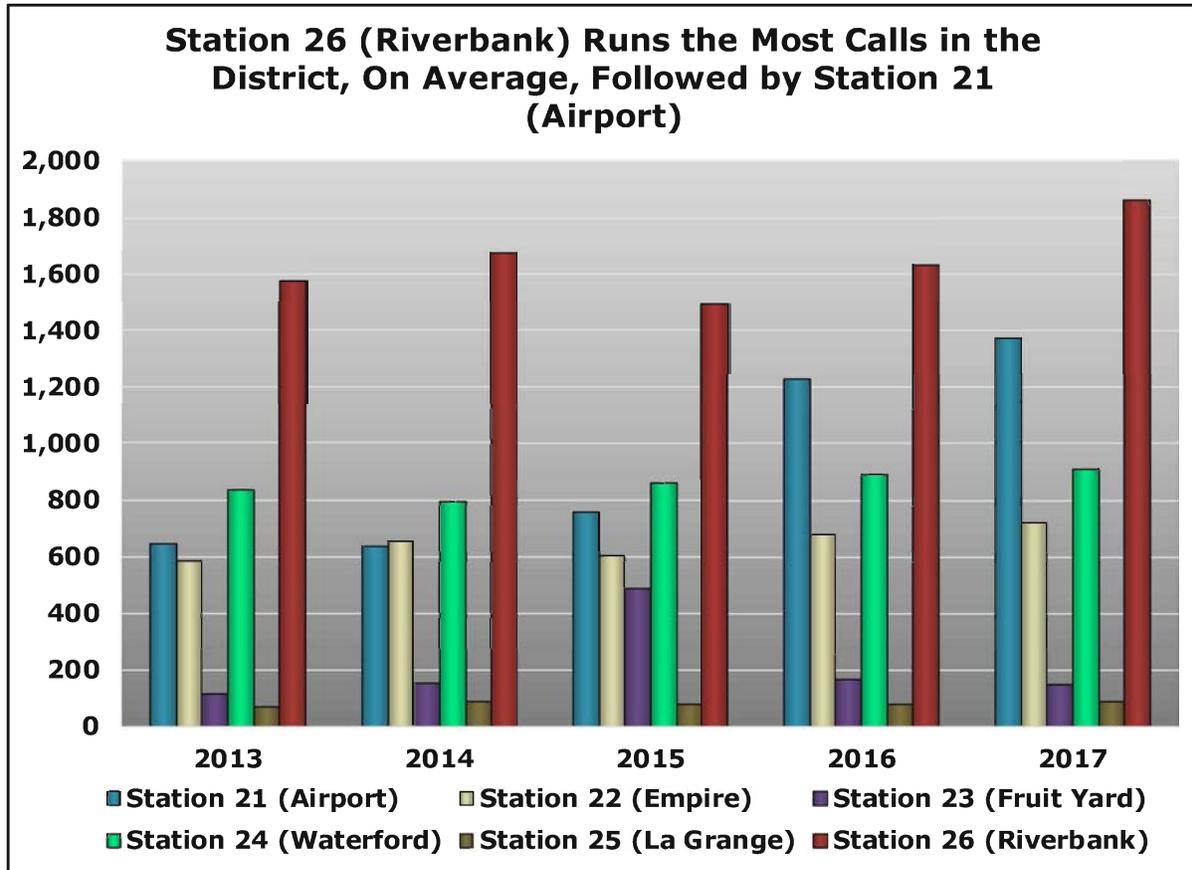
CHART 2



Fires and medical emergencies require that units arrive in sufficient time to complete effective intervention. Time is a factor that directly derives from having an adequate number of stations in a proper location and the appropriate type of apparatus available. Consideration must also be given to situations where the closest unit is not available and is on another call. In these situations, the fire department's overall response system must be set up to adequately respond to overlapping calls. This is an additional consideration related to determining the quantity and location of fire stations. For a district such as Stanislaus Consolidated, with a mix of suburban and rural areas, the populated areas will have more coverage than the rural areas.

On average, 38% of the District's calls for service are deployed from the Riverbank Station (Station 26) and 21% of the District's calls are deployed from the Airport Station (Station 21). As shown in **Chart 3**, the District responds to approximately 1,800 calls per year from the Riverbank Station (Station 26) and approximately 1,400 calls per year from the Airport Station (Station 21).

CHART 3



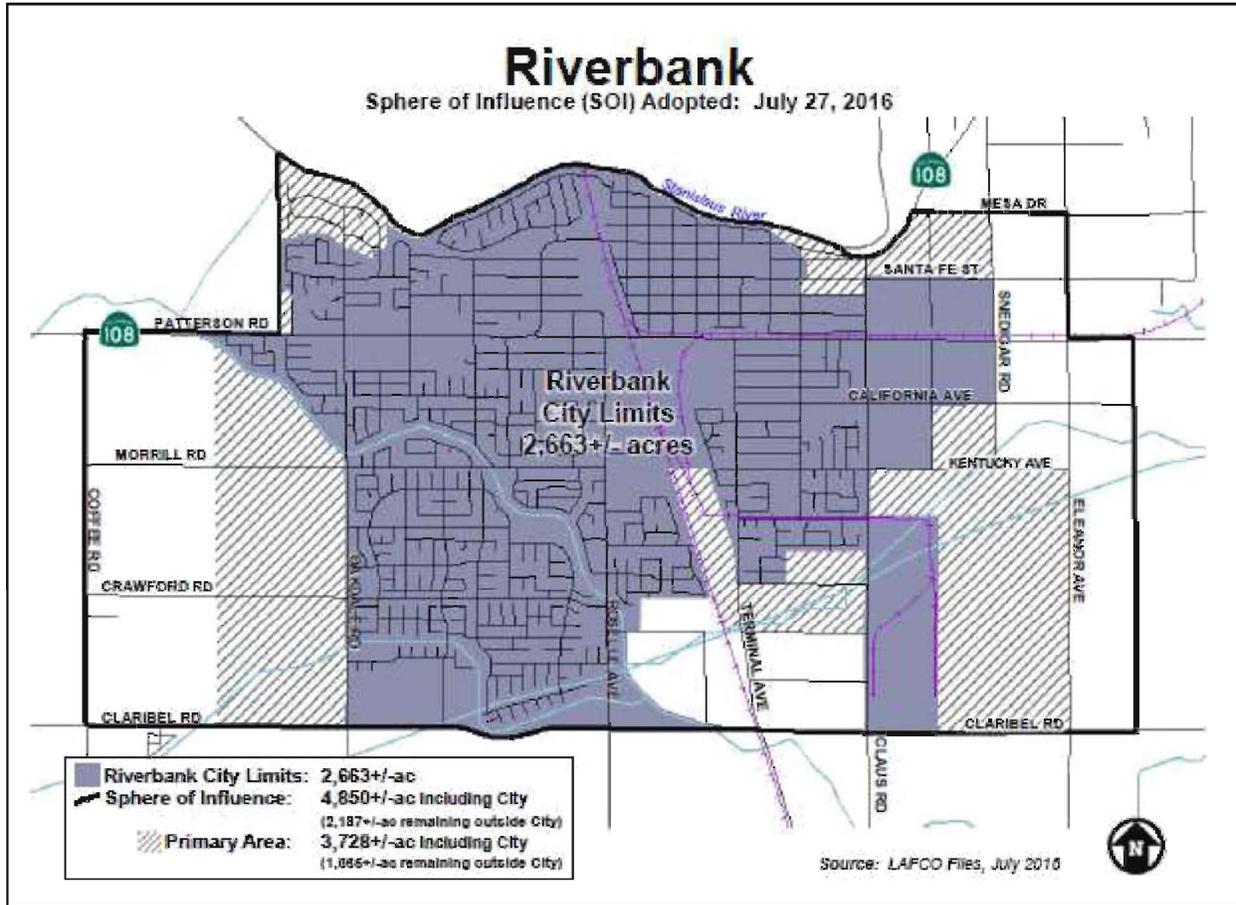
The emerging population within the District will require a significant focus on suburban protection categories including emergency medical service and commercial/industrial fire prevention/suppression. As growth occurs, both traffic and demands for service will be increased. As such, additional stations, apparatus, vehicles and capital equipment will be necessary to support operations without causing a decline in service level for the existing population.

ZONE 1 – CITY OF RIVERBANK AND ITS SPHERE OF INFLUENCE FEE JUSTIFICATION

ANTICIPATED DEVELOPMENT IN ZONE 1 (CITY OF RIVERBANK)

The City of Riverbank is located just north of Modesto along the southern bank of the Stanislaus River. The Riverbank sphere of influence consists of the City of Riverbank and unincorporated areas just west and east of the City, as shown in **Figure 2**. State Route 108 passes through the Riverbank area, as well as the Burlington Northern Santa Fe Railroad.

FIGURE 2



The City of Riverbank's population has almost tripled over the past 30 years, with a current population of approximately 24,400, as shown in **Chart 4**. These residents are currently living in approximately 6,900 dwelling units.

Projections developed as part of the City's General Plan process and recent sphere of influence adjustment conducted by Stanislaus County LAFCO, estimate that at build-out, the City will see approximately 7,700 new dwelling units and 3.3 million square feet of commercial building space.

CHART 4

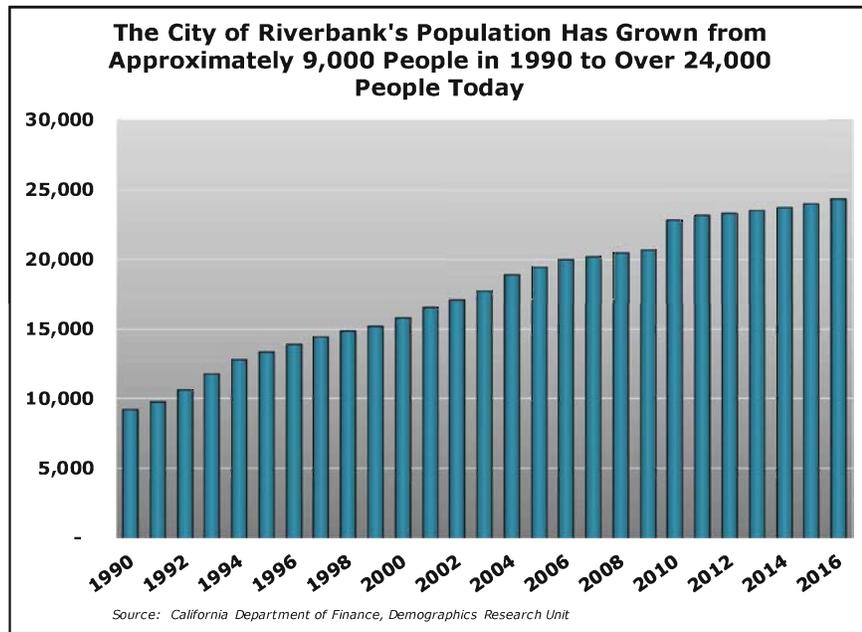


FIGURE 3

Date	Population	Dwelling Units
Current - 2015	23,485	6,867
Projected Build-out within existing City limits	3,893	1,138
Projected Build-out under proposed SOI expansion	22,456	6,566
Total Projected	49,834	14,571

The City's 2025 General Plan projects the population to increase to 49,834 at build-out.

As shown in **Figure 3**, the 7,700 units will be derived from build-out within the City's existing boundaries coupled with build-out in the sphere of influence

expansion area. With an average of 2,000 square feet per new dwelling unit, an estimated 15.4 million square feet of residential development is anticipated. When combined with the anticipated non-residential building space, a total of 18.7 million square feet of new development is anticipated in the City of Riverbank at build-out.

Public safety, including fire protection is addressed in the City's General Plan. The General Plan calls for appropriate station locations and identifies target response levels. Specifically, the City's General Plan states that the fire protection provider should have "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."

In order to meet these response standards, fire station location and adequacy of fire personnel and supporting apparatus, vehicles and capital equipment are essential. As the demand for

fire and emergency medical service response increases through new construction, the capabilities of the present personnel and apparatus will degrade proportionally. The only plausible mitigation is to build fire stations where response is timely, and to acquire adequate apparatus, vehicles and life-saving equipment.

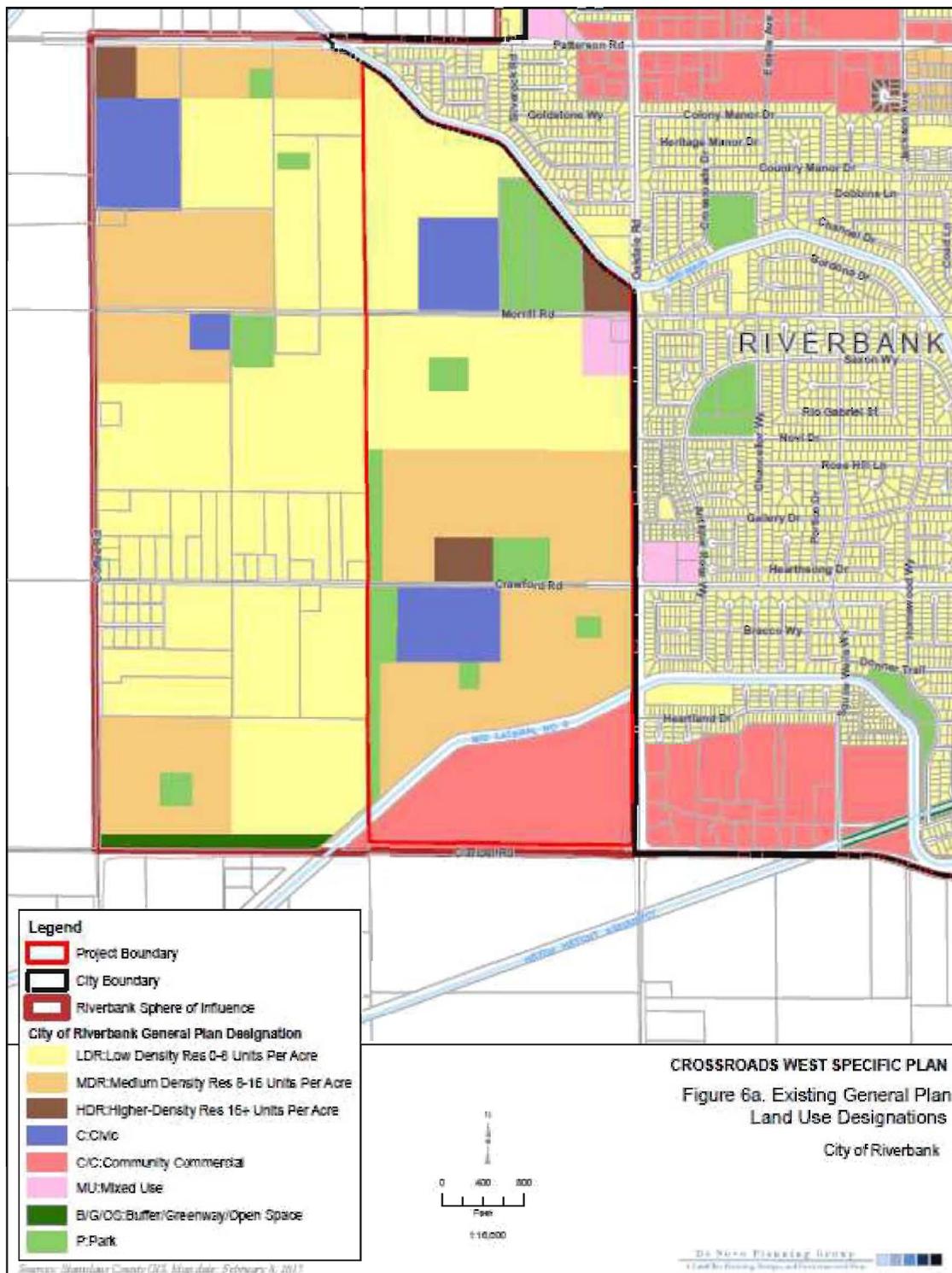
Planned Development Projects

There is a large development project currently in the planning phase with the City, called the Crossroads West Specific Plan, as shown in **Figure 4**. As described in the February 2016 Municipal Services Review and Sphere of Influence Update, the project consists of 386 acres and will result in approximately 1,443 residential dwelling units, 478,762 square feet of commercial use, and a regional sports complex, as depicted in **Table 5**. As the City is in the process of developing a Specific Plan for this project, the ultimate number of units may differ.

TABLE 5

Projected Crossroads West Specific Plan Development			
Construction Type	Units	Avg. Sq. Ft. Per Unit	Total Sq. Ft.
Single Family Residential	1,245	2,200	2,739,880
Multi-Family Residential	197	1,100	217,085
Commercial	n/a	n/a	478,762
Total	1,443		3,435,727

FIGURE 4



Additionally, other smaller development projects are planned or in progress, with an estimated 650 additional units, in the City that will impact the fire department, as shown in **Table 6**.

TABLE 6

Planned New Development		
Project/Developer	Remaining Units	Estimated Construction Start Date
California Estates	9	2018
Diamond Bar East	96	2019
Diamond Bar West	58	Under Construction
East Industrial Area	200	2030
Elmwood Estates - Joe Wu Diamond	55	2017
Hayes I	45	2019
Lafferty Homes Countryside (Hayes 2)	49	2018
Lyn Tremain (Expired)	32	Unknown
Shamass	14	2020
Ward Avenue Villas	28	2020
Willow Equities - White Property	67	2019
Total Units	653	

These are some of the current projects that will make up the anticipated 7,700 new dwelling units and 3.3 million square feet of commercial building space that will be added to the City over the next several years.

Should the proposed development projects move forward, the District’s ability to provide fire protection and emergency response services at consistent and adequate levels will suffer if mitigation measures are not properly planned for and implemented. As the newly constructed units are completed, the District’s fire and emergency response capabilities will increasingly become inadequate should additional facilities not be constructed, and additional apparatus, vehicles and capital equipment not be purchased.

Anticipated Need for New Fire Stations

In April 2015, the District, in conjunction with other local fire agencies, conducted a Standards of Cover (SOC) Assessment to, among other things, evaluate the response time goals of different areas within the District and provide recommendations for necessary station location and staffing to adequately serve its service population. As described in the SOC Assessment, population drives service demand and development brings population. With the call volume at the existing Riverbank Station (Station 26) coupled with the anticipated near-term development and the location of the development as compared to existing station locations, an additional fire station is needed on the eastern side of the City.

Further, as development occurs beyond the currently planned projects as contemplated in the City’s General Plan, an additional fire station will be needed to serve the Riverbank population at build-out. Thus, a total of three new fire stations is anticipated to serve the City of Riverbank at General Plan build-out.

ZONE 1 (CITY OF RIVERBANK) DEVELOPMENT IMPACT FEE CALCULATION

New development within Zone 1 – City of Riverbank and its sphere of influence – will benefit from the existing capital resources of the District that directly service Zone 1 and will need to provide funding towards new fire stations and required apparatus, vehicles and capital equipment that will enable the District to adequately serve the future development.

The City of Riverbank is currently served primarily by one fire station – Station 26 – and supported by the District’s network of five other fire stations. New development will also be serviced by the District’s existing capital resources. This includes the apparatus, vehicles and capital equipment housed in Station 26 as well the District’s greater network of apparatus, vehicles and capital equipment. As such, new development will need to “buy-in” to the existing capital resources proportionately to the existing residents that utilize such resources. Furthermore, based on the number and location of service calls in Riverbank, an additional station on the west side of the City and supporting apparatus, vehicles and capital equipment are needed both to serve existing development and planned future development. As the City’s General Plan builds out, an additional fire station is anticipated to be needed to the east of the City in order to serve the future population without causing a reduction in service level to existing residents. Overall, in order to mitigate its impacts on the District, new development in Riverbank will need to:

- Buy-in to the capital cost of existing stations, apparatus, vehicles and capital equipment
- Fund a proportionate percentage of new fire station, apparatus, vehicles and capital equipment costs on the west side of Riverbank
- Fund a future fire station, apparatus, vehicles and capital equipment as the City’s population grows per the General Plan

Buy-In Cost of Existing Capital Resources

As previously detailed in **Tables 1-4** and summarized in **Table 7**, the District has invested approximately \$15.9 million into its capital assets. Of this, approximately \$3.3 million is used to directly serve the residents of Riverbank. This includes the cost of the existing fire station as well as the apparatus used for primary response to Riverbank, including two Type 1 Engines, a Water Rescue and a Type 6 Engine.

To proportionately allocate the existing District assets to current and anticipated future development, the existing square feet of building space is estimated. County Assessor’s data indicates that the existing estimated size of non-residential building space within the City of Riverbank is approximately 4.1 million square feet. Further, with approximately 6,900 dwelling units averaging approximately 2,000 square feet, there is approximately 13.8 million square feet of residential building space for a total existing building space of 17.9 million square feet. Adding the anticipated future building space of 18.7 million square feet to the existing building space, results in a total building space of 36.6 million square feet at build-out, as shown in **Table 8**.

TABLE 7

Capital Asset Summary	
Type of Asset	Estimated Total Value
Fire Stations	\$9,900,000
Apparatus	\$4,846,000
Vehicles	\$373,000
Other Assets	\$803,000
Total	\$15,922,000

TABLE 8

Estimated Building Square Footage for Zone 1 (Riverbank)	
Existing Residential Square Footage	13,800,000
Existing Non-Residential Square Footage	4,100,000
Total Existing Building Square Footage	17,900,000
Future Residential Square Footage	15,400,000
Future Non-Residential Square Footage	3,300,000
Total Future Building Square Footage	18,700,000
Total Building Square Footage at Build-Out	36,600,000
New Development Percentage of Total Square Footage	51%

Therefore, at build-out, new development will be responsible for approximately 51% of the total building space in Riverbank. The value of assets primarily serving current and future

TABLE 9

New Development Share of Assets Directly Serving Riverbank		
Asset	Estimated Value	New Development Share of Assets (51%)
Station 26	\$2,040,000	\$1,040,000
Apparatus	\$1,117,000	\$570,000
Total	\$3,157,000	\$1,610,000

residents of the City of Riverbank can be allocated to new development on a proportional basis, with new development responsible for approximately 51% of the District’s capital investment, as shown in **Table 9**.

District-wide, based on County Assessor’s data, there is an estimated 28.7 million square feet of non-residential building space and approximately 14,200 residential dwelling units making up an estimated 28.4 million square feet of residential

building space for a total existing building space of approximately 57.1 million square feet. Adding the anticipated future building space in Riverbank of 18.7 million square feet to the existing building space, plus the anticipated building space in Waterford of 2.8 million square feet (as described later in this Report), results in a total building space of 78.6 million square feet at build-out, as shown in **Table 10**.

TABLE 10

Estimated Building Square Footage Districtwide	
Existing Residential Square Footage	28,400,000
Existing Non-Residential Square Footage	28,700,000
Total Existing Building Square Footage	57,100,000
Future Riverbank Residential Square Footage	15,400,000
Future Riverbank Non-Residential Square Footage	3,300,000
Future Waterford Residential Square Footage	2,400,000
Future Waterford Non-Residential Square Footage	365,000
Total Future Building Square Footage	21,465,000
Total Building Square Footage at Build-Out	78,565,000
Riverbank Development Percentage of Total Square Footage	24%

Therefore, at build-out, new development in Riverbank will be responsible for 24% of the total building space in the District. The value of assets serving current and future residents of the of the District as part of the District’s overall emergency response system, can be allocated to new development on a proportional basis, with new development in Riverbank responsible for 24% of the District’s capital investment, as shown in **Table 11**.

TABLE 11

New Development Share of District-Wide Assets		
Asset	Estimated Value	New Development Share of Assets (24%)
Stations	\$7,860,000	\$1,870,000
Apparatus	\$3,729,000	\$890,000
Vehicles	\$373,000	\$90,000
Other Assets	\$803,000	\$190,000
Total	\$12,765,000	\$3,040,000

In order to serve planned new development in Riverbank, two additional fire stations will be needed. One of the stations is needed on the western portion of the City to serve current and future residents, while the other station will be needed on the eastern portion of the City specifically to serve new development. As such, new development will share in the costs related to the first new station, but will be responsible for all costs related to the second new station, as the second new station would not be necessary if not for new development.

Table 12 provides an overview of the estimated costs related to new fire stations. These costs not only include the station construction itself, but also the related land, apparatus, vehicles and capital equipment necessary to operate the station and related financing costs due to cash flow limitations of the District. It is assumed that the District would acquire new apparatus for a new station, including 2 Type 1 Engines, 1 Type 3 Engine and 1 Water Tender, as well as two new vehicles and various life-equipment including personal protection equipment, self-contained breathing apparatus, a vehicle exhaust capture system, fire hoses, a communications system and rescue tools. It is anticipated that financing will be necessary

for the District because fire impact fees are paid as units are constructed but stations will be needed prior to development build-out. As such, it is assumed that 50% of the fire station construction, land acquisition and apparatus acquisition will need to be financed.

TABLE 12

New Station Costs	
Component	Estimated Cost
New Fire Station	\$3,900,000
Land for New Fire Station	\$400,000
Apparatus for New Fire Station	\$1,850,000
Vehicles for New Fire Station	\$70,000
Capital Equipment for New Fire Station	\$150,000
Financing Costs (Up-Front and Interest)	\$5,900,000
Total	\$12,270,000

As shown in **Table 13**, new development is responsible for approximately 51% of the cost to construct the first new Riverbank station and 100% of the cost of the second new Riverbank station.

TABLE 13

New Development Share of New Station Costs		
Station	Estimated Cost	New Development Share
New Riverbank Station #1	\$12,270,000	\$6,270,000
New Riverbank Station #2	\$12,270,000	\$12,270,000
Total	\$24,540,000	\$18,540,000

Adding together the new development share of the "buy-in" costs with the share of the new station costs, results in the total estimated capital impact from new

development in Riverbank, as shown in **Table 14**, which is further expressed as a cost per new square foot of development.

TABLE 14

Total Riverbank New Development Share of Capital Costs	
Cost Component	New Development Share of Cost
Buy-In of Assets Directly Serving Riverbank	\$1,610,000
Buy-In of District-Wide Assets	\$3,040,000
Share of New Station Cost	\$18,540,000
Total	\$23,190,000
Estimated Square Feet of New Development	18,700,000
Cost Per Square Foot of New Development	\$1.24

Fee revenue generated from new development in Zone 1 will be used to both replace aged capital items and fund new capital items to serve future development. Further, fee revenue will be used to construct new fire stations, as described in this report, including ancillary costs related to fire station construction, such as land acquisition and soft costs.

There are some types of building construction and occupancy that result in an additional impact on the fire service due to the nature of the building utilization and the type of apparatus, other capital equipment and station components necessary to serve the type of building. The construction of these facilities will result in an additional capital cost to the District.

The National Fire Protection Association (NFPA) has identified Occupancy Hazard ratings for various types of building occupancies based on the hazard risk of the building construction and occupancy and the water supply standards for that type of building. These ratings can be utilized to identify the type of building construction and occupancy that has a greater impact on the District and can be applied toward the impact fee per square foot of new development. This will ensure that the fee is assessed proportionately due to the impact caused by moderate and high hazard buildings. Fee revenue generated from the moderate, high and severe hazard occupancy buildings will be used to fund capital equipment and apparatus necessary to serve such buildings and the improvements to fire stations needed in order to accommodate such equipment and apparatus. Specifically, in order to serve moderate, heavy and severe hazard occupancy buildings, the District would need to acquire ladder trucks and life-saving equipment contained on the ladder truck as well as ensure that fire station apparatus bays are of sufficient size to house a ladder truck in the appropriate location.

For the purposes of imposing impact fees on new development within the District, buildings can be classified into one of three categories based the NFPA occupancy hazard classifications (see **Appendix A** for NFPA Standard 1142), with the related weighting applied to the impact fee, as shown in **Table 15**.

TABLE 15

Category	NFPA Occupancy Hazard Classification	Impact Fee Weighting Factor
Light -Low Hazard	Light and Low Hazard Occupancies (Numbers 6 and 7)	1 x Cost Per Sq. Ft.
Moderate Hazard	Moderate Hazard Occupancies (Number 5)	1.5 x Cost Per Sq. Ft.
Heavy-Severe Hazard	High and Severe Hazard Occupancies (Numbers 3 and 4)	2 x Cost Per Sq. Ft.

Zone 1 Impact Fee Per Square Foot of New Development

The impact fee per square foot of new development within Zone 1 (Riverbank) is shown in **Table 16**.

TABLE 16

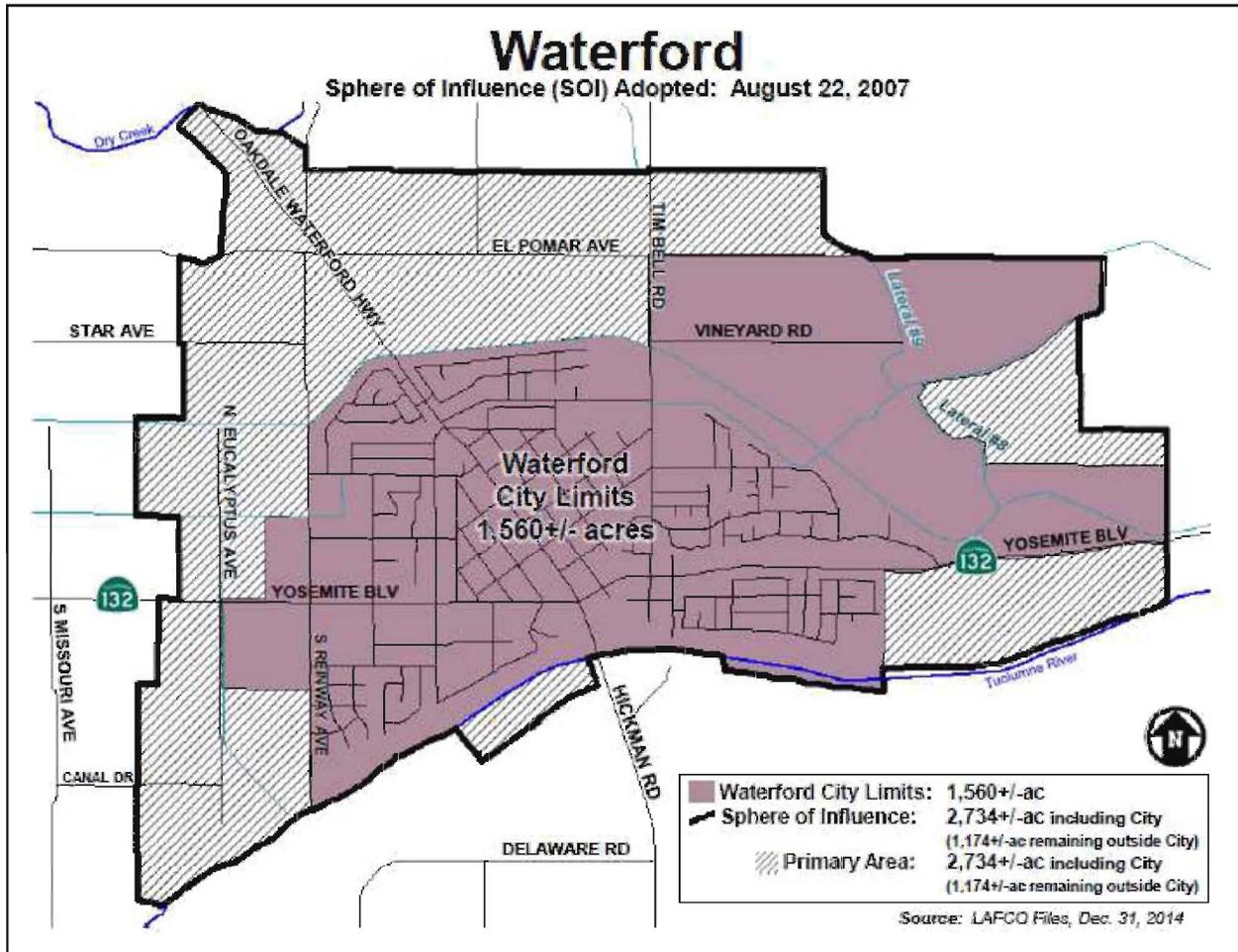
Building Category	Zone 1 Impact Fee Per Square Foot
Light - Low Hazard Construction	\$1.24
Moderate Hazard Construction	\$1.86
High - Severe Hazard Construction	\$2.48

ZONE 2 – CITY OF WATERFORD AND ITS SPHERE OF INFLUENCE FEE JUSTIFICATION

ANTICIPATED DEVELOPMENT IN ZONE 2 (CITY OF WATERFORD)

The City of Waterford is located on the eastern side of the semi-rural portion of Stanislaus County. It is located along the Tuolumne River and Highway 132, about 13 miles east of Modesto and 11 miles northeast of Turlock. The Waterford sphere of influence consists of the City of Waterford and approximately 1,610 acres of agricultural land surrounding the City's existing boundary to the north, east and west, as shown in **Figure 5**.

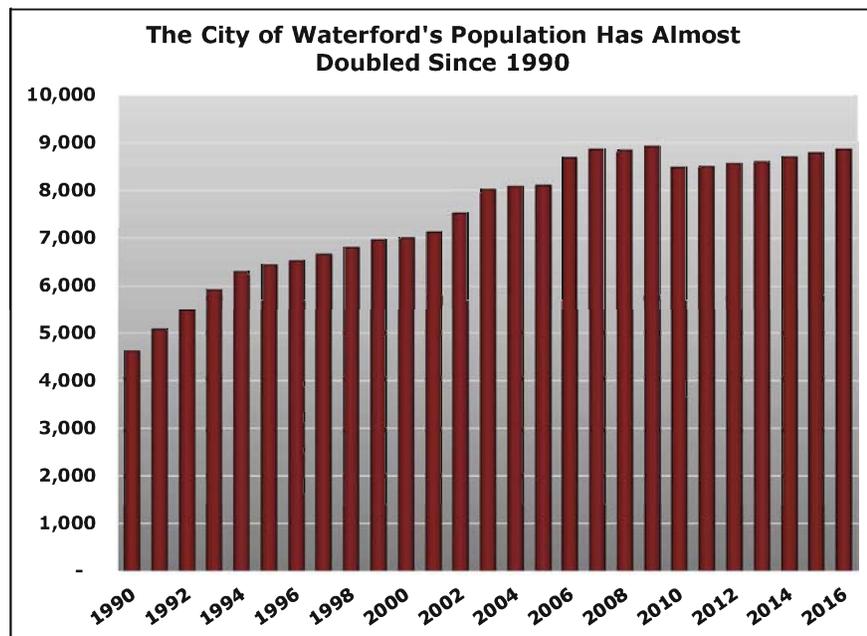
FIGURE 5



Terrain in the western half of the Waterford area is very flat, with the exception of the southwest corner that straddles the cliff north of the Tuolumne River. The terrain in the eastern half of the City is more varied, rising from 160 feet above sea level to around 200 feet above sea level in the eastern and northeastern sections.

The City of Waterford's population has almost doubled over the past 30 years, with a current population of approximately 8,900, as shown in **Chart 5**. These residents are currently living in approximately 3,000 dwelling units.

CHART 5



Projections developed as part of the City's General Plan process, estimate that by 2025, the City will see approximately 4,200 total housing units, an increase of approximately 1,200 units, and

approximately 365,000 square feet of commercial building space. With an average of 2,000 square feet per new dwelling unit, an estimated 2.4 million square feet of residential development is anticipated. When combined with the anticipated commercial building space, a total of approximately 2.8 million square feet of new development is anticipated in the City of Waterford by 2025. With this level of development, the City anticipates a 2025 population of between 14,600 and 18,600, this would be an increase of 5,700 to 9,700 people. For the purposes of this analysis, growth in Waterford by 2025 is estimated to be the mid-point between the high and low population growth projection, or 16,600.

Public safety, including fire protection is addressed in the City's General Plan. The General Plan identifies target response level of 5 minutes or less 80% of the time. Additionally, the City's General Plan states a target of one firefighter per 1,000 people residing in the City, requiring additional fire apparatus and apparatus bay space to store the apparatus. Plus, the General Plan further indicates that the need for a new fire station will need to be evaluated when the City's population reaches between 11,000 and 12,000 people. These standards, as currently stated in the City's General Plan, will result in the need for the District to acquire apparatus and construct a fire station beyond what the District anticipates is needed to adequately serve the City's population.

The City is planning to amend the General Plan to eliminate the language related to the firefighter target per 1,000 residents and the need for a new fire station and to fast-track such an amendment. By amending the General Plan language to eliminate the staffing and fire station construction targets, the facilities, apparatus and equipment that the Fire District will need to acquire and construct will be reduced. As a result, the development impact fee would be lower with the proposed amendment to the General Plan than it would be with the existing language. The Zone 2 section of this fee study calculates the impact fee based on the current language in the General Plan as well as the proposed amended language.

In order to meet the response time standard set forth in the General Plan (which would not be part of the amendment to the General Plan), ensuring sufficient apparatus, vehicles and

capital equipment are essential. As the demand for fire and emergency medical service response increases through new construction, the capabilities of the present personnel and apparatus will degrade proportionally. The only plausible mitigation is to expand and maintain fire stations where response is timely, and to acquire and maintain adequate apparatus, vehicles and life-saving equipment.

Should the proposed new housing units and commercial construction move forward, the District's ability to provide fire protection and emergency response services at consistent and adequate levels will suffer if mitigation measures are not properly planned for and implemented. As the newly constructed units are completed the District's fire and emergency response capabilities will increasingly become inadequate, should additional facilities not be constructed, and additional apparatus, vehicles and equipment not be purchased.

Population drives service demand and development brings population. With the call volume at the existing Waterford Station (Station 24) coupled with the anticipated development, additional apparatus, vehicles and capital equipment will be needed to serve the future Waterford population.

ZONE 2 (CITY OF WATERFORD) DEVELOPMENT IMPACT FEE CALCULATION

New development within Zone 2 – Waterford and its sphere of influence – will benefit from the existing capital resources of the District that directly service Zone 2 and will need to provide funding towards new apparatus, vehicles and capital equipment that will enable the District to adequately serve the future development.

The City of Waterford is currently served primarily by one fire station – Station 24 – and supported by the District’s network of five other fire stations. New development will also be serviced by the District’s existing capital resources. This includes the apparatus, vehicles and capital equipment housed in Station 24 as well the District’s greater network of apparatus, vehicles and capital equipment. As such, new development will need to “buy-in” to the existing capital resources proportionately to the existing residents that utilize such resources. Furthermore, based on the number and location of service calls in Waterford, additional apparatus, vehicles and capital equipment will be needed to serve the planned future development. Overall, in order to mitigate its impacts on the District, new development in Waterford will need to:

- Buy-in to the capital cost of existing stations, apparatus, vehicles and capital equipment
- Fund new apparatus, vehicles and capital equipment as the City’s population grows per the General Plan
 - Fund a new fire station based on the language in the **current** General Plan (if the General Plan is amended, the need for a new station is not anticipated)

Buy-In Cost of Existing Capital Resources

As previously detailed in **Tables 1-4** and summarized in **Table 17**, the District has invested approximately \$15.9 million into its capital assets. Of this, approximately \$4.5 million is used for primary response to Waterford. This includes the cost of the replacement fire station that is under construction as well as the apparatus used for primary response to Waterford, including a Type 1 Engine, a Water Tender and a Type 3 Engine.

TABLE 17

Capital Asset Summary	
Type of Asset	Estimated Total Value
Fire Stations	\$9,900,000
Apparatus	\$4,846,000
Vehicles	\$373,000
Other Assets	\$803,000
Total	\$15,922,000

To proportionately allocate the existing District assets to current and anticipated future development, the existing square feet of building space is estimated. County Assessor’s data indicates that the existing estimated square feet of non-residential building space within the City of Waterford is approximately 2.2 million square feet. Further, with approximately 3,000 dwelling units averaging approximately 2,000 square feet, there is approximately 6 million square feet of residential building space for a total existing building space of 8.2 million square feet. Adding the anticipated future building space of 2.8 million square feet to the existing building space, results in a total building space of 11 million square feet by 2025, as shown in **Table 18**.

TABLE 18

Estimated Building Square Footage for Zone 2 (Waterford)	
Existing Residential Square Footage	6,000,000
Existing Non-Residential Square Footage	2,200,000
Total Existing Building Square Footage	8,200,000
Future Residential Square Footage	2,400,000
Future Non-Residential Square Footage	365,000
Total Future Building Square Footage	2,765,000
Total Building Square Footage at Build-Out	10,965,000
New Development Percentage of Total Square Footage	25%

Therefore, by 2025, new development will be responsible for approximately 25% of the total building space in Waterford. The value of assets primarily serving current and future residents

TABLE 19

New Development Share of Assets Directly Serving Waterford		
Asset	Estimated Value	New Development Share of Assets (25%)
Station 24	\$3,560,000	\$900,000
Apparatus	\$1,102,000	\$280,000
Total	\$4,662,000	\$1,180,000

of the City of Waterford can be allocated to new development on a proportional basis, with new development responsible for approximately 25% of the District’s capital investment, as shown in **Table 19**.

District-wide, based on County Assessor’s data, there is an estimated 28.7 million square feet of non-residential building space and approximately 14,200 residential dwelling units making up an estimated 28.4 million square feet of residential building space for a total existing

building space of approximately 57.1 million square feet. Adding the anticipated future building space in Waterford of 2.8 million square feet to the existing building space, plus the anticipated building space in Riverbank of 18.7 million square feet (as previously described in this Report), results in a total building space of 78.6 million square feet at build-out, as shown in **Table 20**.

TABLE 20

Estimated Building Square Footage Districtwide	
Existing Residential Square Footage	28,400,000
Existing Non-Residential Square Footage	28,700,000
Total Existing Building Square Footage	57,100,000
Future Riverbank Residential Square Footage	15,400,000
Future Riverbank Non-Residential Square Footage	3,300,000
Future Waterford Residential Square Footage	2,400,000
Future Waterford Non-Residential Square Footage	365,000
Total Future Building Square Footage	21,465,000
Total Building Square Footage at Build-Out	78,565,000
Waterford Development Percentage of Total Square Footage	3.5%

Therefore, at build-out, new development in Waterford will be responsible for approximately 3.5% of the total building space in the District. The value of assets serving current and future residents of the of the District as part of the District’s overall emergency response system, can be allocated to new development on a proportional basis, with new development in Waterford responsible for approximately 3.5% of the District’s capital investment, as shown in **Table 21**.

TABLE 21

New Development Share of District-Wide Assets		
Asset	Estimated Value	New Development Share of Assets (3.5%)
Stations	\$6,340,000	\$220,000
Apparatus	\$2,627,000	\$90,000
Vehicles	\$373,000	\$10,000
Other Assets	\$803,000	\$30,000
Total	\$10,143,000	\$350,000

Capital Need Based on CURRENT General Plan

Under the standards set forth in the City’s current General Plan, one additional fire station will be needed, in addition to new apparatus, vehicles and capital equipment. **Table 22** provides an overview of the estimated costs related to new fire stations. These costs not only include the station construction itself, but also the related apparatus, vehicles and capital equipment necessary to operate the station and related financing costs due to cash flow limitations of the District. It is anticipated that financing will be necessary for the District because fire impact fees are paid as units are constructed but stations will be needed prior to development build-out. As such, it is assumed that 50% of the fire station construction, land acquisition and apparatus acquisition will need to be financed. The new station costs will be

allocated proportionately between new development and the existing community, with new development funding approximately 25% of the cost of the station.

TABLE 22

New Station Costs	
Component	Estimated Cost
New Fire Station	\$3,900,000
Land for New Fire Station	\$400,000
Apparatus for New Fire Station	\$1,850,000
Vehicles for New Fire Station	\$70,000
Capital Equipment for New Fire Station	\$150,000
Financing Costs (Up-Front and Interest)	\$5,900,000
Total	\$12,270,000

Adding together the new development share of the “buy-in” costs with the share of the new station costs, results in the total estimated capital impact from new development in Waterford under the standards set forth in the **current** General Plan, as shown in **Table 23**, which is further expressed as a cost per new square foot of development.

TABLE 23

Total Waterford New Development Share of Capital Costs	
Cost Component	New Development Share of Cost
Buy-In of Assets Directly Serving Waterford	\$1,180,000
Buy-In of District-Wide Assets	\$350,000
New Station and New Apparatus Costs	\$3,067,500
Total	\$4,597,500
Estimated Square Feet of New Development	2,800,000
Cost Per Square Foot of New Development	\$1.64

Capital Need Based on PLANNED AMENDED General Plan

As stated previously, the City is planning to amend its General Plan to eliminate the apparatus and station construction standards set forth. Thus, the fee calculations provided in this Report have been adjusted to reflect that anticipated capital improvements needed based on the proposed adjustment to the City’s General Plan language.

In order to serve planned new development in Waterford, assuming the amended General Plan language, one additional Type 1 Engine, expansion to the fire station apparatus bay to accommodate the additional apparatus and related life-saving capital equipment will be needed, as shown in **Table 24**. It is anticipated that financing will be necessary for the

District because fire impact fees are paid as units are constructed but new apparatus will be needed prior to development build-out. As such, it is assumed that 50% of the apparatus acquisition and apparatus bay expansion will need to be financed.

TABLE 24

Waterford Estimated Apparatus Acquisition and Apparatus Bay Expansion Costs	
Component	Estimated Cost
Fire Station Apparatus Bay Expansion	\$500,000
New Type 1 Engine	\$600,000
New Capital Equipment	\$30,000
Financing Costs (Up-Front and Interest)	\$300,000
Total	\$1,430,000

Adding together the new development share of the “buy-in” costs with the new apparatus and apparatus bay expansion costs, results in the total estimated capital impact from new development in Waterford, as shown in **Table 25**, which is further expressed as a cost per new square foot of development.

TABLE 25

Total Waterford New Development Share of Capital Costs	
Cost Component	New Development Share of Cost
Buy-In of Assets Directly Serving Waterford	\$1,180,000
Buy-In of District-Wide Assets	\$350,000
Station Expansion and New Apparatus Costs	\$1,430,000
Total	\$2,960,000
Estimated Square Feet of New Development	2,800,000
Cost Per Square Foot of New Development	\$1.06

Fee revenue generated from new development in Zone 2 will be used to both replace aged capital items and fund new capital items to serve future development.

Moderate, High and Severe Hazard Occupancy Buildings

There are some types of building construction and occupancy that result in an additional impact on the fire service due to the nature of the building utilization and the type of apparatus, other capital equipment and station components necessary to serve the type of building. The construction of these facilities will result in an additional capital cost to the District.

The National Fire Protection Association (NFPA) has identified Occupancy Hazard ratings for various types of building occupancies based on the hazard risk of the building construction and occupancy and the water supply standards for that type of building. These ratings can be utilized to identify the type of building construction and occupancy that has a greater impact on the District and can be used determine the impact fee per square foot of new development. Fee revenue generated from the moderate, high and severe hazard occupancy buildings will be used to fund capital equipment and apparatus necessary to serve such buildings and the improvements to fire stations needed in order to accommodate such equipment and apparatus. Specifically, in order to serve moderate, heavy and severe hazard occupancy buildings, the District would need to acquire ladder trucks and life-saving equipment contained on the ladder truck as well as ensure that fire station apparatus bays are of sufficient size to house a ladder truck in the appropriate location.

For the purposes of imposing impact fees on new development within the District, buildings can be classified into one of three categories based the NFPA occupancy hazard classifications (see **Appendix A** for NFPA Standard 1142), with the related weighting applied to the impact fee, as shown in **Table 26**.

TABLE 26

Category	NFPA Occupancy Hazard Classification	Impact Fee Weighting Factor
Light - Low Hazard	Light and Low Hazard Occupancies (Numbers 6 and 7)	1 x Cost Per Sq. Ft.
Moderate Hazard	Moderate Hazard Occupancies (Number 5)	1.5 x Cost Per Sq. Ft.
High-Severe Hazard	High and Severe Hazard Occupancies (Numbers 3 and 4)	2 x Cost Per Sq. Ft.

Zone 2 Impact Fee Per Square Foot of New Development

The impact fee per square foot of new development within Zone 2 (Waterford) is shown in **Table 27**.

TABLE 27

Building Category	Zone 2 Impact Fee Per Square Foot (CURRENT GP)	Zone 2 Impact Fee Per Square Foot (AMENDED GP)
Light - Low Hazard Construction	\$1.64	\$1.06
Moderate Hazard Construction	\$2.46	\$1.59
High - Severe Hazard Construction	\$3.28	\$2.12

**ZONE 3 – UNINCORPORATED AREA OF THE DISTRICT,
EXCLUDING ZONES 1 AND 2**

ZONE 3 (UNINCORPORATED) DEVELOPMENT IMPACT FEE CALCULATION

The unincorporated territory of the District includes rural areas and the communities of Empire, Hickman and La Grange. The Stanislaus County General Plan indicates minimal growth planned for these unincorporated portions of the County as most of the growth is projected to occur within the limits of the incorporated cities. Any concentrated growth in unincorporated County is anticipated to take place in the communities of Denair, Diablo Grande, Keyes and Salida, which are all outside the District’s boundaries.

It is estimated that the unincorporated population of the District is approximately 16,750, this includes approximately 4,200 people in Empire, 640 people in Hickman and 4,700 people in La Grange. An estimated 4,300 housing units and 28.7 million square feet of non-residential building space is located in unincorporated areas of the District. With approximately 4,300 dwelling units averaging approximately 2,000 square feet, there is approximately 8.6 million square feet of residential building space for a total existing building space of 37.3 million square feet.

As the demand for fire and emergency medical service response increases through new construction, the capabilities of the present personnel and apparatus will degrade proportionally. The only plausible mitigation is to build fire stations where response is timely, and to acquire adequate apparatus, vehicles and life-saving equipment.

To mitigate its impacts, new development will be responsible for funding facilities at the same standard currently serving existing development based on the ratio of existing stations, apparatus, vehicles and capital equipment to the existing service population. As shown in **Table 28**, the District has invested approximately \$15.9 million into its capital assets. These existing assets serve the District’s population base of approximately 50,000 people with an estimated 57.1 million square feet of building space. *Dividing the \$15.9 million capital investment by the 57.1 million square feet of building space, results in a capital cost of **\$0.28 per square foot** of building space.*

TABLE 28

Capital Asset Summary	
Type of Asset	Estimated Total Value
Fire Stations	\$9,900,000
Apparatus	\$4,846,000
Vehicles	\$373,000
Other Assets	\$803,000
Total	\$15,922,000

<p>Cost Per Square Foot of New Development =</p> <p>(\$15,922,000 of Capital Assets) / (57,100,000 Square Feet of Building Space) =</p> <p>\$0.28 Per Square Foot of Building Space</p>
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Fee revenue generated from new development in Zone 3 will be used to both replace aged capital items and fund new capital items to serve future development.

This figure can be applied to the methodology applied in Zones 1 and 2, whereby, building construction and occupancy classifications with a greater impact on the fire service are assessed a higher impact fee. Due to the nature of higher risk buildings and occupancies, the type of apparatus, other capital equipment and station components necessary to serve such

buildings. The construction of these facilities will result in an additional capital cost to the District.

The National Fire Protection Association (NFPA) has identified Occupancy Hazard ratings for various types of building occupancies based on the hazard risk of the building construction and occupancy and the water supply standards for that type of building. These ratings can be utilized to identify the type of building construction and occupancy that has a greater impact on the District and can be used determine the impact fee per square foot of new development. Fee revenue generated from the moderate, high and severe hazard occupancy buildings will be used to fund capital equipment and apparatus necessary to serve such buildings and the improvements to fire stations needed in order to accommodate such equipment and apparatus. Specifically, in order to serve moderate, heavy and severe hazard occupancy buildings, the District would need to acquire ladder trucks and life-saving equipment contained on the ladder truck as well as ensure that fire station apparatus bays are of sufficient size to house a ladder truck in the appropriate location.

For the purposes of imposing impact fees on new development within the District, buildings can be classified into one of three categories based the NFPA occupancy hazard classifications (see **Appendix A** for NFPA Standard 1142), with the related weighting applied to the impact fee, as shown in **Table 29**.

TABLE 29

Category	NFPA Occupancy Hazard Classification	Impact Fee Weighting Factor
Light - Low Hazard	Light and Low Hazard Occupancies (Numbers 6 and 7)	1 x Cost Per Sq. Ft.
Moderate Hazard	Moderate Hazard Occupancies (Number 5)	1.5 x Cost Per Sq. Ft.
High - Severe Hazard	High and Severe Hazard Occupancies (Numbers 3 and 4)	2 x Cost Per Sq. Ft.

Zone 3 Impact Fee Per Square Foot of New Development

The impact fee per square foot of new development within Zone 3 (Unincorporated) is shown in **Table 30**.

TABLE 30

Building Category	Zone 3 Impact Fee Per Square Foot
Light - Low Hazard Construction	\$0.28
Moderate Hazard Construction	\$0.42
High - Severe Hazard Construction	\$0.56

IMPOSING THE DEVELOPMENT IMPACT FEES

IMPLEMENTATION

The methodology used by this study meets the legislative standards for collection of the fee amounts contained herein. Implementation of a fee program would include the following procedural steps:

District Board Approval

Following thorough consideration, and public input, should the District Board act to implement the fee program, the District Board would adopt a resolution and then make a recommendation to the Riverbank and Waterford City Councils and the Stanislaus County Board of Supervisors to adopt this fee pursuant to the City and County's development "police powers" under Article XI, section 7 of the California Constitution. The Riverbank City Council would only consider the adoption of the Zone 1 fee, the Waterford City Council would only consider the adoption of the Zone 2 fee, and the Stanislaus County Board of Supervisors would only consider the Zone 3 fee.

Riverbank and Waterford City Council and County Board of Supervisors' Approval

The Riverbank and Waterford City Councils and Stanislaus County Board of Supervisors could be expected consider adoption of the proposed fee schedule in compliance with California Government Code section 66016 through 66018. The Cities and County will then:

- ◆ Send a notice of a public hearing at least 14 days prior to the hearing to any party that has submitted a written request for such a notice. Have this report and all supporting documentation available for review by the public at least 10 days prior to the hearing. Publish notice of the public hearing in a newspaper of general circulation at least 10 days prior to the scheduled hearing, with a second notice published at least 5 days after the first hearing notice. The notice should include the time and place of the meeting as well as a general explanation of the matter to be considered;
- ◆ Hold the public hearing to consider adoption of the development impact fee;
- ◆ Adopt an implementing resolution or ordinance to impose the proposed fee and automatically adjust the fee annually for inflation. If the city and/or county has previously adopted impact fees by ordinance, the updated impact fee must also be approved by ordinance;
- ◆ Begin collecting the fee no sooner than 60 days following adoption of the ordinance and resolution.

Fee Accounting

The District would be required to deposit all fee revenues into a restricted public facility fee account. Interest earned on fund balances should be credited to the fund.

Use of the Fee

The District is required to only use fee revenues for projects that expand the District ability to deliver fire services to accommodate new development. Use of the fee in this manner

documents the required relationship between new development and the use of fee revenue. The District may modify and adjust the scope of the planned projects, or substitute new projects as long as the project continues to represent an expansion of the District's capabilities. If the total cost of all planned projects or the level of development vastly differs from the total cost used as a basis for the fee or needs change, the District would monitor and revise the fee accordingly.

Inflation Adjustment

The District would also adjust the fee annually for inflation in the cost of projects to be funded by the fee. A construction cost index, based on a reputable and easily identifiable source such as the *Engineering News Record* would be used. Any inflationary adjustment must first be authorized in the enacting resolution or ordinance approved by the Cities and County.

Reporting Requirements

The District would also comply with the annual and five-year reporting requirements of Government Code section 66000 et. seq. Annually, the District must identify the fee revenues received and for what purposes they were expended.

FEES JUSTIFIED

In summary, this development impact fee study justifies the following fees:

Building Category	Zone 1 (Riverbank) Fee Per Square Foot	Zone 2 (Waterford) Fee Per Square Foot (CURRENT GP)	Zone 2 (Waterford) Fee Per Square Foot (AMENDED GP)	Zone 3 (Unincorporated) Fee Per Square Foot
Light - Low Hazard Construction	\$1.24	\$1.64	\$1.06	\$0.28
Moderate Hazard Construction	\$1.86	\$2.46	\$1.59	\$0.42
High - Severe Hazard Construction	\$2.48	\$3.28	\$2.12	\$0.56

APPENDIX A: NFPA OCCUPANCY HAZARD CLASSIFICATIONS

High Hazard Commercial/Industrial Construction Occupancy Classifications

NFPA Severe Hazard Occupancies (Classification Number 3)

- Cereal or Flour Mills
- Combustible Hydraulics
- Cotton Picking and Opening Operations
- Die Casting
- Explosives and Pyrotechnics Manufacturing and Storage
- Feed and Gristmills
- Flammable Liquid Spraying
- Flow Coating/Dipping
- Linseed Oil Mills
- Manufactured Homes/Modular Building Assembly
- Metal Extruding
- Plastic Processing
- Plywood and Particleboard Manufacturing
- Printing Using Flammable Inks
- Rubber Reclaiming
- Sawmills
- Solvent Extracting
- Straw or Hay in Bales
- Textile Picking
- Upholstering with Plastic Foams

NFPA High Hazard Occupancies (Classification Number 4)

- Barns and Stables (Commercial)
- Building Materials Supply Storage
- Department Stores
- Exhibition Halls, Auditoriums and Theaters
- Feed Storage (without Processing)
- Freight Terminals
- Mercantiles
- Paper and Pulp Mills
- Paper Processing Plants
- Piers and Wharves
- Repair Garages
- Rubber Products Manufacturing and Storage
- Warehouses, such as those used for furniture, general storage, paint, paper and woodworking industries

Moderate Hazard Commercial/Industrial Construction Occupancy Classifications

NFPA Moderate Hazard Occupancies (Classification Number 5)

- Amusement Occupancies
- Clothing Manufacturing Plants
- Cold Storage Warehouses
- Confectionary Product Warehouses
- Farm Storage Buildings, such as corn cribs, dairy barns, equipment sheds and hatcheries
- Laundries
- Leather Goods Manufacturing Plants
- Libraries (with Large Stockrooms Areas)
- Lithography Shops
- Machine Shops
- Metalworking Shops
- Nurseries (Plant)
- Pharmaceutical Manufacturing Plants
- Sugar Refineries
- Tanneries
- Textile Manufacturing Plants
- Tobacco Barns
- Unoccupied Buildings

Low Hazard Commercial/Industrial Construction Occupancy Classifications

NFPA Low Hazard Occupancies (Classification Number 6)

- Armories
- Automobile Parking Garages
- Bakeries
- Barber or Beauty Shops
- Beverage Manufacturing Plants/Breweries
- Boiler Houses
- Brick, Tile and Clay Product Manufacturing Plants
- Canneries
- Cement Plants
- Churches and Similar Religious Structures
- Dairy Products Manufacturing and Processing Plants
- Doctors' Offices
- Electronics Plants
- Foundries
- Fur Processing Plants
- Gasoline Service Stations
- Glass and Glass Products Manufacturing Plants
- Horse Stables
- Mortuaries
- Municipal Buildings
- Post Offices
- Slaughterhouses
- Telephone Exchanges
- Tobacco Manufacturing Plants
- Watch and Jewelry Manufacturing Plants
- Wineries

NFPA Light Hazard Occupancies (Classification Number 7)

- Apartments
- Colleges and Universities
- Clubs
- Dormitories
- Dwellings
- Fire Stations
- Fraternity or Sorority Houses
- Hospitals
- Hotels and Motels
- Libraries (except Large Stockroom Areas)
- Museums
- Nursing and Convalescent Homes
- Offices (including Data Processing)
- Police Stations
- Prisons
- Schools
- Theaters without Stages



GAVIN NEWSOM
GOVERNOR



JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

RECEIVED JUN 18 2019

12 June 2019

Stanislaus Local Agency Formation Commission
1010 Tenth Street, 3rd Floor
Modesto, CA 95354

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**COMMENTS TO REQUEST FOR REVIEW FOR THE NOTICE OF PUBLIC HEARING,
LAFCO APPLICATION NO. 2019-06 - CROSSROADS WEST CHANGE OF
ORGANIZATION PROJECT, STANISLAUS COUNTY**

Pursuant to the Stanislaus Local Agency Formation Commission's 5 June 2019 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Notice of Public Hearing* for the LAFCO Application No. 2019-06 - Crossroads West Change of Organization Project, located in Stanislaus County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically

KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

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as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:
http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_201805.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities

(Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

For more information on the Water Quality Certification, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf

Regulatory Compliance for Commercially Irrigated Agriculture

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program.

There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at:
https://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/regulatory_information/for_growers/coalition_groups/ or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.

2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 11-100 acres are currently \$1,277 + \$8.53/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order.

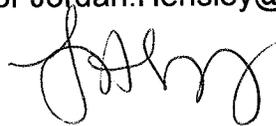
For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:
<https://www.waterboards.ca.gov/centralvalley/help/permit/>

If you have questions regarding these comments, please contact me at (916) 464-4812
or Jordan.Hensley@waterboards.ca.gov.

A handwritten signature in black ink, appearing to read 'J. Hensley', written in a cursive style.

Jordan Hensley
Environmental Scientist

From: sharick24@aol.com
Sent: Thursday, June 13, 2019 11:55 AM
To: LAFCO
Subject: CROSSROADS ANNEXATION

I continue to be amazed at the ridiculous notion that the Crossroads annexation is fair and beneficial to the current residents of this city.

In addition to previous issues I have presented we now are "further advised that there is a potential for the extension or continuation of a previously authorized charge, fee, assessment or tax by the city" Unbelievable!

Terrible traffic patterns, inadequate water and sewer service, atrocious light pollution, air quality issues (some of the gravest in California), and an almost nonexistent police service are just a few of the issues the city chooses to ignore in lieu of outright greed. Again unbelievable!

The CEQA makes no mention of the wildlife that will be destroyed. The family of American badgers we have viewed for years upon years out our back window will be no more. The Aleutian Canada geese (I know they are Aleutians because I photographed one with a neck band that was verified by the Bird Banding Laboratory) that layover in these fields during the winter will have to relocate or perish. Red fox, coyote, pheasants, great horned owls, screech owls, raccoon, bats continue to make living on the fringes of this beneficial.

And finally what could be said about the elected representatives of this city? Untrustworthy, far from transparent who spend the taxpayer's money like a drunken sailor on a 3 day pass. Del Rio theater investment, water treatment facility fiasco, the same street flooding year after year, the downtown renovation that wiped out a ton of small businesses, the grandiose plans for the Ammo plant that have failed miserably. And what happened to the city's charter to remain a small town? The city has spread to the limits of the SOI and are pushing the boundaries further. Wjhat happened to small town? Like our tax money long gone!

Rick Kimble
1908 Rockypoint Way



RECEIVED JUN 19 2019

City of Riverbank
6707 Third Street
Riverbank CA 95367
209.869.7101

Sara Lytle-Pinhey
Executive Office
Stanislaus LAFCO
1010 10th Street, 3rd Floor

RE: LAFCO Application No. 2019-06 – Crossroads West Change of Organization to the City of Riverbank.

Dear Mrs. Lytle-Pinhey:

On behalf of the City of Riverbank, we have reviewed the correspondence from Best, Best & Krieger Attorneys at Law representing Stanislaus Consolidated Fire Protection District (“Fire District”) dated May 10, 2019 (the “BBK Letter”). The City of Riverbank is very proud of the substantial work that went into developing this project, and we take exception to all five points raised in their correspondence.

1) The Crossroads West Project Will Clearly Comply with the City’s General Plan

The BBK Letter includes correspondence submitted on behalf of the District, however, it did not provide the City’s numerous responses. The City thus is obligated to provide copies of our correspondence in response to the Fire District’s concerns, to ensure that your commission has an accurate record of proceedings for its consideration. Simply stated, the Fire District’s concerns have been overstated, and its application of each General Plan policy is untimely in the context of the overall approval of the Specific Plan. For example, the Fire District has repeatedly requested confirmation that the “Project” will have adequate fire flow for each building constructed. The City has consistently responded that fire flows are addressed in the City’s Water Design Standards, which apply to each plan review for new construction. In fact, the Fire District even made these comments while in possession of site plan review materials for the MU-1 project, evidencing such fire flows existed, and with full opportunity to comment on the specific fire flows applicable to those buildings.

Mechanisms currently exist, through plan reviews, subdivision map approvals and all other future approvals requiring multi-agency review to ensure that all relevant General Plan policies will be adhered to. The Fire District, however, has adopted a simply untenable position that a fire station must be constructed prior to the issuance of the first building permit. The City is in negotiations to clarify the timing of the delivery of the new fire station. However, the attached map indicates a response time grid showing that the Fire District’s response time to the northeast corner of the Crossroads West Specific Plan area is approximately four minutes. Therefore, it is clear that the majority of the Crossroads West project area can be reached within the six-minute response time referenced in the City’s General Plan and Fire District correspondence, before the new station is constructed.

Response times will further be accelerated through mutual aid agreements with the City of Modesto. Although the Fire District has opined that such mutual aid agreements may no longer exist in the future, it is important to note that response times will be evaluated on a case-by-case basis for each project implementing the Crossroads West Specific Plan. As development proceeds, initially on the east side of the project area, adjacent to existing utilities, response times will likely fall within the six-minute threshold. As development proceeds westward, the

new station will be needed at some point during the buildout, when the Fire District provides materials documenting that its response times will be exceeded due to the project build.

The City has and will continue to remain committed to working with its partner agencies (one being the Fire District) to ensure that these mechanisms provide exemplary public services to Riverbank residents. To imply that the City is not interested in this dual pursuit is simply untrue.

2) The City Complied with CEQA in Approving the Crossroads West Specific Plan

The City's responses to the Fire District's CEQA claims are in the attached correspondence, and are detailed throughout the record of proceedings for the Crossroads West Specific Plan Draft and Final EIR. For the sake of brevity, those responses can be reviewed in the attached correspondence.

3) The City is Working with the Fire District to Adopt Legally Defensible Impact Fees

From the City's perspective, the core dispute in this case stems from the Fire District's adoption of legally indefensible impact fees. Unfortunately, the Fire District's Development Impact Fee Study was presented to the Cities of Waterford and Riverbank, as well as Stanislaus County, as a final document with only minimal interaction of any of the affected agencies. In each and every case, the affected jurisdictions have requested a legally defensible document to justify the capital facilities fees suggested by the Fire District. This is particularly important because the City of Riverbank is the agency with land use authority responsible for imposing these fees, which makes the legal defensibility of the document extremely important to the City.

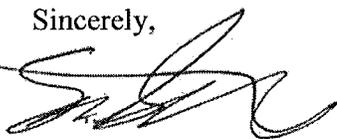
All affected agencies, however, have expressed their concerns with the adopted 2018 study. For example, the updated fee includes a "buy-in" component for existing facilities, such as existing stations, while also requiring new development to contribute to new stations. The Fire District also proposes to collect updated fees replace existing capital facilities. In applying these questionable practices, the nexus report prepared by Capitol PFC proposed fire impact fees that are more than double the median impact fees of similarly-structured fire agencies in the region. For these and other reasons, the Fire District's updated fees must be re-evaluated in accordance with State law.

The City of Riverbank has repeatedly stated its willingness to apply reasonable, legally defensible fees so that the Fire District can install new facilities serving new development. For example, the Fire District's previous fees were never increased to account for inflation or construction cost increases. The City's internal analysis shows that adjusting the Fire District's previous fee structure to account for inflation would supply more than enough revenue for the Fire District to install a new fire station, engines, and related new facilities to serve the Crossroads West Specific Plan. The Fire District's recent construction of a new station and related facilities in Waterford confirms that a new station can be developed in the Crossroads West Specific Plan area under the existing fee structure that the City is currently implementing on new development. Moreover, Fire District mitigation fees are in addition to revenue received from property taxes, which may be allocated towards new capital facilities.

In conclusion, it is clear that (1) mechanisms exist for the City and Fire District to ensure that each project implementing the Crossroads West Specific Plan will comply with the City's General Plan policies regarding fire services; (2) the Fire District's own response time map shows that the Fire District can adequately serve the initial buildout of the Crossroads West Specific Plan; and (3) the initial projects implementing the Crossroads West Specific Plan will generate significant mitigation fees to finance a new station and related facilities, at the time that the new station is needed, depending on the cumulative development of the region. In addition, an appropriate location for the new fire station has been preliminarily agreed to by the project applicants and Fire District management. Most importantly, City staff will continue to work with Fire District management to establish a reasonable, legally defensible fee update, ideally with assurances from the Fire District regarding its timing for installing a new westside fire station.

This project has remained a very high priority for the City of Riverbank over many years and we look forward to seeing the build of needed housing and associated commercial development to serve our community. We are encouraged by the opportunity to work cooperatively with Fire District staff, and the City remains committed and engaged to finding a reasonable solution that balances infrastructure needs with appropriate timing to generate sufficient revenue to construct the appropriate Fire District infrastructure.

Sincerely,

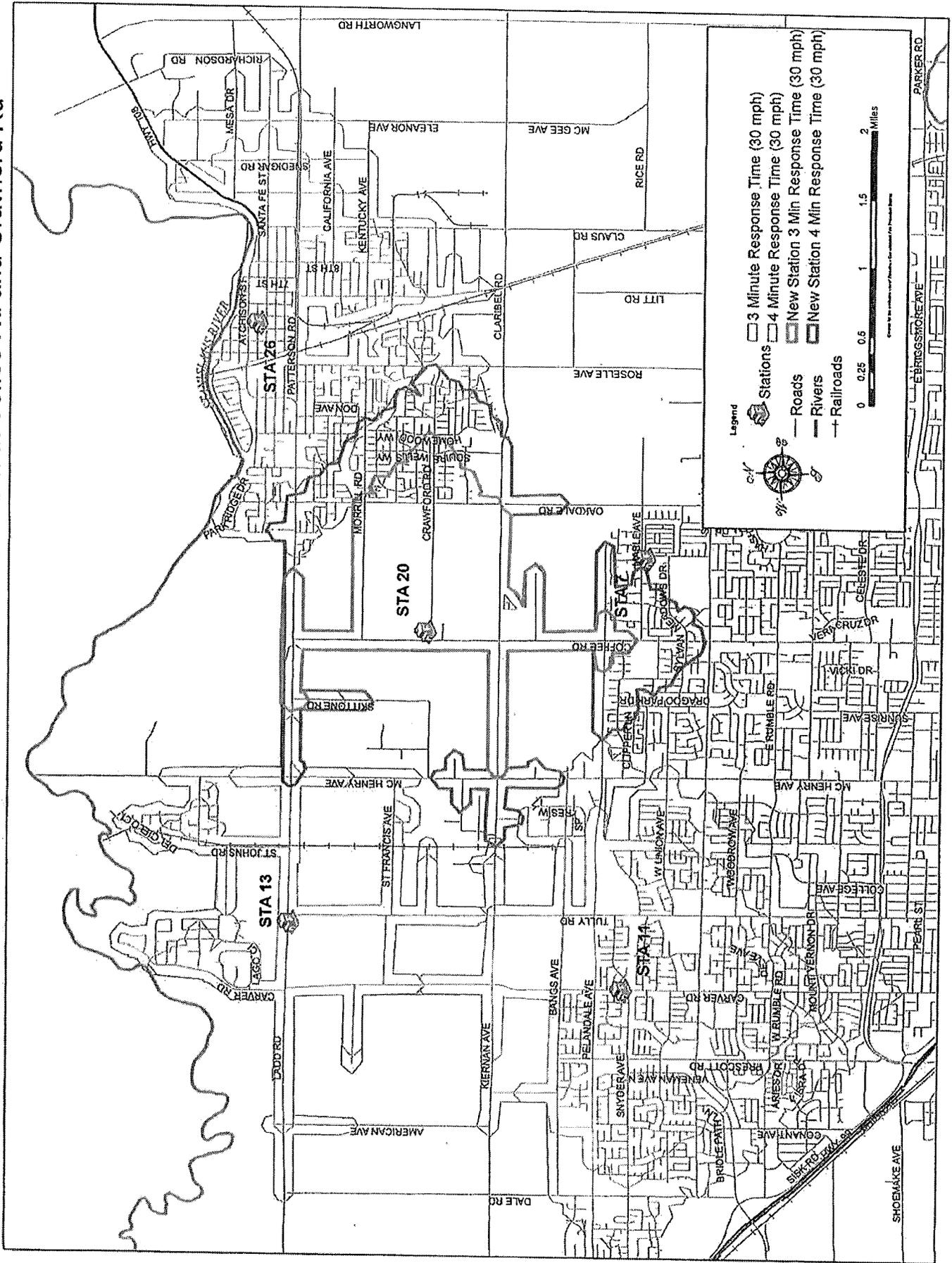
A handwritten signature in black ink, appearing to read 'Sean Scully', written over a horizontal line.

Sean Scully
City Manager
City of Riverbank

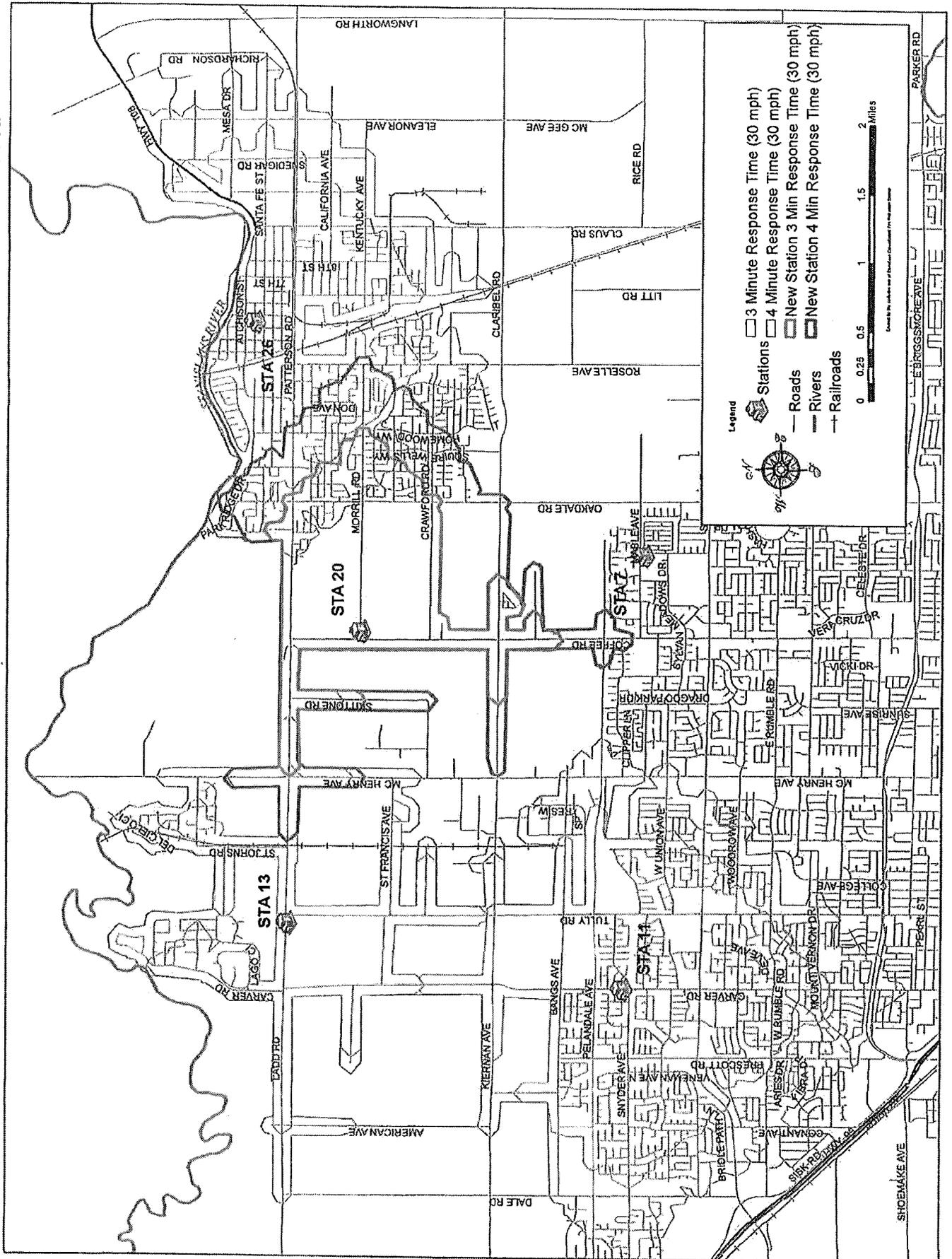
Enclosures

- 1) Response Time Map
- 2) Final EIR Response to Fire District Correspondence
- 3) City's March 19, 2019, Response to Fire District Correspondence

3 and 4 Minute Travel Time from Potential Station Location at Coffee Rd and Crawford Rd



3 and 4 Minute Travel Time from Potential Station Location at Coffee Rd and Morrill Rd



March 19, 2019

VIA EMAIL ONLY
christopher.diaz@bbklaw.com

Christopher Diaz
Best Best & Krieger LLP
2001 N. Main Street, Suite 390
Walnut Creek, CA 94596

Re: Crossroads West Specific Plan EIR

Dear Chris:

This letter is in response to your correspondence to the City of Riverbank ("City"), on behalf of the Stanislaus Consolidated Fire Protection District ("District"), following the Riverbank Planning Commission's review of the Crossroads West Specific Plan EIR.

First and foremost, I will reiterate the message that I conveyed to your colleague, Sarah Owsowitz, during our phone conversation yesterday morning. The City, acting through either our office, the City Manager, or the City Council, is interested in meeting with District representatives to resolve any lingering concerns that the District may have regarding the Crossroads West project. The City would also like to receive an update from the District regarding its proposed fire impact fees in response to the peer review conducted by Willdan Financial Services in October 2018.

In response to your comments, your letter alleges violations of CEQA, yet it did not identify any specific inconsistency between the Crossroads West project and the City's General Plan. Pursuant to CEQA, EIRs are required to evaluate any *inconsistencies* with a general plan; no analysis is required if the project is *consistent* with the relevant general plan. (*Pfeiffer v. City of Sunnyvale City Council* (2011) 200 Cal.App.4th 1552, 1566 [emphasis in original]; *City of Long Beach v. Los Angeles Unified School Dist.* (2009) 176 Cal.App.4th 889, 918.) The District, therefore, bears the responsibility to identify any alleged inconsistencies between the Crossroads West project and the City's General Plan Policies PUBLIC 7.1 – 7.5.

The development of a new fire station in the project area, coupled with the District's existing fire assessment and fire impact fees, will ensure that the build out of the project will be consistent with PUBLIC 7.1 – 7.5. Your comments have not provided any evidence to show how the build out of the Crossroads West project, including the new fire station site, would result in any inconsistencies with those policies.

{CW075342.3}

For the record, below is a more detailed response to your recent comments:

Response A-3 reiterates your earlier comments regarding fire flow, which are somewhat baffling. To be clear, the City's Water Design Standards provide as follows:

Fire flow for specific projects shall be based on the Insurance Services Organization (ISO) Guidelines for a Class I City, or as otherwise approved by the Stanislaus Consolidated Fire District. In lieu of the ISO guidelines, the following conservative minimum criteria may be used:

Land Use	Fire Flow
Low-Density Residential	1,000 gpm from each of 2 adjacent hydrants flowing simultaneously, or 2,000 gpm available
Multi-Family	1,500 gpm from each of 2 adjacent hydrants flowing simultaneously, or 3,000 gpm available at building service point (not simultaneously with hydrant flow)
Commercial	1,500 gpm from each of 2 adjacent hydrants flowing simultaneously, or 4,000 gpm available at building service point (not simultaneously with hydrant flow)
Industrial	Fire flow for industrial projects shall be based on a site-specific investigation using ISO guidelines. 4,000 gpm may be used for preliminary studies.

(Section 5.201) In addition, the agenda package for tonight's City Council meeting includes a development agreement, tentative parcel map and preliminary development plan for the MU-1 project. These plans were distributed to the District. In addition, the District attends the City's regular staff meetings, and these plans have been on every agenda for the past several years. The District has had ample opportunity to review those plans and to confirm that adequate fire flows have been provided.

Response A-4 raises the concern that a 1-acre site may not be sufficient to meet District needs. The Crossroads West Specific Plan provides that "[a] new station is proposed to be on a site of 1-2 acres located along Oakdale Road near the intersection of Crawford Road and Oakdale Road at a location mutually agreed on by the City, developer, and the Stanislaus Consolidated Fire Protection District." To provide additional clarity, I will recommend during tonight's meeting that the City Council adjust these provisions to require a minimum 1.25-acre station site.

Response A-4 also alleges "temporary inconsistencies" with General Plan policies but provides no additional detail, so the City cannot respond to those comments.

{CW075342.3}

Christopher Diaz
March 19, 2019
Page 3 of 3

Response A-5 alleges that “[t]he City’s failure to analyze the Project’s consistency with General Plan [Policy PUBLIC 7.5] constitutes a violation of CEQA.” This allegation, however, ignores the well-settled CEQA case law referenced above. CEQA requires the City to analyze any *inconsistencies* with the General Plan. CEQA does not require the City to document all areas where the project is *consistent* with the General Plan. (*Pfeiffer*, 200 Cal.App.4th at 1566.) The project proposes a new station site in the west side of Riverbank, which should greatly improve response times. To the extent that the District is alleging that response times will conflict with existing General Plan policies, CEQA requires that the District show, at a minimum, how District response times will be insufficient, in this case by factoring the location of a new fire station in the project area.

Likewise, with regard to Response A-6, if the District believes that additional facilities are required, in addition to the proposed station site, it is incumbent on the District to provide this additional level of detail to the City.

Response A-7 reiterates a previous request to adopt a new special tax for fire services in the project area. This comment seemingly ignores that the District’s existing special assessment includes much, if not all of, the project area. The MU-1 property, for example, includes Stanislaus County Assessor’s Parcel Number 074-014-007. Our office has reviewed the applied roll for the District assessment and this APN is included in the roll. Given the existing assessment, it is unclear how an additional tax would be legally permissible or required for this project.

In conclusion, your allegations questioning the adequacy of the EIR seem misguided, given that the District has not provided any evidence to support its concerns, and the project will contribute to the development of new fire facilities through the location of a new station site and the payment of impact fees and special assessment revenue.

I hope this letter clarifies your understanding of this project. Please let me know if the District is interested in holding a meeting to discuss this project and the status of the District’s fire impact fees.

Sincerely,

Churchwell **White** LLP


RRB/dmg
Robin R. Baral

{CW075342.3}

Response to Letter A: Christopher Diaz, Best Best & Krieger, LLP

Response A-1: This comment is noted. This comment serves as an introduction to the comment letter from Stanislaus Consolidated Fire Protection District (District). It is noted that all of the comments included in the Notice of Preparation letters submitted to the City during the public comment period were considered during preparation of the Draft EIR and are included in Appendix A of the Draft EIR. No further response is necessary.

Response A-2: The commenter notes that the Draft EIR references the CEQA standard in Chapter 3.10, which requires the City to determine whether the Project would “conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project... adopted for the purpose of avoiding or mitigating an environmental effect.”

This comment services as an introduction statement leading into more specific comments and concerns related to fire service. See Responses A-3, A-4, A-5, and A-6 for specific responses to each of the bulleted concerns.

Response A-3: The commenter notes that the EIR must confirm that the Project will have adequate fire flow pressure in relation to structure size, design, requirements for construction, and/or built-in fire protection systems.

It is noted that the City’s adopted Design Standards for water facilities require adequate fire flow pressure.¹ Specifically, the City’s Design Standards state that “Private on-site fire protection systems include hydrants and building sprinkler systems, and shall be installed per the requirements of the City Building Code, [the City’s] Standard Specifications, and the requirements of the Stanislaus Consolidated Fire District.” The City anticipates that the District will continue to be an active partner in permitting and project specific applications and approvals.

Impacts associated with fire services are discussed in Chapter 3.12, Public Services and Recreation, of the Draft EIR. The policy referenced in the comment (Policy Public-7.1) is included on page 3.12-10 of the Draft EIR. As noted on page 3.12-18 of the Draft EIR, the City of Riverbank and the District will work cooperatively to ensure new development pays its fair share for facilities associated with new growth. The imposition of Fire Mitigation Fees provide the financial tools necessary to guarantee capacity to serve will be available in the future. In addition, the General Plan recognizes the need for increased fire services for new development and sets forth policies that support fire protection staffing, facilities, and minimum fire flow requirements. Ultimately, the City of Riverbank would have oversight for assessing future fees for the Project, and it is their intent to collect development fees to offset the demand for new services.

The proposed Project water supply is discussed in Section 3.14.2, Water Supplies, of Chapter 3.14, Utilities, of the Draft EIR. As discussed on pages 3.14-17 and 3.14-18, it is

¹ <https://www.riverbank.org/DocumentCenter/View/634/STANDARDS-WATER-SECT-5>

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

estimated that at full build-out for the entire General Plan area (i.e., future demand within the City limits and General Plan Area), the projected water demand will be 3.4 times the 2010 production, or 14,610 acre-feet per year (AFY). Suggested facilities for the entire General Plan Area include the addition of sixteen new groundwater wells (including Well No. 11), each at a capacity of 1,500 gallons per minute (gpm). These additional wells are needed in order to meet 20 percent reserve capacity provisions and maximum daily demands, as well as fire flows and emergency storage requirements at buildout conditions. It is noted that the proposed CWSP would require a decreased water supply compared to what would be allowed under the City's current General Plan land use designations for the site. No additional mitigation is needed in the Draft EIR.

Response A-4: The commenter notes that the "Draft EIR does not reference or address City General Plan Policy PUBLIC-7.3, which requires that that the EIR must confirm that the Project will include a location for a new fire station to ensure the appropriate level of service (including adequate response time per Policy PUBLIC-7 .5), community compatibility, and efficiency." The commenter further states that "The Draft EIR does state that "a fire station site" would "be located near the corner of Crawford and Oakdale Road" and, while the site is marked on Figure 2.0-8, the Conceptual Land Use Plan, the size of the site is never disclosed. (Draft EIR, p. 2.0-6.)" The commenter indicates that the Fire District preliminarily estimates that a minimum 1.25-acre site may be needed to meet the District's needs, and that it should be capable of encompassing 20 parking stalls, 4,000 square feet of administrative office space, and a 6,000 square foot fire station. The commenter indicates that the Fire District believes a further assessment is necessary.

This comment is noted. As noted on pages 3.12-17, 3.12-18, and 3.13-16 of Chapters 3.12 and 3.13, the Draft EIR identifies the potential location for an additional fire station (near the corner of Crawford Road and Oakdale Road) and provides a proposed size of the site for the fire station (between one and three acres). The Draft EIR also identifies and analyzes the potential impacts to the environment that would result from the physical construction of the new fire station. See the discussion in Impact 3.12-2 on pages 3.12-17 and 3.12-18. Given the identification of the size of the potential site in the Draft EIR and the discussion of potential impacts of the additional fire station, the potential environmental impacts of a new fire station are appropriately analyzed in the Draft EIR.

It is noted that the Draft EIR was prepared as a Program EIR pursuant to CEQA Guidelines Section 15168. The program-level analysis considers the broad environmental effects of the CWSP. As noted on page 1.0-2 of the Draft EIR, the program-level approach is appropriate for the CWSP because it allows comprehensive consideration of the reasonably anticipated scope of the development plan; however, not all aspects of the future development are known at this stage in the planning process. Development projects in the Plan Area that require further discretionary

approvals will be examined in light of this EIR to determine whether additional environmental documentation must be prepared.

In regards to the second bullet point of this comment, impacts associated with fire service were not determined to be significant and unavoidable because of the “lack of certainty as to the timing of the construction of the future fire station”, as stated in the comment. Instead, impacts associated with fire service were determined to be significant and unavoidable because construction of the fire department facilities would cause adverse physical environmental impacts. As stated on page 3.12-18 of Chapter 3.12, development of a fire station within the proposed Plan Area would contribute to significant and unavoidable impacts related to aesthetics (Impacts 3.1-1 and 4.2), agricultural resources (Impacts 3.2-1 and 4.4), air quality (Impacts 3.3-1,3.3-2, and 4.5), greenhouse gases (Impacts 3.7-1,3.7-2, and 4.9), noise (Impacts 3.11-3 and 4.17), and transportation and circulation (Impacts 3.13-1, 3.13-2, 3.13-5, 3.13-6, 3.13-7, 3.13-8, 3.13-10, 3.13-15, 3.13-16, 3.13-17, 3.13-18, 3.13-20, 3.13-22, 3.13-23, 3.13-24, 3.13-25, 3.13-26, 3.13-27, 3.13-28, 4.17, 4.19, 4.20, 4.21, 4.23, 4.25, 4.26, 4.27, 4.28, 4.29, 4.30, and 4.31).

The commenter references statements made in the Draft EIR that the timing of construction of the fire station proposed within the Project area is unclear, as the District will ultimately control that development process. The Draft EIR analyzes the potential impacts to the environment that could result from physical construction of the new fire station, based on the information known to the City at this time. The potential environmental impacts caused by construction of a new fire station were appropriately analyzed for the purposes of the Draft EIR.

Response A-5: The commenter notes that City General Plan Policy-7.5 is not referenced or addressed in the Draft EIR. As stated on page 3.12-11 of Chapter 3.12, Public Services and Recreation, of the Draft EIR, Policy PUBLIC-7.5 requires that the City 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. The City will continue to coordinate with the District to ensure that the emergency response standards are met. This Policy does not require a CEQA document to include a traffic analysis regarding ingress and egress, as stated in the comment. Adequate equipment, staffing, facilities and response times for fire protection services are issues that are not physical impacts to the environment that must be addressed through the EIR process, or require mitigation under CEQA.

Impacts associated with emergency vehicle access are discussed in Impact 3.13-31 in Chapter 3.13, Transportation and Circulation, of the Draft EIR. As discussed, access to the Project site would be provided along Oakdale Road, Claribel Road, Crawford Road, and Morrill Road. Because the Project consists of multiple vehicular access points, emergency vehicles can access the site from multiple directions. Therefore, the

2.0 COMMENTS ON DRAFT EIR AND RESPONSES

Project's impact related to emergency vehicle access would be less than significant. No mitigation is required.

The City fully recognizes, however, that issues regarding adequate response times are vital to ensuring public safety in any new development. Issues regarding District response times will, therefore, be addressed in the Plan for Services to be submitted as part of the annexation application to LAFCO. LAFCO will evaluate whether adequate equipment, staffing, and facilities will be provided once annexation occurs and the impact of the annexation on the local agencies involved, including the District. The City will work closely with the District throughout the annexation application process to ensure that the District's concerns with regard to response times will be reviewed and addressed.

Response A-6: The commenter raises issues regarding coordination amongst emergency medical service (EMS) providers and funding for EMS staffing levels. These comments relate to service and operational levels, which are not environmental impacts that are required to be analyzed under CEQA. See Response A-5, which notes that the City recognizes that swift response times are vital to ensuring public safety in any new development. District response times will be addressed in the Plan for Services to be submitted as part of the annexation application to LAFCO.

As stated on page 3.12-11 of Chapter 3.12, Public Services and Recreation, of the Draft EIR, Policy PUBLIC-7.4 notes that 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 continue to coordinate with the District to ensure that these listed needs are met, and to ensure consistency with National Fire Protection Association and District response requirements.

Response A-7: The commenter requests that a mitigation measure comparable to Mitigation Measure 3.12-1 which would apply to operational services with the District be included in the Draft EIR.

Issues raised by the commenter regarding fee structures do not involve physical changes to the environment requiring analysis or mitigation under CEQA. In addition, the City notes that the District is authorized to adopt special assessments, community facilities districts, and other taxing mechanisms to raise additional revenue for fire services. As noted in Response A-5, concerns regarding the District's ability to serve the Project area and plan for needed facilities will be addressed as part of the Plan for Services and LAFCO annexation proceedings. The City has adopted mitigation fees on behalf of the District to ensure that facilities are funded appropriately by new development. Although mitigation fees are outside the scope of CEQA, the City will continue to address these issues with the District throughout the processing of this Project.

Response A-8: This comment is noted. Most of the concerns identified by the commenter are outside of the scope of CEQA; however, as noted previously, they are issues that will be addressed through LAFCO annexation proceedings for the Project. The City looks forward to resolving these issues proactively, not through litigation.

Over the past year, the District and the City have been engaged in a productive dialogue. That effort has been an important element of the City's development of the Draft EIR and the CWSP. The City remains a willing partner to address the District's concerns throughout these and future proceedings regarding the CWSP.

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EXHIBIT E

**Riverbank City Council Resolution 2019-013:
CEQA Findings**

CITY OF RIVERBANK

RESOLUTION NO. 2019-013

A RESOLUTION OF CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, CERTIFYING AN ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE #2017032062), ADOPTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS, AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE CROSSROADS WEST SPECIFIC PLAN, GENERAL PLAN AMENDMENT, AND ANNEXATION

WHEREAS, the City of Riverbank prepared the Crossroads West Specific Plan (CWSP) to provide comprehensive guidelines for development of an area comprising approximately 380 acres adjacent to the Riverbank City limits, bordered on the north by the Modesto Irrigation District Main Irrigation Canal, on the east by Oakdale Road, and on the south by Claribel Road; and

WHEREAS, the City of Riverbank is the lead agency for purposes of environmental review of the proposed Crossroads West Specific Plan under the California Environmental Quality Act (“CEQA”); and

WHEREAS, at the direction of City staff and City’s contract planner, DeNovo Planning Group prepared an Initial Study, which identified potentially significant impacts on the environment from the proposed Specific Plan, General Plan Amendment, Annexation, and related development applications (collectively, the “Project”); and

WHEREAS, the City, as lead agency under CEQA, circulated a Notice of Preparation to obtain initial comments on the Project from public agencies and the general public; and

WHEREAS, the lead agency prepared and circulated for comment a Draft Environmental Impact Report (“DEIR”) on the Project; and

WHEREAS, on June 18, 2018, the lead agency distributed copies of the DEIR and Specific Plan to the State Clearinghouse, public agencies that have jurisdiction over the Project area, and other interested parties. Recipients were provided at least 45-days to provide comments to the DEIR, with comments due on August 2, 2018; and

WHEREAS, the lead agency prepared written responses for all comments received during the comment period and these responses are included in a separate volume entitled Final Environmental Impact Report for the Crossroads West Specific Plan, State Clearinghouse Number 2017032062, January 2019 (“FEIR”). The DEIR and FEIR, together with all appendices and resolutions related thereto, collectively comprise the Environmental Impact Report (EIR) for the Project; and

WHEREAS, the Planning Commission held a duly noticed public hearing to consider certification of the EIR, and approval of the CEQA Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program; and

WHEREAS, the Planning Commission received and reviewed the EIR for the Project, along with the CEQA Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program; and

WHEREAS, the EIR identifies certain significant and potentially significant adverse effects on the environment caused by the Project; and

WHEREAS, pursuant to CEQA, the City is required to adopt mitigation measures or project alternatives, if feasible, that can substantially lessen or avoid any significant environmental effects of the Project; and

WHEREAS, the Planning Commission adopted Resolution 2019-001, on February 13, 2019, recommending to the City Council certification of an Environmental Impact Report, and the adoption of CEQA Findings of Fact and Statement of Overriding Considerations, and a Mitigation Monitoring Reporting Program for the CWSP, General Plan Amendment, and Annexation; and

WHEREAS, in accordance with CEQA, the City Council declares the existence of overriding economic, social, and other considerations that support approval of the Project, despite the occurrence of significant environmental effects that cannot be substantially lessened or avoided through the adoption of feasible mitigation measures or feasible alternatives.

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Riverbank, California does hereby resolve as follows:

Section 1. The City Council finds that the above Recitals are true and correct and are incorporated herein by reference.

Section 2. The City Council has reviewed and considered the information contained in the EIR, and finds that (a) the EIR is complete and in compliance with CEQA, (b) there was adequate public review of the DEIR, (c) the lead agency considered all comments on the DEIR, (d) the EIR adequately discusses all significant environmental issues, and (e) the EIR reflects the independent judgment and analysis of the City.

Section 3. The EIR analyzes environmental impacts that would be significant or potentially significant in the absence of mitigation measures. As to each such impact, the City Council finds that the changes or alterations incorporated into the Project mitigate or avoid the significant or potentially significant environmental impacts.

Section 4. The EIR also observed significant and unavoidable impacts that cannot be mitigated or avoided through feasible mitigation measures or alternatives. As to these impacts, the City Council finds that there are certain overriding economic, social, and other considerations for approving the project. Based in part on the CEQA findings attached hereto as **Exhibit A**, the City Council finds that none of the proposed project alternatives set forth in the EIR can avoid or substantially lessen those significant adverse environmental effects not otherwise avoidable or lessened by the adoption of feasible mitigation measures, while still meeting the Project's objectives.

Section 5. Pursuant to CEQA Guidelines Section 15093, the City Council, is adopting a Statement of Overriding Considerations, attached hereto as **Exhibit A**, finding that the adoption of feasible mitigation measures will not mitigate or avoid all significant adverse environmental effects caused by approval of the Project.

Section 6. Pursuant to Public Resources Code Section 21081.6 the City Council hereby adopts the Mitigation Monitoring and Reporting Program ("MMRP") attached hereto in **Exhibit B**. The MMRP is designed to ensure that, during Project implementation, the City, affected landowners, their assigns, and successors in interest, and any other responsible parties comply with the mitigation measures identified below. The MMRP identifies, for each mitigation measure, the responsible party for implementation.

Section 7. Based on the evidence in the Staff Report and substantial evidence in the record, the City Council finds that the Project is consistent with the City of Riverbank General Plan, as amended, and implements the goals and polices of the General Plan.

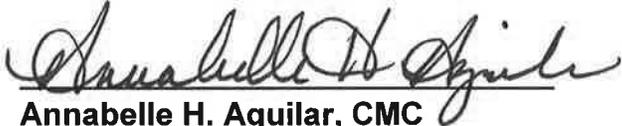
Section 8. Based on the findings set forth in this Resolution, the evidence in the City Staff Report, and the substantial evidence in the record of these proceedings, the City Council hereby certifies the EIR (State Clearinghouse #2017032062), adopts the CEQA Findings of Fact and Statement of Overriding Considerations, establishes findings concerning alternatives and mitigation measures, and adopts the Mitigation Monitoring and Reporting Program.

Section 9. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City Council declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or words(s) be declared invalid.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a special meeting held on the 19th day of March, 2019; motioned by Councilmember District 2 Cindy Fosi, seconded by Vice Mayor (CD-D4) Darlene Barber-Martinez, and upon roll call was carried by the following City Council vote of 5-0:

AYES: Campbell, Fosi, Uribe, Barber-Martinez, and Mayor O'Brien
NAYS: None
ABSENT: None
ABSTAINED: None

ATTEST:



Annabelle H. Aguilar, CMC
City Clerk

APPROVED:



Richard D. O'Brien
Mayor

Attachments: Exhibit "A" – CEQA Findings and Statement of Overriding Considerations
Exhibit "B" - CWSP Mitigation Monitoring Reporting Program

FINDINGS FOR THE CROSSROADS WEST SPECIFIC PLAN

REQUIRED UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
(Public Resources Code, § 21000 et seq.)

I. INTRODUCTION

The California Environmental Quality Act (CEQA) (Public Resources Code, § 21000 et seq.) requires the City of Riverbank (City), as the CEQA lead agency, to: 1) make written findings when it approves a project for which an environmental impact report (EIR) was certified, and 2) identify overriding considerations for significant and unavoidable impacts identified in the EIR.

This document explains the City's findings regarding the significant and potentially significant impacts identified in the environmental impact report (EIR) prepared for the Crossroads West Specific Plan (CWSP). The statement of overriding considerations in Section VII, below, identifies economic, social, technical, and other benefits of the Project that override any significant environmental impacts that would result from the Project.

As required under CEQA, the Final EIR describes the Project, adverse environmental impacts of the Project, and mitigation measures and alternatives that would substantially reduce or avoid those impacts. The information and conclusions contained in the EIR reflect the City's independent judgment.

The Final EIR (which includes the Draft EIR, comments, responses to comments, and revisions to the Draft EIR) for the Project, examined the proposed Project and several alternatives to the Project including: (1) No Project (No Build) Alternative; (2) Off-Site Location Alternative; (3) Increased Density Alternative; and (4) Lower Density Alternative.

The Findings and Statement of Overriding Considerations are presented for adoption by the City Council, as the City's findings under CEQA and the CEQA Guidelines (Cal. Code Regs., title 14, § 15000 et seq.) relating to the Project. The Findings provide the written analysis and conclusions of this City Council regarding the Project's environmental impacts, mitigation measures, alternatives to the Project, and the overriding considerations, which in this City Council's view, justify approval of the Project, despite its environmental effects.

II. GENERAL FINDINGS AND OVERVIEW

Project Overview

The CWSP area (also-known-as "Project site" or "Plan Area") is located within the unincorporated area of Stanislaus County. The approximately 380-acre Plan Area is adjacent to the City of Riverbank limits to the north and east. The Plan Area is contained within the City's existing Sphere of Influence

(SOI), and the Plan Area was previously analyzed at a programmatic level in the City's 2005-2025 General Plan Update Environmental Impact Report.

The nine parcels that comprise the Plan Area are primarily used for agricultural operations including a cow dairy operation with 550 milking cows, row crops, and fallow land. Seven home sites exist within the Plan Area and many of them have accessory structures on site including storage buildings, shop buildings, and barn structures. Additionally, an approximately 11-acre regional City park, the Riverbank Sports Complex, is currently developed in the northeastern portion of the Plan Area, near the intersection of Morrill Road and Oakdale Road. Crawford Road and Morrill Road traverse the Plan Area from east to west.

Modesto Irrigation District (MID) provides water supply for the existing agricultural uses and maintains two easements on the Plan Area: a MID main canal with a crossing is located along the northern boundary of the Plan Area, and MID Lateral 6 traverses the southern portion of the Plan Area from northeast to southwest. A series of private irrigation ditches distribute the MID water from the on-site ditches throughout the Plan Area.

The Plan Area is bounded on the east by Oakdale Road, on the south by Claribel Road, on the north by the MID Main Canal and the City of Riverbank city limits, and on the west by those property lines approximately 0.5-mile west of Oakdale Road. The proposed Project includes development of up to 1,872 Low Density Residential (LDR) units, up to 192 Medium Density Residential (MDR) units, and up to 388 High Density Residential (HDR) units. The Project also includes up to 550,000 square feet (sf) of Mixed Use 1 (MU-1) uses, and up to 27,000 sf of Mixed Use 2 (MU-2) uses. It is noted that development in MU-1 could consist of a maximum of 550,000 sf of retail uses and no residential uses, or up to 350 units of residential uses and 360,000 sf of retail uses. The CWSP is designed to provide flexibility, so there are various other hypothetical combinations of retail and residential development, but not more than the maximum density presented would be allowed without an amendment approved by the City. Additionally, the proposed Project would increase the size of the existing 11-acre Regional Park, the Riverbank Sports Complex, to approximately 22 acres. The plan accommodates the possibility for a future 10 to 12-acre elementary school, a possible future 20-acre middle school, and a possible future location for a one- to two-acre west Riverbank fire station within the Plan Area. The proposed Project would provide approximately 42 acres of park, open space, and Regional Sports Park uses.

The Project also includes a request for approval of General Plan Amendments, Specific Plan, pre-zoning, annexation of the entire Project site. The developers of the MU-1 "Mixed Use" area have concurrently filed an application for a Development Agreement, Tentative Map and Preliminary Development Plan to be considered as part of the approval action. Changes to the Land Use Element would include changing the approximately 380-acre Plan Area from LDR, MDR, HDR, MU, Civic (C), Community Commercial (CC), and Park (P) to Specific Plan (SP). The proposed Project would also require pre-zoning of the Project site. The City's pre-zoning for the Plan Area will include the Specific Plan (SP) zoning designation.

The quantifiable objectives of the proposed Project include annexation of approximately 380 acres of land into the Riverbank City limits, and the subsequent development of land, which will include:

Low Density Residential, Medium Density Residential, High Density Residential, Regional Sports Park, Mixed Use, Elementary School, Park/Basin, Neighborhood Park, and transportation and utility improvements.

PROCEDURAL BACKGROUND

Notice of Preparation Public Circulation: The City of Riverbank circulated an Initial Study (IS) and Notice of Preparation (NOP) of an EIR for the proposed Project on March 22, 2017 to State Clearinghouse, State Responsible Agencies, State Trustee Agencies, Other Public Agencies, and Organizations and Interested Persons. A public scoping meeting was held on April 12, 2017 to present the project description to the public and interested agencies, and to receive comments from the public and interested agencies regarding the scope of the environmental analysis to be included in the Draft EIR. Concerns raised in response to the NOP were considered during preparation of the Draft EIR. The IS and NOP comments are presented in Appendix A of the Draft EIR. The commenting agencies are provided below.

- Albert Dadesho;
- Best Best & Krieger;
- California Department of Transportation;
- Central Valley Regional Water Quality Control Board;
- City of Modesto;
- Modesto City Schools;
- Modesto Irrigation District;
- Native American Heritage Commission;
- R. Todd Whiteside;
- Rick Kimble;
- San Joaquin Valley Air Pollution Control District;
- Stanislaus Consolidated Fire Protection District;
- Stanislaus County Environmental Review Committee;
- Stanislaus Local Agency Formation Commission; and
- Sylvan Union School District.

Notice of Availability and Draft EIR: The City of Riverbank published a public Notice of Availability (NOA) for the Draft EIR on June 15, 2018, inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH # 2017032062) the County Clerk, and a newspaper of regional circulation pursuant to the public noticing requirements of CEQA. The public review period was from June 18, 2018 through August 2, 2018 (45 days).

The Draft EIR contains a description of the Project, description of the environmental setting, identification of Project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of Project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. The Draft EIR identifies issues determined to have no impact or a less than significant impact, and provides detailed analysis of

potentially significant and significant impacts. Comments received in response to the NOP were considered in preparing the analysis in the Draft EIR.

Final EIR: The City of Riverbank received 12 comment letters on the Draft EIR during the public review period. In accordance with CEQA Guidelines Section 15088, this Final EIR responds to the comments received during the public review period. This Final EIR also responds to all comments received after the public review period had ended. The Final EIR also contains minor edits to the Draft EIR, which are included in Section 3.0, Errata. This document and the Draft EIR, as amended herein, constitute the Final EIR.

Responses to comments do not involve any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Each response is provided in the Final EIR.

RECORD OF PROCEEDINGS AND CUSTODIAN OF RECORD

For purposes of CEQA and the findings set forth herein, the record of proceedings for the City’s findings and determinations consists of the following documents and testimony, at a minimum:

- The NOP, comments received on the NOP, and all other public notices issued by the City in relation to the Project (e.g., NOA).
- The Draft EIR and Final EIR, including comment letters, and technical materials cited in the documents.
- All non-draft and/or non-confidential reports and memoranda prepared by the City and consultants in relation to the EIR.
- Minutes and transcripts of the discussions regarding the Project and/or Project components at public hearings held by the City.
- Staff reports associated with City Council meetings on the Project.
- Those categories of materials identified in Public Resources Code § 21167.6.

The City Clerk is the custodian of the administrative record. The documents and materials that constitute the administrative record are available for review at the City of Riverbank at 6617 3rd Street, Riverbank, CA 95367.

FINDINGS REQUIRED UNDER CEQA

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

The mandate and principles established by the Legislature in Public Resources Code § 21002 are implemented, in part, through the requirement in Public Resources Code § 21081 that agencies must adopt findings before approving projects for which an EIR is required.

CEQA Guidelines § 15091 provides the following direction regarding findings:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

(See also Public Resources Code, § 21081, subd. (a)(1)-(3).)

As defined by CEQA, “feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors. (Pub. Resources Code, § 21061.1; see also CEQA Guidelines, § 15126.6(f)(1) [determining the feasibility of alternatives].) The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (See *Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1400 [court upholds findings rejecting a “reduced herd” alternative to a proposed dairy as infeasible because the alternative failed to meet the “fundamental objective” of the project to produce milk]; *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1506-1508 [agency decision-makers, in rejecting alternatives as infeasible, appropriately relied on project objective articulated by project applicant].) Moreover, “‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.” (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417; see also *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001-1002.

With respect to a project for which significant impacts cannot be feasibly avoided or substantially lessened, a public agency may nevertheless approve the project if the agency first adopts a

statement of overriding considerations setting forth the specific reasons that the project's benefits outweigh its significant unavoidable adverse environmental effects. (Pub. Resources Code, §§ 21001, 21002.1(c), 21081(b).)

CEQA Guidelines § 15093 provides the following direction regarding a statement of overriding considerations:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to § 15091.

MITIGATION MONITORING PROGRAM

A Mitigation Monitoring Program has been prepared for the Project and has been adopted concurrently with these Findings. (See Pub. Resources Code, § 21081.6, subd. (a)(1).) The City will use the Mitigation Monitoring Program to track compliance with Project mitigation measures.

CONSIDERATION OF THE ENVIRONMENTAL IMPACT REPORT

In adopting these Findings, this City Council finds that the Final EIR was presented to this City Council, the decision-making body of the lead agency, which reviewed and considered the information in the Final EIR prior to approving the Project. By these findings, this City Council ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the Final EIR. The City Council finds that the Final EIR was completed in compliance with CEQA. The Final EIR represents the independent judgment of the City.

SEVERABILITY

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court to be invalid, void, or unenforceable, the remaining provisions of these

Findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City.

III. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS

A. AESTHETICS AND VISUAL RESOURCES

1. IMPACT 3.1-1: PROJECT IMPLEMENTATION MAY RESULT IN SUBSTANTIAL ADVERSE EFFECTS ON SCENIC VISTAS AND RESOURCES OR SUBSTANTIAL DEGRADATION OF VISUAL CHARACTER.

(a) Potential Impact. The potential for the Project to result in substantial adverse effects on scenic vistas and resources or substantially degrade the visual character of the region is discussed on pages 3.1-6 and 3.1-7 of the Draft EIR.

(b) Mitigation Measures. No feasible mitigation measures were identified.

(c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) Remaining Impacts. The Project would result in the conversion of the land from primarily agricultural uses, which would contribute to changes in the regional landscape and visual character of the area. In order to reduce visual impacts, development within the Project site is required to be consistent with the General Plan and the Riverbank Municipal Code, which includes design standards in order to ensure quality and cohesive design of the Project site. Additionally, the Project includes proposed Design Guidelines. These standards include specifications for building height and massing; exterior lighting standards and specifications; and landscaping standards. Implementation of the design standards would ensure quality design throughout the Plan Area, and result in a Project that would be internally cohesive while maintaining aesthetics similar to surrounding uses. However, regardless of the quality of design implemented on the Project site, Project implementation would permanently remove the existing agricultural land on the Project site, and convert the site to urbanized uses. This is considered a significant and unavoidable impact. There is no additional feasible mitigation available that would reduce this impact to a less than significant level.

(2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with impacts to the visual character of the region, as more fully stated in the Statement of Overriding Considerations in Section VII, below. This project has the potential to provide a significant number of jobs and greater amenities including a City sports park and retail and dining options for City residents. In light of a severe statewide housing shortage, the Project would provide thousands of new homes that would alleviate housing supply strains in the City and region.

2. IMPACT 4.2: CUMULATIVE DEGRADATION OF THE EXISTING VISUAL CHARACTER OF THE REGION.

- (a) Potential Impact. The potential for the Project to result in cumulative impacts to the visual character of the region is discussed on pages 4.0-4 and 4.0-5 of the Draft EIR.
- (b) Mitigation Measures. No feasible mitigation measures were identified.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) Remaining Impacts. Implementation of the proposed Project would convert the Project site from its existing agricultural character to a developed commercial and residential area with various buildings, landscaping, parks, and parking areas. Project implementation would alter the existing visual character of the Project site. Implementation of the proposed development standards and consistency with the General Plan and the Riverbank Zoning Ordinance would ensure that impacts are reduced to the greatest extent possible.

Under cumulative conditions, buildout of the General Plan for Riverbank and the surrounding jurisdictions could result in changes to the visual character and quality of the City of Riverbank through development of undeveloped areas and/or changes to the character of existing communities. Development of the proposed Project, in addition to other future projects in the area, would change the existing visual and scenic qualities of the City. There are no mitigation measures that could reduce this impact except a ceasing of all future development, which is not a feasible option. As such, this is a cumulatively considerable contribution and a significant and unavoidable impact.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with cumulative impacts to the visual character of the region, as more fully stated in the Statement of Overriding Considerations in Section VII, below. This project will provide significant economic benefits to the City and the region. Additionally, this project will provide thousands of new homes which will contribute to the City's state-mandated responsibility to plan for new housing.

B. AGRICULTURAL RESOURCES

- 1. 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.

- (a) Potential Impact. The potential for the Project to result in the conversion of Farmlands, including Prime Farmland, Unique Farmland, and Farmland of Statewide Importance, to nonagricultural uses is discussed on pages 3.2-13 through 3.2-15 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.2-1 and 3.2-2.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
- (1) Effects of Mitigation and Remaining Impacts. 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, as shown on Figure 3.2-1, to non-agricultural use. The loss of Important Farmland as classified under the Farmland Mapping and Monitoring Program (FMMP) is considered a potentially significant environmental impact.

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 General Plan EIR addressed the conversion and loss of agricultural land that would result from the build out of the General Plan (General Plan Recirculated 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.

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. Mitigation Measure 3.2-1 requires the 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. As such, the loss of Important Farmland would be a significant and unavoidable impact relative to this topic.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with impacts to farmlands, as more fully stated in the Statement of

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Overriding Considerations in Section VII, below. In light of a severe statewide housing shortage, the Project would provide thousands of new homes that would alleviate housing supply strains in the City and region.

2. IMPACT 4.4: CUMULATIVE IMPACT ON AGRICULTURAL RESOURCES.

- (a) Potential Impact. The potential for the Project to result in cumulative impacts on agricultural resources is discussed on page 4.0-6 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.2-1 and 3.2-2.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) Effects of Mitigation and Remaining Impacts. Development of the proposed Project would result in a conversion of 226.38 acres of Prime Farmland, as shown on the map prepared under the FMMP, to nonagricultural uses. The loss of Important Farmland as classified under the FMMP is considered a potentially significant environmental impact. development under the General Plan inherently involves the conversion of high-quality agricultural land. Mitigation Measure 3.2-1 requires the 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 compliance with the City of Riverbank Sustainable Agricultural Strategies.

Development of the proposed Project would not conflict with existing zoning for agricultural use, or Williamson Act contracts. Additionally, implementation of Mitigation Measure 3.2-3 in Section 3.2 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.

While the implementation of the mitigation measures included in Section 3.2 would assist in preserving farmland, the proposed Project would still result in the permanent conversion and loss of Important Farmland within Stanislaus County. As such, the loss of Important Farmland would be a cumulatively considerable contribution and a significant and unavoidable impact.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with cumulative impacts on agricultural land and uses, as more fully stated in the Statement of Overriding Considerations in Section VII, below. This project will provide significant economic benefits to the City and the region. Additionally, this project will provide thousands of new homes which will contribute to the City's state-mandated responsibility to plan for new housing.

C. AIR QUALITY

1. IMPACT 3.3-1: PROJECT OPERATION HAS THE POTENTIAL TO CONFLICT WITH OR OBSTRUCT IMPLEMENTATION OF AN APPLICABLE AIR QUALITY PLAN, CAUSE A VIOLATION OF AN AIR QUALITY STANDARD, OR CONTRIBUTE SUBSTANTIALLY TO AN EXISTING OR PROJECTED AIR QUALITY VIOLATION.

(a) Potential Impact. The potential for the Project to cause conflict with or obstruct implementation of an applicable air quality plan, cause a violation of an air quality standard, or contribute substantially to an existing or projected air quality violation, is discussed on pages 3.3-18 through 3.3-22 of the Draft EIR.

(b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.3-1 through 3.3-4.

(c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) Effects of Mitigation and Remaining Impacts. The San Joaquin Valley Air Pollution Control District (SJVAPCD) is tasked with implementing programs and regulations required by the Federal Clean Air Act (FCAA) and the California Clean Air Act (CCAA). In that capacity, the SJVAPCD has prepared plans to attain Federal and State ambient air quality standards. To achieve attainment with the standards, the SJVAPCD has established thresholds of significance for criteria pollutant emissions in their *SJVAPCD Guidance for Assessing and Mitigating Air Quality Impacts* (2015). Projects with emissions below the thresholds of significance for criteria pollutants would be determined to “Not conflict or obstruct implementation of the District’s air quality plan”.

The proposed Project would be a direct and indirect source of air pollution, in that it would generate and attract vehicle trips in the region (mobile source emissions) and it would increase area source emissions and energy consumption. The mobile source emissions would be entirely from vehicles, while the area source emissions would be primarily from the use of natural gas fuel combustion, landscape fuel combustion, consumer products, and architectural coatings. The SJVAPCD has established thresholds of significance to which proposed Project emissions are compared to determine the level of significance. The SJVAPCD has established operations- related emissions thresholds of significance as follows: 10 tons per year of nitrogen oxides (NO_x), 10 tons per year of reactive organic gases (ROG), 15 tons per year of respirable particulate matter (PM₁₀), and 15 tons per year of fine particulate matter (PM_{2.5}). If the proposed Project’s emissions will exceed the SJVAPCD’s threshold of significance for operational-generated emissions, the proposed Project will have a significant impact on air quality and all feasible mitigation are required to be implemented to reduce emissions to the extent

feasible. Annual emissions of ROG, NO_x, and PM₁₀ exceed the SJVAPCD thresholds of significance even after reductions estimated from implementation of the mitigation assumptions are applied.

The proposed Project is also subject to the SJVAPCD Rule 9510 (Indirect Source Rule, or ISR), which could result in substantial mitigation of emissions beyond what is reflected in the modeling outputs. The reductions are accomplished by the incorporation of mitigation measures into projects and/or by the payment of an Indirect Source Rule fee for any required reductions that have not been accomplished through Project mitigation commitments. The actual calculations will be accomplished by the SJVAPCD and Project applicants as the Project (or portions of the Project) are brought forward for approval under Rule 9510. However, even with the application of the ISR (see Mitigation Measure 3.3-1) and the mitigation assumptions previously described (with implementation of Mitigation Measures 3.3-2 through 3.3-4), emissions levels may remain above the defined thresholds of significance for the proposed Project as a whole. As such, operation of the proposed Project would have a significant and unavoidable impact relative to operational air emissions.

(2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with impacts to air quality, as more fully stated in the Statement of Overriding Considerations in Section VII, below. In light of a severe statewide housing shortage, the Project would provide thousands of new homes that would alleviate housing supply strains in the City and region.

2. IMPACT 3.3-2: PROJECT CONSTRUCTION HAS THE POTENTIAL TO CAUSE A VIOLATION OF AN AIR QUALITY STANDARD OR CONTRIBUTE SUBSTANTIALLY TO AN EXISTING OR PROJECTED AIR QUALITY VIOLATION.

(a) Potential Impact. The potential for the Project to cause a violation of an air quality standard or contribute substantially to an existing or projected air quality violation is discussed on pages 3.3-22 through 3.3-25 of the Draft EIR.

(b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.3-5.

(c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) Effects of Mitigation and Remaining Impacts. Construction-related activities would generate emissions of criteria air pollutants (PM₁₀ and PM_{2.5}) and ozone precursors (ROG and NO_x) from site preparation (e.g., excavation and clearing) grading, off-

road equipment, material transport, worker commute, vehicle use on unpaved roads, paving, application of architectural coatings, and other activities.

Emissions for NO_x would be above the SJVAPCD threshold. Furthermore, since the phasing of construction in the Plan area is not yet defined, and if large projects occur together, other significance thresholds could be exceeded.

New development within the Plan Area would be required to comply with SJVAPCD Rule 9510. In addition to complying with SJVAPCD requirements, specific minimum standards for reduction of construction emissions have been formalized under Mitigation Measure 3.3-5. Implementation of Regulation VIII, Rule 9510 (as provided under Mitigation Measure 3.3-1), and construction emissions standards would result in the proposed Project using less-polluting construction equipment, including newer equipment or retrofitting older equipment would reduce construction emissions on-site, as well as implementation of measures to reduce construction emissions. Nevertheless, while the analysis above assumes development will be spread out over the buildout period, if large and/or numerous construction projects occur concurrently, proposed Project emissions could exceed the SJVAPCD significance thresholds of criteria pollutants and could cumulatively contribute to the ozone and particulate matter nonattainment designations of the SJVAB. Therefore, proposed Project construction impacts of the Project are considered significant and unavoidable and Mitigation Measure 3.3-5 would be required.

3. IMPACT 4.5: CUMULATIVE IMPACT ON THE REGION'S AIR QUALITY.

- (a) Potential Impact. The potential for the Project to have a cumulative impact on the region's air quality is discussed on pages 4.0-6 and 4.0-7 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.3-1 through 3.3-6.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) Effects of Mitigation and Remaining Impacts. Under buildout conditions in the Stanislaus County, the San Joaquin Valley Air Basin would continue to experience increases in criteria pollutants. Stanislaus County has a state designation of Nonattainment for Ozone, respirable particulate matter (PM₁₀), and fine particulate matter (PM_{2.5}) and is either Unclassified or Attainment for all other criteria pollutants. The County has a national designation of Nonattainment for ozone and PM_{2.5}. The County is designated either attainment or unclassified for the remaining national standards. Table 3.3-2 in Section 3.3 presents the State and Federal attainment status for Stanislaus County.

The proposed Project would result in increased emissions. The SJVAPCD has established operations-related emissions thresholds of significance and it was determined that annual emissions of ROG, NO_x, and PM₁₀ exceed the SJVAPCD thresholds of significance. Implementation of Mitigation Measure 3.3-1 would require development projects in the Plan Area to mitigate operational NO_x emissions by 33 percent and operational PM₁₀ emissions by 50 percent over ten years. However, even with all reasonable and feasible measures that could be implemented into the Plan Area on-site, the mitigation is not expected to achieve reductions required under Rule 9510.

The proposed Project is subject to the SJVAPCD Rule 9510 (Indirect Source Rule), which could result in substantial mitigation of NO_x and associated ROG emissions. The reductions are accomplished by the incorporation of mitigation measures into projects and/or by the payment of an Indirect Source Rule fee for any required reductions that have not been accomplished through Project mitigation commitments. The current fees are \$9,350 per ton of NO_x. The actual calculations will be determined and finalized by the SJVAPCD and Project applicants as individual projects are brought forward for approval under Rule 9510.

The substantial reductions in NO_x (and associated ROG) and PM₁₀ emissions accomplished by the application of the ISR represent the best achievable mitigation for indirect sources. However, even with the application of these measures, emissions levels cannot be feasibly mitigated further and would remain above the defined thresholds of significance. As such, implementation of the proposed Project would have a cumulatively considerable contribution and significant and unavoidable impact from air emissions.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with cumulative impacts to the region's air quality, as more fully stated in the Statement of Overriding Considerations in Section VII, below. In light of a severe statewide housing shortage, the Project would provide thousands of new homes that would alleviate supply strains in the City and region. Additionally, this project will contribute to the City's responsibility to plan for new housing.

D. GREENHOUSE GASES, CLIMATE CHANGE, AND ENERGY

1. IMPACT 3.7-1: POTENTIAL TO GENERATE GREENHOUSE GAS EMISSIONS, EITHER DIRECTLY OR INDIRECTLY, THAT MAY HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT OR POTENTIAL TO CONFLICT WITH AN APPLICABLE PLAN, POLICY, OR REGULATION ADOPTED FOR THE PURPOSE OF REDUCING THE EMISSIONS OF GREENHOUSE GASES.

- (a) Potential Impact. The potential for the Project to generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment is discussed on pages 3.7-18 through 3.7-26 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measures is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.7-1.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) Effects of Mitigation and Remaining Impacts. Short-term construction emissions of GHG associated with development of the Project are estimated to be a maximum of approximately 5,189 MTCO₂e in a single year. Total construction GHG emissions over the course of full buildout would be 70,838.7 MT CO₂e. Construction GHG emissions are a one-time release and are, therefore, not typically expected to generate a significant contribution to global climate change in the long-term. Furthermore, assuming the lifecycle of the Proposed Project is 50 years (a conservative estimate), total average construction emissions amortized over this period would be approximately 1,416.8 MTCO₂e per year. Therefore, cumulatively, these construction emissions would not generate a significant contribution to global climate change.

De Novo Planning Group calculated the approximate level of biogenic (i.e. methane) GHG emissions associated with the dairy cows under the existing scenario to be 1,922 MTCO₂e. The proposed Project with mitigation would generate substantially more GHGs than emitted by the dairy cows under the Existing Condition. The proposed Project upon full buildout would be generally consistent with the goals and strategies of the Regional Transportation Plan (RTP)/ Sustainable Communities Strategy (SCS). The Project incorporate bus turnouts and transit improvements where requested by the San Joaquin RTD, continuous public sidewalks and/or multi-use trails adjacent to all proposed public streets, and paving and bike trails.

The *Final Draft Guidance for Assessing and Mitigating Air Quality Impacts* (SJVAPCD, 2015) provides a tiered approach to assessing the significance of Project-specific GHG emissions increases. Projects complying with an approved GHG emissions reduction plan or GHG mitigation program which avoids or substantially reduces GHG emissions within the geographic area in which the Project is located would be determined to have a less than significant individual and cumulative impact for GHG emissions. However, there is no approved GHG emissions reduction plan or GHG mitigation program within the City of Riverbank. Development of the proposed project would generate GHGs that may have a significant impact on the environment. The proposed Project would therefore be required to implement Mitigation Measure 3.7-1. Although Mitigation Measure 3.7.1 requires the proposed Project to achieve additional emissions reductions, these measures plus

the effectiveness of existing regulatory actions already adopted as part of the implementation of Assembly Bill (AB) 32 are unknown at this time. Therefore, it would be speculative to determine that GHG impacts would be feasibly mitigated, and it is likely that the proposed Project would emit a substantial level of GHG emissions even with implementation of Mitigation Measure 3.7.1. Therefore, the proposed Project would have a significant and unavoidable impact for GHG emissions.

2. IMPACT 3.7-2: CUMULATIVE IMPACT ON CLIMATE CHANGE FROM INCREASED PROJECT-RELATED GREENHOUSE GAS EMISSIONS.

(b) Potential Impact. The potential for the Project to result in cumulative impacts on climate change from increased Project-related GHG emissions is discussed on pages 3.7-26 and 3.7-27 of the Draft EIR.

(b) Mitigation Measures. No feasible mitigation measures were identified.

(c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) Remaining Impacts. In California, there has been extensive legislation passed with the goal of reducing greenhouse gas emissions. The legislative goals are as follows: 1) 2000 levels by 2010, 2) 1990 levels by 2020 and 3) 80 percent below the 1990 levels by the year 2050. To achieve these goals, the CARB has developed regional greenhouse gas emission reduction targets for the automobile and light truck sectors (the largest single source of greenhouse gas emissions) for 2020 and 2035. The regional greenhouse gas emission reduction targets for each region in California were established by the California Air Resources Board.

Implementation of the proposed Project will still generate GHG emissions that wouldn't otherwise exist without the proposed Project. Given the length of construction activities for a Project of this size, the maximum short-term annual construction emissions of GHG associated with development of the Project in a single year are estimated to be 5,189 MTCO₂e. The operational emissions would be a long-term release totaling approximately 65,344 MTCO₂e without mitigations and 61,026 MTCO₂e with mitigation.

The proposed Project has incorporated mitigation measures that are intended to reduce emissions to the extent feasible. The State continues to implement measures that are intended to reduce emissions on a State-wide scale (i.e. vehicle fuel efficiency standards in fleets, low carbon fuels, etc.) that are consistent with AB 32. These types of State-wide measures will benefit the proposed Project (and City as a whole) in the long-term as they come into effect; however, the City does not have the jurisdiction to create far reaching (i.e. State-wide) measures to reduce GHG emissions.

However, because the proposed Project would result in a net increase in CO₂e emissions (above baseline conditions) even with mitigation measures incorporated into the proposed Project, the proposed Project would result in a significant and unavoidable and cumulatively considerable impact.

- (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with impacts related to climate change and GHG emissions, as more fully stated in the Statement of Overriding Considerations in Section VII, below. In light of a severe statewide housing shortage, the Project would provide thousands of new homes that would alleviate housing supply strains in the City and region. Additionally, this project will contribute to the City's responsibility to plan for new housing.
3. **IMPACT 4.9: CUMULATIVE IMPACT ON CLIMATE CHANGE FROM INCREASED PROJECT-RELATED GREENHOUSE GAS EMISSIONS.**
 - (b) **Potential Impact.** The potential for the Project to have a cumulative impact on climate change from increased Project-related GHG emissions is discussed on pages 4.0-10 and 4.0-11 of the Draft EIR.
 - (b) **Mitigation Measures.** No feasible mitigation measures were identified.
 - (c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) **Remaining Impacts.** In August 2008, the SJVAPCD adopted its Climate Change Action Plan. The Climate Change Action Plan directed the SJVAPCD's Air Pollution Control Officer to develop guidance to assist APCD staff, Valley businesses, land use agencies, and other permitting agencies in addressing GHG emissions as part of the CEQA process. Regarding CEQA guidance, some of the goals of the Climate Change Action Plan are to assist local land use agencies, developers, and the public by identifying and quantifying GHG emission reduction measures for development projects and by providing tools to streamline evaluation of Project-specific GHG effects, and to assist Valley businesses in complying with State law related to GHG emissions. A product of this direction to provide CEQA guidance is the *Final Staff Report – Climate Change Action Plan: Addressing GHG Emissions Impacts*, presented to the APCD Board in December 2009. A central component of the Final Staff Report is the establishment of Best Performance Standards, which are specifications or Project design elements that identify effective, feasible GHG emission reduction measures. Emission reductions achieved through Best Performance Standards implementation would be pre-quantified, thus negating the need for Project-specific quantification of GHG emissions. For projects not implementing Best Performance Standards, demonstration of a 29% reduction in GHG emissions from

business-as-usual conditions is required to determine that a Project would have a less than cumulatively significant impact.

The operational emissions would be a long-term release totaling approximately 65,344 MTCO_{2e} without mitigations and 61,026 MTCO_{2e} with mitigation. It is noted that the existing site operations currently emit criteria air pollutants and GHG emissions. GHG emissions are currently generated by the use of vehicles, agricultural equipment, and building energy use. Additionally, the existing dairy operations have a large potential to generate substantial amounts of biogenic CH₄ (methane) emissions (a potent source of GHGs). Such emissions are biological in origin; they are generated by the digestive activities of the dairy cows located within the Plan Area.

There are approximately 570 dairy cows (500 milking cows and 70 dry cows¹) currently managed within the Plan Area. De Novo Planning Group calculated the approximate level of biogenic (i.e. methane) GHG emissions associated with the dairy cows under the existing scenario to be 1,922 MT CO_{2e}. The proposed Project with mitigation would generate substantially more GHGs than emitted by the dairy cows under the Existing Condition.

However, because the Project would result in a net increase in CO_{2e} emissions even with mitigation measures incorporated into the Project, it would result in a significant and unavoidable and cumulatively considerable impact.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with cumulative impacts related to climate change and GHG emissions, as more fully stated in the Statement of Overriding Considerations in Section VII, below. In light of a severe statewide housing shortage, the Project would provide thousands of new homes that would alleviate housing supply strains in the City and region. Additionally, this project will contribute to the City's responsibility to plan for new housing.

D. NOISE

1. IMPACT 3.11-3: THE PROPOSED PROJECT MAY GENERATE UNACCEPTABLE TRAFFIC NOISE LEVELS AT EXISTING RECEPTORS.

- (c) Potential Impact. The potential for the Project to generate unacceptable traffic noise levels at existing receptors is discussed on pages 3.11-17 through 3.11-20 of the Draft EIR.

¹ Email communication with Dave Romano, Project Applicant, on December 18, 2017.

- (b) Mitigation Measures. No feasible mitigation measures were identified.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
- (1) Remaining Impacts. The data in Table 3.11-13 indicates that some noise-sensitive receptors located along Project-area roadways are currently exposed to exterior traffic noise levels exceeding the City of Riverbank 60 decibels (dB) day/night average sound level (L_{dn}) exterior noise level standard for residential uses (shown in Table 3.11-4). These receptors would continue to experience elevated exterior noise levels with implementation of the proposed Project. Under Existing Conditions, sensitive receptors located adjacent to Patterson Road, Claribel Road, Coffee Road, and Oakdale Road exceed the City's 60 dB L_{dn} exterior noise level standard for transportation noise sources. Under Existing Plus CWSP conditions, these roadways will continue to exceed the City standards. The Project's contributions range between 0 dB and 3.3 dB L_{dn} . In some cases, the increases also exceed the Federal Interagency Committee on Noise (FICON) and City of Riverbank criteria of +1.5 dB where existing noise levels exceed 65 dB.

Under Cumulative conditions, sensitive receptors located adjacent to Patterson Road, Claribel Road, Coffee Road, and Oakdale Road exceed the City's 60 dB L_{dn} exterior noise level standard for transportation noise sources. Under Cumulative Plus CWSP conditions, these roadways will continue to exceed the City standards. The Project's contributions range between 0 dB and 5.9 dB L_{dn} . In some cases, the increases also exceed the FICON and City of Riverbank criteria of +1.5 dB where existing noise levels exceed 65 dB. In some locations, the proposed Project is predicted to cause increases in traffic noise levels which would cause a new exceedance of the City's noise level standards in Table 3.11-4, or exceed the FICON allowable increase criteria outlined in Table 3.11-10. The greatest number of significant traffic noise increases would occur under the Cumulative Plus CWSP condition.

Potential mitigation measures would require increasing the height of existing sound walls, building new off-site sound walls, including traffic calming measures to reduce vehicle speeds, or using quieter pavement technologies. Generally, construction of new sound walls is not practical due to the openings for driveway accesses which would compromise any barrier effectiveness. Increasing the heights of existing sound walls requires additional engineering of footings and is also not practical. Traffic calming measures generally have not been found to reduce overall traffic noise levels by a significant amount. The use of quiet pavement technologies is the most practical mitigation measure and would generally reduce traffic noise levels between 4 and 5 dB. Under the Cumulative scenarios, each roadway segment which shows a significant impact could include future overlays of alternative pavements such as rubberized asphalt or open gap asphalt. However, the

implementation of these types of measures along six different roadway segments may not be considered practical due to overall costs and benefits at all locations. Therefore, this would be a significant unavoidable impact.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with unacceptable traffic noise levels at existing receptors, as more fully stated in the Statement of Overriding Considerations in Section VII, below. This project will provide significant economic benefits to the City and the region. Additionally, this project will provide thousands of new housing units which contribute to the City's responsibility to plan for new housing.

2. IMPACT 4.17: CUMULATIVE EXPOSURE OF EXISTING AND FUTURE NOISE-SENSITIVE LAND USES TO INCREASED NOISE RESULTING FROM CUMULATIVE DEVELOPMENT.

- (c) Potential Impact. The potential for the Project to result in cumulative exposure of existing and future noise-sensitive land uses to increased noise resulting from cumulative development is discussed on pages 4.0-18 and 4.0-19 of the Draft EIR.

- (b) Mitigation Measures. No feasible mitigation measures were identified.

- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) Remaining Impacts. The cumulative context for noise impacts associated with the proposed Project consists of the existing and future noise sources that could affect the Project or surrounding uses. Noise generated by construction would be temporary, and would not add to the permanent noise environment or be considered as part of the cumulative context. The total noise impact of the proposed Project would be fairly small and would not be a substantial increase to the existing future noise environment.

Under Cumulative conditions, sensitive receptors located adjacent to Patterson Road, Claribel Road, Coffee Road, and Oakdale Road exceed the City's 60 dB L_{dn} exterior noise level standard for transportation noise sources. Under Cumulative Plus CWSP conditions, these roadways will continue to exceed the City standards. The Project's contributions range between 0 dB and 5.9 dB L_{dn} . In some cases, the increases also exceed the FICON and City of Riverbank criteria of +1.5 dB where existing noise levels exceed 65 dB. As discussed above, implementation of potential measures along six different roadway segments may not be considered practical due to overall costs and benefits at all locations. Consequently, the total noise impact of the proposed Project would be a substantial increase to the future noise environment. As such, this is a cumulatively considerable contribution and a significant and unavoidable impact.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with cumulative exposure of existing and future noise-sensitive land uses to increased noise resulting from cumulative development, as more fully stated in the Statement of Overriding Considerations in Section VII, below. This project will provide significant economic benefits to the City and the region. Additionally, this project will provide thousands of new housing units which will contribute to the City's responsibility to plan for new housing.

E. PUBLIC SERVICES AND RECREATION

1. IMPACT 3.12-2: THE PROPOSED PROJECT HAS THE POTENTIAL TO REQUIRE THE CONSTRUCTION OF FIRE DEPARTMENT FACILITIES WHICH MAY CAUSE SUBSTANTIAL ADVERSE PHYSICAL ENVIRONMENTAL IMPACTS.

(d) Potential Impact. The potential for the Project to require the construction of fire department facilities which may cause substantial adverse physical environmental impacts is discussed on pages 3.12-17 and 3.12-18 of the Draft EIR.

(b) Mitigation Measures. No feasible mitigation measures were identified.

(c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) Remaining Impacts. The proposed Project includes dedication of a fire station site near the corner of Crawford and Oakdale Road; however, it is unclear at this time when the station will be constructed. The construction of this potential future station would have a beneficial impact on response times and response effectiveness; this will directly affect the Insurance Services Office (ISO) rating and enhance service to the citizens of Riverbank.

The City of Riverbank and Stanislaus Consolidated Fire Protection District (SCFPD) will work cooperatively to ensure new development pays its fair share for facilities associated with new growth. The imposition of Fire Mitigation Fees provides the financial tools necessary to guarantee capacity will be available in the future. In addition, the General Plan recognizes the need for increased fire services for new development and sets forth policies that support fire protection staffing, facilities, and minimum fire flow requirements. Ultimately, the City of Riverbank would have oversight for assessing future fees for the Project.

Impact fees from new development are collected based upon projected impacts from each development. The adequacy of impact fees is reviewed on an annual basis to ensure that the fee is commensurate with the service. Payment of the applicable impact fees by the Project applicant, and ongoing revenues that would come from property taxes, sales taxes, and other revenues generated by the proposed Project, would fund capital costs associated with fire protection facilities. Potential environmental impacts associated with the future construction of a fire station within the Plan Area are addressed throughout this EIR.

This EIR analyzes the physical environmental effects that may occur as a result of development and introduction of new urban land uses within the Plan Area. A future fire station, if constructed, would fall within the range of environmental impacts disclosed in this EIR, and would be subject to relevant mitigation measures included in this EIR. It is noted, however, that development of a fire station within the proposed Plan Area would contribute to significant and unavoidable impacts

related to aesthetics (Impacts 3.1-1 and 4.2), agricultural resources (Impacts 3.2-1 and 4.4), air quality (Impacts 3.3-1,3.3-2, and 4.5), greenhouse gases (Impacts 3.7-1,3.7-2, and 4.9), noise (Impacts 3.11-3 and 4.17), and transportation and circulation (Impacts 3.13-1, 3.13-2, 3.13-5, 3.13-6, 3.13-7, 3.13-8, 3.13-10, 3.13-15, 3.13-16, 3.13-17, 3.13-18, 3.13-20, 3.13-22, 3.13-23, 3.13-24, 3.13-25, 3.13-26, 3.13-27, 3.13-28, 4.17, 4.19, 4.20, 4.21, 4.23, 4.25, 4.26, 4.27, 4.28, 4.29, 4.30, and 4.31) . Therefore, consistent with the analysis included in this Draft EIR, impacts related to constructing new fire facilities to serve the proposed Project are considered significant and unavoidable.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with construction of fire department facilities which may cause substantial adverse physical environmental impacts, as more fully stated in the Statement of Overriding Considerations in Section VII, below. This project will provide thousands of new housing units which will contribute to the City's responsibility to plan for new housing.

2. IMPACT 3.12-3: THE PROPOSED PROJECT HAS THE POTENTIAL TO REQUIRE THE CONSTRUCTION OF SCHOOL FACILITIES WHICH MAY CAUSE SUBSTANTIAL ADVERSE PHYSICAL ENVIRONMENTAL IMPACTS.

- (d) Potential Impact. The potential for the Project to require the construction of school facilities which may cause substantial adverse physical environmental impacts is discussed on pages 3.12-19 through 3.12-21 of the Draft EIR.

- (b) Mitigation Measures. No feasible mitigation measures were identified.

- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) Remaining Impacts. The Riverbank Planning Area is served by four school districts: Riverbank Unified School District, Sylvan Union School District, Modesto City Schools, and Stanislaus Union School District. The Plan Area would be served by the Sylvan Union School District for kindergarten through eighth grade instruction. High school students within the Plan Area would be served by the Modesto City Schools district. Utilizing the student generation rates provided by the Sylvan Union School District in the NOP comment letter for the Project (dated April 11, 2017), the proposed Project would be expected to generate approximately up to 643 new elementary school students and up to 397 new middle school students, for a total of 1,040 students generated at the Sylvan Union School District. Utilizing the student generation rates provided by the Modesto City Schools in the NOP comment letter for the Project (dated April 18, 2017), the proposed Project would be expected to generate approximately up to 502 new high school students.

The Specific Plan accommodates the possibilities for a future 10- to 12-acre elementary school as well as a 20-acre middle school within the Plan Area; however, it is unclear at this time when sufficient funding and/or approval of the site by the State will occur. Until a new elementary school and/or middle school site is developed, students within the Plan Area would most likely attend Crossroads Elementary School, Elizabeth Ustach Middle School, and Beyer High School, subject to determination by the Sylvan Union School District and the Modesto City Schools District. The Plan Area is located in the aforementioned school attendance boundaries.

Potential environmental impacts associated with the future construction of an elementary school within the Plan Area are addressed throughout this EIR. This EIR analyzes the physical environmental effects that may occur as a result of development and introduction of new urban land uses within the Plan Area. A future elementary school, if constructed, would fall within the range of environmental impacts disclosed in this EIR, and would be subject to relevant mitigation measures included in this EIR.

It is noted, however, that development of a fire station within the proposed Plan Area would contribute to significant and unavoidable impacts related to aesthetics (Impacts 3.1-1 and 4.2), agricultural resources (Impacts 3.2-1 and 4.4), air quality (Impacts 3.3-1, 3.3-2, and 4.5), greenhouse gases (Impacts 3.7-1, 3.7-2, and 4.9), noise (Impacts 3.11-3 and 4.17), and transportation and circulation (Impacts 3.13-1, 3.13-2, 3.13-5, 3.13-6, 3.13-7, 3.13-8, 3.13-10, 3.13-15, 3.13-16, 3.13-17, 3.13-18, 3.13-20, 3.13-22, 3.13-23, 3.13-24, 3.13-25, 3.13-26, 3.13-27, 3.13-28, 4.17, 4.19, 4.20, 4.21, 4.23, 4.25, 4.26, 4.27, 4.28, 4.29, 4.30, and 4.31). Therefore, consistent with the analysis included in this Draft EIR, impacts related to constructing new school facilities to serve the proposed Project are considered significant and unavoidable.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with construction of school facilities, as more fully stated in the Statement of Overriding Considerations in Section VII, below. This project will provide thousands of new housing units which will contribute to the City's state-mandated responsibility to plan for new housing.

F. TRANSPORTATION AND CIRCULATION

1. IMPACT 3.13-1: UNDER EXISTING CONDITIONS, THE PROPOSED PROJECT WOULD RESULT IN A SIGNIFICANT IMPACT AT THE PATTERSON ROAD / COFFEE ROAD INTERSECTION.
 - (a) Potential Impact. The potential for the Project to result in a significant impact at the Patterson Road / Coffee Road intersection is discussed on pages 3.13-30 through 3.13-32 of the Draft EIR.

(b) Mitigation Measures. The following mitigation measures is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.13-1.

(c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) Effects of Mitigation and Remaining Impacts. Under the Existing Plus Project condition, the Patterson Road / Coffee Road intersection would operate at Level of Service (LOS) F on the northbound approach. Improvements to address the potential impact to the Patterson Road / Coffee Road intersection would include installation of a roundabout intersection or improvements that involve auxiliary turn lanes and a traffic signal. Either option would result in a LOS that satisfies the City of Riverbank's minimum LOS requirement. However, under current Caltrans directives, the exact nature of the needed improvement cannot be confirmed without completion of an Intersection Control Evaluation (ICE) Report. Caltrans typically requires a complete evaluation of all traffic signal warrants prior to installing a traffic signal.

Improvements to the Patterson Road / Coffee Road intersection are included in the adopted City of Riverbank Impact Fee program. With implementation of Mitigation Measure 3.13-1, the operations at this intersection would improve. However, because improvements to this location are subject to Caltrans' approval process regarding design and installation, improvements may not be installed before the impact occurs. Because there is no guarantee regarding the timing of installation, the impact is significant and unavoidable.

(2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with the Patterson Road / Coffee Road intersection, as more fully stated in the Statement of Overriding Considerations in Section VII, below. This project will provide significant economic benefits to the City and the region. Additionally, this project will provide thousands of new housing units which will contribute to the City's responsibility to plan for new housing.

2. IMPACT 3.13-2: UNDER EXISTING CONDITIONS, THE PROPOSED PROJECT WOULD RESULT IN A SIGNIFICANT IMPACT AT THE CLARIBEL ROAD / OAKDALE ROAD INTERSECTION.

(a) Potential Impact. The potential for the Project to impact the Claribel Road / Oakdale Road intersection is discussed on pages 3.13-32 and 3.13-33 of the Draft EIR.

(b) Mitigation Measures. The following mitigation measures is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.13-2.

(c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) Effects of Mitigation and Remaining Impacts. Under the Existing Plus Project condition, the Claribel Road / Oakdale Road intersection would operate at LOS E upon buildout of the CWSP Project. Based on the change from acceptable to unacceptable LOS, this is a potentially significant impact.

Improvements to address the potential impact to the Claribel Road / Oakdale Road to meet the minimum standard would include adding a second southbound through lane on Oakdale Road through the intersection and a separate northbound right turn lane. Creating the southbound lane requires widening Oakdale Road south of Claribel Road to a distance sufficient to accommodate through travel and merging back into a single southbound lane. The distance needed to accommodate the auxiliary through lane and transition back to a single lane is roughly ¼ mile.

Improvements to the Oakdale Road / Claribel Road intersection are not in the adopted City of Riverbank Impact Fee program, but the Oakdale Road widening is included in the City of Modesto's Capital Facilities Fees (CFF) program. With this improvement, the impact would not be significant. However, as work on Oakdale Road south of Claribel Road falls under the jurisdiction of Stanislaus County and the City of Modesto, there is no guarantee that these agencies will allow this improvement to be constructed or provide funding for their share of needed improvements that may benefit others. As a result, this impact is significant and unavoidable.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with impacts to the Claribel Road / Oakdale Road intersection, as more fully stated in the Statement of Overriding Considerations in Section VII, below. This project will provide significant economic benefits to the City and the region. Additionally, this project will provide thousands of new housing units which will contribute to the City's responsibility to plan for new housing.

3. IMPACT 3.13-5: UNDER EXISTING CONDITIONS, THE PROPOSED PROJECT WOULD RESULT IN A SIGNIFICANT IMPACT AT THE SEGMENT OF PATTERSON ROAD FROM MCHENRY AVENUE TO COFFEE ROAD.

- (a) Potential Impact. The potential for the Project to impact the segment of Patterson Road from McHenry Avenue to Coffee Road is discussed on page 3.13-34 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.13-4.

(c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) Effects of Mitigation and Remaining Impacts. Under the Existing Plus Project condition, the two-lane segments of Patterson Road from McHenry Avenue to Coffee Road would continue to operate with a LOS that exceeds the County / Caltrans minimum LOS C standard. Because conditions exceed the adopted standard with and without the Project, the significance of the Project's impact is based on the incremental change in the v/c ratio. In this case, the difference is 0.07, which exceeds the 0.05 increment permitted under County guidelines. This is a potentially significant impact.

Improving the LOS in this area requires widening SR 108 to four lanes. This improvement is addressed by the City of Riverbank Impact Fee program. As with any improvement implemented by a fee program, the possibility exists that short-term impacts may occur as the City of Riverbank and Caltrans assemble the funds needed to complete the widening. With implementation of Mitigation Measure 3.13-4, operations at this segment would improve. However, because improvements to this location are subject to Caltrans' approval process regarding design and installation, improvements may not be installed before the impact occurs.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact to the segment of Patterson Road from McHenry Avenue to Coffee Road, as more fully stated in the Statement of Overriding Considerations in Section VII, below. This project will provide significant economic benefits to the City and the region. Additionally, this project will provide thousands of new housing units which will contribute to the City's state-mandated responsibility to plan for new housing.

4. **IMPACT 3.13-6: UNDER EXISTING CONDITIONS, THE PROPOSED PROJECT WOULD RESULT IN A SIGNIFICANT IMPACT AT THE SEGMENT OF CLARIBEL ROAD FROM MCHENRY AVENUE TO COFFEE ROAD.**

(a) Potential Impact. The potential for the Project to impact the segment of Claribel Road from McHenry Avenue to Coffee Road is discussed on pages 3.13-34 and 3.13-35 of the Draft EIR.

(b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.13-5.

(c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) Effects of Mitigation and Remaining Impacts. Under the Existing Plus Project condition, the segment of Claribel Road from McHenry Avenue to Coffee Road would operate at LOS E. Because the Project will cause the minimum LOS standard to be exceeded, this impact is potentially significant.

Improving the LOS in this area would either require widening Claribel Road to six lanes, or creating additional parallel east-west capacity to reduce the volume of traffic on Claribel Road. The future NCC will provide parallel east-west capacity, and this improvement is included in the County’s RTIF. As with any regional improvement, short-term impacts may occur during the period prior to completion of the NCC. Because the NCC is already included in the adopted RTIF program, payment of the adopted fees would mitigate the Project impact. However, because the City of Riverbank does not control the County RTIF program, there is no guarantee that the NCC will be constructed in time to mitigate the Project impact. Even with implementation of Mitigation Measure 3.13-5, the proposed Project would have a significant and unavoidable impact.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with the segment of Claribel Road from McHenry Avenue to Coffee Road, as more fully stated in the Statement of Overriding Considerations in Section VII, below. This project will provide significant economic benefits to the City and the region. Additionally, this project will provide thousands of new housing units which will contribute to the City’s responsibility to plan for new housing.

5. IMPACT 3.13-7: UNDER EXISTING CONDITIONS, THE PROPOSED PROJECT WOULD RESULT IN A SIGNIFICANT IMPACT AT THE SEGMENT OF CLARIBEL ROAD FROM OAKDALE ROAD TO CLAUS ROAD.

- (a) Potential Impact. The potential for the Project to impact the segment of Claribel Road from Oakdale Road to Claus Road is discussed on page 3.13-35 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.13-6.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) Effects of Mitigation and Remaining Impacts. Under the Existing Plus Project condition, the two-lane segments of Claribel Road from Oakdale Road to Claus Road would operate at LOS F with the addition of Project trips, which exceeds the City of Riverbanks’ minimum LOS D standard. Because the Project will cause the minimum LOS standard to be exceeded, this is a potentially significant impact.

Improving the LOS in this area would either require widening Claribel Road to four lanes, or creating additional parallel east-west capacity to reduce the volume of traffic on Claribel Road. Widening Claribel Road is included in the City of Riverbank Impact Fee program. The NCC would provide parallel east-west capacity, and this improvement is included in the County's RTIF program. As with any regional improvement, short term impacts may occur during the period prior to completion of programmed improvements.

Because the widening Claribel Road is already included in the City of Riverbank Impact Fee program and the NCC is already included in the adopted County RTIF program, paying the adopted fees would mitigate the Project's impact. However, because the City of Riverbank does not control the County RTIF program, there is no guarantee that the NCC will be constructed in time to mitigate the Project impact. Even with implementation of Mitigation Measure 3.13-6, the proposed Project would have a significant and unavoidable impact.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with the segment of Claribel Road from Oakdale Road to Claus Road, as more fully stated in the Statement of Overriding Considerations in Section VII, below. This project will provide significant economic benefits to the City and the region. Additionally, this project will provide thousands of new housing units which contribute to the City's responsibility to plan for new housing.
6. IMPACT 3.13-8: UNDER EXISTING CONDITIONS, THE PROPOSED PROJECT WOULD RESULT IN A SIGNIFICANT IMPACT AT THE SEGMENT OF COFFEE ROAD BETWEEN CLARIBEL ROAD AND CLARATINA AVENUE, LOCATED IN THE CITY OF MODESTO.
- (a) Potential Impact. The potential for the Project to impact the segment of Coffee Road between Claribel Road and Claratina Avenue, located in the City of Modesto, is discussed on page 3.13-36 of the Draft EIR.
 - (b) Mitigation Measures. No feasible mitigation measures were identified.
 - (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) Remaining Impacts. Under the Existing Plus Project condition, the two-lane section of Coffee Road between Claribel Road and Claratina Avenue in the City of Modesto would decrease to LOS F. Because LOS F exceeds the City of Modesto's minimum LOS D standard, this is a potentially significant impact. Improving the LOS in this area would either require improving Coffee Road to Modesto's four-lane arterial street standard. This improvement is included in the City of Modesto's CFF traffic impact fee program, and a portion is within the NCC project area. While

development in the City of Riverbank is required to pay RTIF fees, development does not contribute Modesto CFF fees.

The precedent for development projects within a particular jurisdiction contributing to the cost of improvements in other jurisdictions outside of adopted fee programs is limited. The Tivoli Specific Plan EIR² notes that:

Currently no funding mechanism exists by which development in the City of Modesto can contribute to traffic improvements within the City of Riverbank, just as no mechanism exists by which development within the City of Riverbank contributes to funding traffic improvements in the City of Modesto. Development of such a mechanism would require negotiations between the two agencies to figure out if and acceptable, bilateral funding arrangement could be developed. if such an arrangement were to be developed, then project development could be conditioned on payment towards such improvements at the time of tentative map approval for individual subdivisions within the project area.

No mechanism has been created to allow Tivoli Specific Plan development to contribute to the cost of traffic improvements in the City of Riverbank.

Because no mechanism exists for the Project to contribute to the cost of improvements in the City of Modesto, and because the City of Riverbank does not control the RTIF or Modesto CFF program, there is no guarantee that the City of Modesto would allocate CFF funds to this improvement. As such, because installation cannot be assured by the City of Riverbank, this impact would be significant and unavoidable.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with the segment of Coffee Road between Claribel Road and Claratina Avenue, located in the City of Modesto, as more fully stated in the Statement of Overriding Considerations in Section VII, below. This project will provide significant economic benefits to the City and the region. Additionally, this project will provide thousands of new housing units which contribute to the City's responsibility to plan for new housing.

² City of Modesto, Tivoli Specific Plan Project, Final Environmental Impact Report, February 26, 2008, Findings and Statements Required under California Environmental Quality Act, page 10.

7. **IMPACT 3.13-10: UNDER EXISTING CONDITIONS, THE PROPOSED PROJECT WOULD RESULT IN A SIGNIFICANT IMPACT AT THE SEGMENT OF OAKDALE ROAD BETWEEN CLARIBEL ROAD AND CLARATINA AVENUE, LOCATED IN THE CITY OF MODESTO.**

(a) **Potential Impact.** The potential for the Project to impact the segment of Oakdale Road between Claribel Road and Claratina Avenue, located in the City of Modesto, is discussed on page 3.13-37 of the Draft EIR.

(b) **Mitigation Measures.** No feasible mitigation measures were identified.

(c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) **Remaining Impacts.** Under the Existing Plus Project condition, the two-lane section of Oakdale Road between Claribel Road and Claratina Avenue in the City of Modesto would operate at LOS F. Because LOS F exceeds the City of Modesto's minimum LOS D standard, and Project trips would increase the v/c ratio by more than 0.05, this is a potentially significant impact.

Improving the LOS in this area would require improving Oakdale Road to Modesto's four-lane arterial street standard. This improvement is included in the City of Modesto's CFF traffic impact fee program. However, development in the City of Riverbank does not contribute Modesto CFF fees. This area is also within the project limits of the NCC, and Oakdale Road is likely to be widened with this improvement project funded via CFF fees. Because no mechanism exists for the Project to contribute to the cost of improvements in the City of Modesto, and because the City of Riverbank does not control the RTIF or Modesto CFF program, there is no guarantee that the City of Modesto would allocate CFF funds to this improvement. As such, because installation cannot be assured by the City of Riverbank, this impact would be significant and unavoidable.

(2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with the segment of Oakdale Road between Claribel Road and Claratina Avenue, located in the City of Modesto, as more fully stated in the Statement of Overriding Considerations in Section VII, below. This project will provide significant economic benefits to the City and the region. Additionally, this project will provide thousands of new housing units which will contribute to the City's responsibility to plan for new housing.

8. IMPACT 3.13-15: UNDER EPAP CONDITIONS, THE PROPOSED PROJECT WOULD RESULT IN A SIGNIFICANT IMPACT AT THE MCHENRY AVENUE / KIERNAN AVENUE / CLARIBEL AVENUE INTERSECTION.

- (a) Potential Impact. The potential for the Project to impact the McHenry Avenue / Kiernan Avenue / Claribel Avenue intersection is discussed on pages 3.13-46 and 3.13-47 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.13-13.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) Effects of Mitigation and Remaining Impacts. Under the EPAP Plus Project conditions, the McHenry Avenue / Kiernan Avenue / Claribel Avenue intersection would operate at LOS E. Based on the change to an unacceptable LOS, this is a potentially significant impact.

Improving the LOS at this intersection would require additional intersection capacity, and the NCC project includes improvements to this location. The NCC is included in the County's RTIF. As with any regional improvement, short term impacts may occur during the period prior to completion of the NCC. However, because the City of Riverbank does not control the Regional Fee program, there is no guarantee that the NCC will be constructed in time to mitigate the project impact. The Project applicant would be required to pay the fair share fee towards the NCC project, as required by Mitigation Measure 3.13-13. Because installation cannot be assured by the City of Riverbank, this impact would be significant and unavoidable.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with the McHenry Avenue / Kiernan Avenue / Claribel Avenue intersection, as more fully stated in the Statement of Overriding Considerations in Section VII, below. This project will provide significant economic benefits to the City and the region. Additionally, this project will provide thousands of new housing units which will contribute to the City's responsibility to plan for new housing.

9. IMPACT 3.13-16: UNDER CUMULATIVE (YEAR 2042) CONDITIONS, THE PROPOSED PROJECT WOULD RESULT IN A SIGNIFICANT IMPACT AT THE PATTERSON ROAD / COFFEE ROAD INTERSECTION.

- (a) Potential Impact. The potential for the Project to impact the Patterson Road / Coffee Road intersection under Cumulative conditions is discussed on page 3.13-51 of the Draft EIR.

(b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.13-1.

(c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) Effects of Mitigation and Remaining Impacts. With development of the Project, the Patterson Road / Coffee Road intersection would operate at LOS F on the northbound approach. Based on the change in average delay and satisfaction of signal warrants, as noted in Table 3.13-23, this is a potentially significant impact.

As noted in the discussion of Impact 3.13-1, improvements to address this impact would include installation of a two-lane roundabout intersection or improvements that involve auxiliary turn lanes and a traffic signal. Either solution would result in a LOS that satisfies the City of Riverbank's minimum LOS requirement. However, under current Caltrans directives, the exact nature of the needed improvement cannot be confirmed without completion of an ICE. Caltrans typically requires a complete evaluation of all traffic signal warrants prior to installing a traffic signal.

Mitigation Measure 3.13-1 addresses this impact, and no additional mitigation is required. Because intersection improvements are already included in the adopted City of Riverbank Impact Fee program, development in the Project would mitigate its impact by paying adopted fees. However, for the same reasons noted early (see Impact 3.13-1), because the City of Riverbank cannot guarantee that the improvement will be installed, the impact would be significant and unavoidable.

(2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with the Patterson Road / Coffee Road intersection under Cumulative conditions, as more fully stated in the Statement of Overriding Considerations in Section VII, below. This project will provide significant economic benefits to the City and the region. Additionally, this project will provide thousands of new housing units which will contribute to the City's responsibility to plan for new housing.

10. IMPACT 3.13-17: UNDER CUMULATIVE (YEAR 2042) CONDITIONS, THE PROPOSED PROJECT WOULD RESULT IN A SIGNIFICANT IMPACT AT THE COFFEE ROAD / MORRILL ROAD INTERSECTION.

- (a) Potential Impact. The potential for the Project to impact the Coffee Road / Morrill Road intersection under Cumulative conditions is discussed on pages 3.13-51 and 3.13-52 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.13-14.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) Effects of Mitigation and Remaining Impacts. With development of the Project, the Coffee Road / Morrill Road intersection would operate at LOS F on the westbound approach. Based on the change in average delay and satisfaction of signal warrants, as noted in Table 3.13-23, this is a potentially significant impact.

A traffic signal would improve the LOS at this location to a condition that satisfies the City's minimum LOS standard. While the Coffee Road / Morrill Road intersection is noted as a potential signal location in the Riverbank General Plan Update EIR, it is not included in any adopted fee program. Because the need for this improvement will dependent on the location and extent of development within the Project site, conditions should be monitored as development proceeds and a traffic signal should be installed when warrants are met to the satisfaction of the City of Riverbank. Implementation of Mitigation Measure 3.13-14 would reduce the potential impact. However, because this improvement is not included in any adopted fee program, there is no guarantee that the improvement will be installed. Thus, the Project's cumulative impact is significant and unavoidable.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with the Coffee Road / Morrill Road intersection under Cumulative conditions, as more fully stated in the Statement of Overriding Considerations in Section VII, below. This project will provide significant economic benefits to the City and the region. Additionally, this project will provide thousands of new housing units which will contribute to the City's responsibility to plan for new housing.

11. IMPACT 3.13-18: UNDER CUMULATIVE (YEAR 2042) CONDITIONS, THE PROPOSED PROJECT WOULD RESULT IN A SIGNIFICANT IMPACT AT THE COFFEE ROAD / RELOCATED CRAWFORD ROAD INTERSECTION.

- (a) Potential Impact. The potential for the Project to impact the Coffee Road / Relocated Crawford Road intersection under Cumulative conditions is discussed on pages 3.13-52 and 3.13-53 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.13-15.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) Effects of Mitigation and Remaining Impacts. With development of the Project, the Coffee Road / Relocated Crawford Road intersection would operate at LOS F on the westbound approach. Based on the change in average delay and satisfaction of signal warrants, as noted in Table 3.13-23, this is a potentially significant impact.

A traffic signal would improve the LOS at this location to a condition that satisfies the City's minimum LOS standard. While the intersection is noted as a potential signal location in the Riverbank General Plan Update EIR, it is not included in any adopted fee program. Because the need for this improvement will dependent on the location and extent of development within the Project site, conditions should be monitored as development proceeds and a traffic signal should be installed when warrants are met to the satisfaction of the City of Riverbank City Engineer. Implementation of Mitigation Measure 3.13-15 would reduce the potential impact. However, because this improvement is not included in any adopted fee program, there is no guarantee that the improvement will be installed. Thus, the Project's cumulative impact is significant and unavoidable.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with the Coffee Road / Relocated Crawford Road intersection under Cumulative conditions, as more fully stated in the Statement of Overriding Considerations in Section VII, below. This project will provide significant economic benefits to the City and the region. Additionally, this project will provide thousands of new housing units which contribute to the City's state-mandated responsibility to plan for new housing.

12. IMPACT 3.13-20: UNDER CUMULATIVE (YEAR 2042) CONDITIONS, THE PROPOSED PROJECT WOULD RESULT IN A SIGNIFICANT IMPACT AT THE CLARIBEL ROAD / OAKDALE ROAD INTERSECTION.

- (a) Potential Impact. The potential for the Project to impact the Claribel Road / Oakdale Road intersection under Cumulative conditions is discussed on pages 3.13-53 and 3.13-54 of the Draft EIR.

(b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.13-16.

(c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) Effects of Mitigation and Remaining Impacts. With development of the Project, the Claribel Road / Oakdale Road intersection will operate at LOS E. Based on the change from acceptable to unacceptable LOS, this is a potentially significant impact.

Improving the LOS would require adding a second northbound left turn lane on Oakdale Road and reorienting the four-lane westbound approach to provide dual left turns, a through lane, and a separate right turn lane. Improving the Oakdale Road / Claribel Road intersection is not in the Riverbank impact fee program, but the intersection is within the project area of the NCC. The second northbound left turn lane has not been included in the NCC project as described in the Draft EIR. With the aforementioned improvements, and contributing to the cost of the NCC by paying regional fees to cover other intersection costs, the City's minimum LOS standard would be met. However, because the City of Riverbank does not control the NCC Project, nor the regional fee program, there is no guarantee that the improvement will be installed. Therefore, this impact would remain significant and unavoidable.

(2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with the Claribel Road / Oakdale Road intersection under Cumulative conditions, as more fully stated in the Statement of Overriding Considerations in Section VII, below. This project will provide significant economic benefits to the City and the region. Additionally, this project will provide thousands of new housing units which contribute to the City's state-mandated responsibility to plan for new housing.

13. IMPACT 3.13-22: UNDER CUMULATIVE (YEAR 2042) CONDITIONS, THE PROPOSED PROJECT WOULD RESULT IN A SIGNIFICANT IMPACT AT THE ROSELLE AVENUE / SYLVAN AVENUE INTERSECTION.

(a) Potential Impact. The potential for the Project to impact the Roselle Avenue / Sylvan Avenue intersection under Cumulative conditions is discussed on page 3.13-54 of the Draft EIR.

(b) Mitigation Measures. No feasible mitigation measures were identified.

(c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) Remaining Impacts. The Roselle Avenue / Sylvan Avenue intersection is projected to operate at LOS F with and without the Project. Because the incremental change in delay exceeds the 5.0 second threshold employed by the City of Modesto, this is a potentially significant impact. The existing two-lane roundabout might be enhanced to increase the capacity of this intersection. However, a three-lane roundabout would not improve the capacity to LOS D.

Because no mechanism exists for the Project to contribute to the cost of improvements in the City of Modesto, and because the City of Riverbank does not control the RTIF or Modesto CFF program, there is no guarantee that the City of Modesto would allocate CFF funds to any improvement. Because mitigation does not appear feasible and installation of any improvement cannot be assured by the City of Riverbank, the Project's cumulative impact is significant and unavoidable.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with the Roselle Avenue / Sylvan Avenue intersection under Cumulative conditions, as more fully stated in the Statement of Overriding Considerations in Section VII, below. This project will provide significant economic benefits to the City and the region. Additionally, this project will provide thousands of new housing units which contribute to the City's responsibility to plan for new housing.

14. IMPACT 3.13-23: UNDER CUMULATIVE (YEAR 2042) CONDITIONS, THE PROPOSED PROJECT WOULD RESULT IN A SIGNIFICANT IMPACT AT THE COFFEE AVENUE / CLARATINA AVENUE INTERSECTION.

- (a) Potential Impact. The potential for the Project to impact the Coffee Avenue / Claratina Avenue intersection under Cumulative conditions is discussed on pages 3.13-54 and 3.13-55 of the Draft EIR.
- (b) Mitigation Measures. No feasible mitigation measures were identified.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) Remaining Impacts. The Coffee Avenue / Claratina Avenue intersection is projected to operate at LOS F with and without the Project. Because the incremental change in delay exceeds the 5.0 second threshold employed by the City of Modesto, this is a potentially significant impact. The anticipated two-lane roundabout might be enhanced to increase its capacity. However, a three-lane roundabout would not improve the capacity to LOS D.

Because no mechanism exists for the Project to contribute to the cost of improvements in the City of Modesto, and because the City of Riverbank does not control the RTIF or Modesto CFF program, there is no guarantee that the City of Modesto would allocate CFF funds to any improvement. Because mitigation does

not appear feasible and installation of any improvement cannot be assured by the City of Riverbank, the project's cumulative impact is significant and unavoidable.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with the Coffee Avenue / Claratina Avenue intersection under Cumulative conditions, as more fully stated in the Statement of Overriding Considerations in Section VII, below. This project will provide significant economic benefits to the City and the region. Additionally, this project will provide thousands of new housing units which contribute to the City's responsibility to plan for new housing.

15. IMPACT 3.13-24: UNDER CUMULATIVE (YEAR 2042) CONDITIONS, THE PROPOSED PROJECT WOULD RESULT IN A SIGNIFICANT IMPACT AT THE SEGMENT OF COFFEE ROAD BETWEEN MORRILL ROAD AND THE RELOCATED CRAWFORD ROAD.

- (a) Potential Impact. The potential for the Project to impact the segment of Coffee Road between Morrill Road and the relocated Crawford Road under Cumulative conditions is discussed on pages 3.13-55 through 3.13-57 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.13-17.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
- (1) Effects of Mitigation and Remaining Impacts. The addition of trips generated by the Project would result in LOS F conditions on the two-lane rural section of Coffee Road between Morrill Road and the relocated Crawford Road. Because LOS F exceeds the City's minimum LOS D standard, this is a potentially significant impact.

Improving the LOS in this area would require improving Coffee Road to the functional equivalent of a two-lane arterial standard. This would provide LOS C with the forecast traffic volume. Not all of the overall improvements included in the City's arterial street standard are needed to improve the LOS, and the functional equivalent of an arterial street will include a travel lane in each direction, center two-way left-turn lane, and applicable shoulders. This work is not included in the City's traffic impact fee program.

By improving Coffee Road, the City's minimum LOS D standard will be satisfied. Implementation of Mitigation Measure 3.13-17 would reduce the potential impact. However, because this improvement is not included in any adopted fee program, there is no guarantee that the improvement will be installed. Thus, the Project's cumulative impact is significant and unavoidable.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with the segment of Coffee Road between Morrill Road and the relocated Crawford Road under Cumulative conditions, as more fully stated in the Statement of Overriding Considerations in Section VII, below. This project will provide significant economic benefits to the City and the region. Additionally, this project will provide thousands of new housing units which contribute to the City's responsibility to plan for new housing.

16. IMPACT 3.13-25: UNDER CUMULATIVE (YEAR 2042) CONDITIONS, THE PROPOSED PROJECT WOULD RESULT IN A SIGNIFICANT IMPACT AT THE SEGMENT OF COFFEE ROAD BETWEEN THE RELOCATED CRAWFORD ROAD AND THE REALIGNED CLARIBEL ROAD INTERSECTION.

- (a) Potential Impact. The potential for the Project to impact the segment of Coffee Road between the relocated Crawford Road and the realigned Claribel Road intersection under Cumulative conditions is discussed on page 3.13-57 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.13-18.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) Effects of Mitigation and Remaining Impacts. The addition of trips generated by the Project would contribute to LOS F conditions on the two-lane rural section of Coffee Road between the relocated Crawford Road and the realigned Claribel Road intersection. While LOS F is projected with and without the Project, because change in v/c ratio exceeds the 0.05 increment permitted by the City of Riverbank, this is a potentially significant impact.

Improving the LOS in this area would require improving Coffee Road to an arterial standard. The projected volume exceeds the capacity of a two-lane arterial and a four-lane arterial would provide LOS B with the forecast traffic volume. Not all of the overall improvements included in the City's arterial street standard are needed to improve the LOS, and the functional equivalent of an arterial street will include two travel lanes in each direction, center two-way left-turn lane, and applicable shoulders. This work is not included in the City's traffic impact fee program.

By improving Coffee Road, the City's minimum LOS D standard will be satisfied. Implementation of Mitigation Measure 3.13-18 would reduce the potential impact. However, because this improvement is not included in any adopted fee program, there is no guarantee that the improvement will be installed. Thus, the Project's cumulative impact is significant and unavoidable.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with the segment of Coffee Road between the relocated Crawford Road and the realigned Claribel Road intersection under Cumulative conditions, as more fully stated in the Statement of Overriding Considerations in Section VII, below. This project will provide significant economic benefits to the City and the region. Additionally, this project will provide thousands of new housing units which contribute to the City's responsibility to plan for new housing.

17. IMPACT 3.13-26: UNDER CUMULATIVE (YEAR 2042) CONDITIONS, THE PROPOSED PROJECT WOULD RESULT IN A SIGNIFICANT IMPACT AT THE SEGMENT OF COFFEE ROAD BETWEEN THE REALIGNED CLARIBEL ROAD INTERSECTION AND NCC.

- (a) Potential Impact. The potential for the Project to impact the segment of Coffee Road between the realigned Claribel Road intersection and NCC under Cumulative conditions is discussed on page 3.13-58 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.13-19.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) Effects of Mitigation and Remaining Impacts. The addition of trips generated by the Project would contribute to LOS F conditions on the two-lane rural section of Coffee Road between the realigned Claribel Road intersection and NCC. While LOS F is projected with and without the Project, because change in v/c ratio exceeds the 0.05 increment permitted by the City of Riverbank, this is a potentially significant impact.

Improving the LOS in this area would require improving Coffee Road to a four-lane arterial standard. This work is not included in the City's traffic impact fee program. The area is within the limits of the NCC project area, and the project may contribute to this work through payment of Regional Impact Fees.

By improving the Coffee Road, the City's minimum LOS D standard would be satisfied, and the project's impact would not be significant. However, because the City of Riverbank does not control the NCC or regional fee, there is no guarantee that the improvement will be installed. Therefore, the Project's impact is significant and unavoidable.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with the segment of Coffee Road between the realigned Claribel Road intersection and NCC under Cumulative conditions, as more fully stated in the Statement of Overriding Considerations in Section VII, below. This project will provide significant economic benefits to the City and the region. Additionally, this project will provide thousands of new housing units which contribute to the City's responsibility to plan for new housing.

18. IMPACT 3.13-27: UNDER CUMULATIVE (YEAR 2042) CONDITIONS, THE PROPOSED PROJECT WOULD RESULT IN A SIGNIFICANT IMPACT AT THE SEGMENT OF OAKDALE ROAD BETWEEN THE CLARIBEL ROAD INTERSECTION AND NCC IN THE CITY OF MODESTO.

- (a) Potential Impact. The potential for the Project to impact the segment of Oakdale Road between the Claribel Road intersection and NCC in the City of Modesto Cumulative conditions is discussed on pages 3.13-58 through 3.13-59 of the Draft EIR.
- (b) Mitigation Measures. No feasible mitigation measures were identified.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) Remaining Impacts. The addition of trips generated by the Project would contribute to LOS F conditions on the four-lane section of Oakdale Road between the Claribel Road intersection and NCC. Because LOS F exceeds the minimum LOS D standard, this is a potentially significant impact.

Improving the LOS in this area would require improving Oakdale Road to a six-lane arterial standard. This work is not included in the City's traffic impact fee program. The area is within the limits of the NCC project area, and the Project may contribute to this work through Regional Impact Fees.

Because no mechanism exists for the Project to contribute to the cost of improvements in the City of Modesto, and because the City of Riverbank does not control the RTIF or Modesto CFF program, there is no guarantee that the City of Modesto would allocate CFF funds to this improvement. Because installation cannot be assured by the City of Riverbank, the Project's impact is significant and unavoidable.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with the segment of Oakdale Road between the Claribel Road intersection and NCC in the City of Modesto under Cumulative conditions, as more fully stated in the Statement of Overriding Considerations in Section VII, below. This project will provide significant economic benefits to the City and the region. Additionally, this project will provide thousands of new housing units which contribute to the City's responsibility to plan for new housing.

19. IMPACT 3.13-28: UNDER CUMULATIVE (YEAR 2042) CONDITIONS, THE PROPOSED PROJECT WOULD RESULT IN A SIGNIFICANT IMPACT AT THE SEGMENT OF ROSELLE AVENUE BETWEEN THE CLARIBEL ROAD INTERSECTION AND NCC.

- (a) Potential Impact. The potential for the Project to impact the segment of Roselle Avenue between the Claribel Road intersection and NCC under Cumulative conditions is discussed on page 3.13-59 of the Draft EIR.
- (b) Mitigation Measures. No feasible mitigation measures were identified.

(c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) Remaining Impacts. The addition of trips generated by the Project would create LOS F conditions on the two-lane section of Roselle Avenue between the Claribel Road intersection and NCC. Because LOS F exceeds the minimum LOS D standard, this is a potentially significant impact.

Improving the LOS in this area would require improving Roselle Avenue to a four-lane arterial standard. This work is not included in the City's traffic impact fee program. The area is within the limits of the NCC project area and is included in Modesto's CFF, and the project may contribute to this work through Regional Impact Fees.

Because no mechanism exists for the Project to contribute to the cost of improvements in the City of Modesto, and because the City of Riverbank does not control the RTIF or Modesto CFF program, there is no guarantee that the City of Modesto would allocate CFF funds to this improvement. Because installation cannot be assured by the City of Riverbank, the Project's impact is significant and unavoidable.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with the segment of Roselle Avenue between the Claribel Road intersection and NCC under Cumulative conditions, as more fully stated in the Statement of Overriding Considerations in Section VII, below. This project will provide significant economic benefits to the City and the region. Additionally, this project will provide thousands of new housing units which will contribute to the City's responsibility to plan for new housing.

20. IMPACT 4.19: UNDER CUMULATIVE (YEAR 2042) CONDITIONS, THE PROPOSED PROJECT WOULD RESULT IN A SIGNIFICANT IMPACT AT THE PATTERSON ROAD / COFFEE ROAD INTERSECTION.

(a) Potential Impact. The potential for the Project to impact the Patterson Road / Coffee Road intersection under Cumulative conditions is discussed on pages 4.0-19 and 4.0-20 of the Draft EIR.

(b) Mitigation Measures. No feasible mitigation measures were identified.

(c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) Remaining Impacts. With development of the Project, the Patterson Road / Coffee Road intersection would operate at LOS F on the northbound approach. Based on

the change in average delay and satisfaction of signal warrants, this is a potentially significant impact.

Improvements to address this impact would include installation of a two-lane roundabout intersection or improvements that involve auxiliary turn lanes and a traffic signal. Either solution would result in a LOS that satisfies the City of Riverbank's minimum LOS requirement. However, under current Caltrans directives, the exact nature of the needed improvement cannot be confirmed without completion of an ICE. Caltrans typically requires a complete evaluation of all traffic signal warrants prior to installing a traffic signal.

Mitigation Measure 3.13-1 in Section 3.13 addresses this impact, and no additional mitigation is required. Because intersection improvements are already included in the adopted City of Riverbank Impact Fee program, development in the Project would mitigate its impact by paying adopted fees. However, because improvements to this location are subject to Caltrans' approval process regarding design and installation, improvements may not be installed before the impact occurs. Because there is no guarantee regarding the timing of installation, the Project's cumulative impact is cumulatively considerable and significant and unavoidable.

- (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with the Patterson Road / Coffee Road intersection under Cumulative conditions, as more fully stated in the Statement of Overriding Considerations in Section VII, below. This project will provide significant economic benefits to the City and the region. Additionally, this project will provide thousands of new housing units which will contribute to the City's responsibility to plan for new housing.

21. IMPACT 4.20: UNDER CUMULATIVE (YEAR 2042) CONDITIONS, THE PROPOSED PROJECT WOULD RESULT IN A SIGNIFICANT IMPACT AT THE COFFEE ROAD / MORRILL ROAD INTERSECTION.

- (a) **Potential Impact.** The potential for the Project to impact the Coffee Road / Morrill Road intersection under Cumulative conditions is discussed on page 4.0-20 of the Draft EIR.
- (b) **Mitigation Measures.** No feasible mitigation measures were identified.
- (c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:
- (1) **Remaining Impacts.** With development of the Project, the Coffee Road / Morrill Road intersection would operate at LOS F on the westbound approach. Based on the change in average delay and satisfaction of signal warrants, this is a potentially significant impact.

A traffic signal would improve the LOS at this location to a condition that satisfies the City's minimum LOS standard. While the Coffee Road / Morrill Road intersection is noted as a potential signal location in the Riverbank General Plan Update EIR, it is not included in any adopted fee program. Because the need for this improvement will dependent on the location and extent of development within the Project site, conditions should be monitored as development proceeds and a traffic signal should be installed when warrants are met to the satisfaction of the City of Riverbank. Implementation of Mitigation Measure 3.13-13 in Section 3.13 would reduce the potential impact. However, because this improvement is not included in any adopted fee program, there is no guarantee that the improvement will be installed. Thus, the Project's cumulative impact is cumulatively considerable and significant and unavoidable.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with the Coffee Road / Morrill Road intersection under Cumulative conditions, as more fully stated in the Statement of Overriding Considerations in Section VII, below. This project will provide significant economic benefits to the City and the region. Additionally, this project will provide thousands of new housing units which will contribute to the City's responsibility to plan for new housing.

22. IMPACT 4.21: UNDER CUMULATIVE (YEAR 2042) CONDITIONS, THE PROPOSED PROJECT WOULD RESULT IN A SIGNIFICANT IMPACT AT THE COFFEE ROAD / RELOCATED CRAWFORD ROAD INTERSECTION.

- (a) Potential Impact. The potential for the Project to impact the Coffee Road / Relocated Crawford Road intersection under Cumulative conditions is discussed on pages 4.0-20 and 4.0-21 of the Draft EIR.
- (b) Mitigation Measures. No feasible mitigation measures were identified.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) Remaining Impacts. With development of the Project, the Coffee Road / Relocated Crawford Road intersection would operate at LOS F on the westbound approach. Based on the change in average delay and satisfaction of signal warrants, this is a potentially significant impact.

A traffic signal would improve the LOS at this location to a condition that satisfies the City's minimum LOS standard. While the intersection is noted as a potential signal location in the Riverbank General Plan Update EIR, it is not included in any adopted fee program. Because the need for this improvement will dependent on the location and extent of development within the Project site, conditions should be monitored as development proceeds and a traffic signal should be installed when

warrants are met to the satisfaction of the City of Riverbank City Engineer. Implementation of Mitigation Measure 3.13-14 in Section 3.13 would reduce the potential impact. However, because this improvement is not included in any adopted fee program, there is no guarantee that the improvement will be installed. Thus, the Project's cumulative impact is cumulatively considerable and significant and unavoidable.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with the Coffee Road / Relocated Crawford Road intersection under Cumulative conditions, as more fully stated in the Statement of Overriding Considerations in Section VII, below. This project will provide significant economic benefits to the City and the region. Additionally, this project will provide thousands of new housing units which will contribute to the City's responsibility to plan for new housing.

23. IMPACT 4.23: UNDER CUMULATIVE (YEAR 2042) CONDITIONS, THE PROPOSED PROJECT WOULD RESULT IN A SIGNIFICANT IMPACT AT THE CLARIBEL ROAD / OAKDALE ROAD INTERSECTION.

- (a) Potential Impact. The potential for the Project to impact the Claribel Road / Oakdale Road intersection under Cumulative conditions is discussed on page 4.0-21 of the Draft EIR.
- (b) Mitigation Measures. No feasible mitigation measures were identified.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
- (1) Remaining Impacts. With development of the Project, the Claribel Road / Oakdale Road intersection will operate at LOS E. Based on the change from acceptable to unacceptable LOS, this is a potentially significant impact.

Improving the LOS would require adding a second northbound left turn lane on Oakdale Road and reorienting the four-lane westbound approach to provide dual left turns, a through lane, and a separate right turn lane. Improving the Oakdale Road / Claribel Road intersection is not in the Riverbank impact fee program, but the intersection is within the project area of the NCC. The second northbound left turn lane has not been included in the NCC project as described in the Draft EIR. With the aforementioned improvements, and contributing to the cost of the NCC by paying regional fees (RTIF) to cover other intersection costs, the City's minimum LOS standard would be met. Implementation of Mitigation Measure 3.13-15 in Section 3.13 requires payment of the Project's fair share fee. However, because the City of Riverbank does not control the NCC Project, nor the regional fee program,

there is no guarantee that the improvement will be installed. Thus, the Project's cumulative impact is cumulatively considerable and significant and unavoidable.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with the Claribel Road / Oakdale Road intersection under Cumulative conditions, as more fully stated in the Statement of Overriding Considerations in Section VII, below. This project will provide significant economic benefits to the City and the region. Additionally, this project will provide thousands of new housing units which will contribute to the City's responsibility to plan for new housing.

24. IMPACT 4.25: UNDER CUMULATIVE (YEAR 2042) CONDITIONS, THE PROPOSED PROJECT WOULD RESULT IN A SIGNIFICANT IMPACT AT THE ROSELLE AVENUE / SYLVAN AVENUE INTERSECTION.

- (a) Potential Impact. The potential for the Project to impact the Roselle Avenue / Sylvan Avenue intersection under Cumulative conditions is discussed on page 4.0-22 of the Draft EIR.

- (b) Mitigation Measures. No feasible mitigation measures were identified.

- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) Remaining Impacts. The Roselle Avenue / Sylvan Avenue intersection is projected to operate at LOS F with and without the Project. Because the incremental change in delay exceeds the 5.0 second threshold employed by the City of Modesto, this is a potentially significant impact.

The existing two-lane roundabout might be enhanced to increase the capacity of this intersection. However, a three-lane roundabout would not improve the capacity to LOS D. Because no mechanism exists for the Project to contribute to the cost of improvements in the City of Modesto, and because the City of Riverbank does not control the RTIF or Modesto CFF program, there is no guarantee that the City of Modesto would allocate CFF funds to any improvement. Because mitigation does not appear feasible and installation of any improvement cannot be assured by the City of Riverbank, the Project's cumulative impact is cumulatively considerable and significant and unavoidable.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with the Roselle Avenue / Sylvan Avenue intersection under Cumulative conditions, as more fully stated in the Statement of Overriding Considerations in Section VII, below. This project will provide significant economic benefits to the City and the region. Additionally, this project will provide thousands of new housing units which will contribute to the City's responsibility to plan for new housing.

25. IMPACT 4.26: UNDER CUMULATIVE (YEAR 2042) CONDITIONS, THE PROPOSED PROJECT WOULD RESULT IN A SIGNIFICANT IMPACT AT THE COFFEE AVENUE / CLARATINA AVENUE INTERSECTION.

(a) Potential Impact. The potential for the Project to impact the Coffee Avenue / Claratina Avenue intersection under Cumulative conditions is discussed on page 4.0-22 of the Draft EIR.

(b) Mitigation Measures. No feasible mitigation measures were identified.

(c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) Remaining Impacts. The Coffee Avenue / Claratina Avenue intersection is projected to operate at LOS F with and without the Project. Because the incremental change in delay exceeds the 5.0 second threshold employed by the City of Modesto, this is a potentially significant impact.

The anticipated two-lane roundabout might be enhanced to increase its capacity. However, a three-lane roundabout would not improve the capacity to LOS D. Because no mechanism exists for the Project to contribute to the cost of improvements in the City of Modesto, and because the City of Riverbank does not control the RTIF or Modesto CFF program, there is no guarantee that the City of Modesto would allocate CFF funds to any improvement. Because mitigation does not appear feasible and installation of any improvement cannot be assured by the City of Riverbank, the project's cumulative impact is cumulatively considerable and significant and unavoidable.

(2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with the Coffee Avenue / Claratina Avenue intersection under Cumulative conditions, as more fully stated in the Statement of Overriding Considerations in Section VII, below. This project will provide significant economic benefits to the City and the region. Additionally, this project will provide thousands of new housing units which will contribute to the City's responsibility to plan for new housing.

26. IMPACT 4.27: UNDER CUMULATIVE (YEAR 2042) CONDITIONS, THE PROPOSED PROJECT WOULD RESULT IN A SIGNIFICANT IMPACT AT THE SEGMENT OF COFFEE ROAD BETWEEN MORRILL ROAD AND THE RELOCATED CRAWFORD ROAD.

(a) Potential Impact. The potential for the Project to impact the segment of Coffee Road between Morrill Road and the relocated Crawford Road under Cumulative conditions is discussed on page 4.0-23 of the Draft EIR.

(b) Mitigation Measures. No feasible mitigation measures were identified.

(c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) Remaining Impacts. The addition of trips generated by the Project would result in LOS F conditions on the two-lane rural section of Coffee Road between Morrill Road and the relocated Crawford Road. Because LOS F exceeds the City's minimum LOS D standard, this is a potentially significant impact.

Improving the LOS in this area would require improving Coffee Road to the functional equivalent of a two-lane arterial standard. This would provide LOS C with the forecast traffic volume. Not all of the overall improvements included in the City's arterial street standard are needed to improve the LOS, and the functional equivalent of an arterial street will include a travel lane in each direction, center two-way left-turn lane, and applicable shoulders. This work is not included in the City's traffic impact fee program.

By improving Coffee Road, the City's minimum LOS D standard will be satisfied. Implementation of Mitigation Measure 3.13-16 in Section 3.13 would reduce the potential impact. However, because this improvement is not included in any adopted fee program, there is no guarantee that the improvement will be installed. Thus, the Project's cumulative impact is cumulatively considerable and significant and unavoidable.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with the segment of Coffee Road between Morrill Road and the relocated Crawford Road under Cumulative conditions, as more fully stated in the Statement of Overriding Considerations in Section VII, below. This project will provide significant economic benefits to the City and the region. Additionally, this project will provide thousands of new housing units which will contribute to the City's responsibility to plan for new housing.

27. IMPACT 4.28: UNDER CUMULATIVE (YEAR 2042) CONDITIONS, THE PROPOSED PROJECT WOULD RESULT IN A SIGNIFICANT IMPACT AT THE SEGMENT OF COFFEE ROAD BETWEEN THE RELOCATED CRAWFORD ROAD AND THE REALIGNED CLARIBEL ROAD INTERSECTION.

- (a) Potential Impact. The potential for the Project to impact segment of Coffee Road between the relocated Crawford Road and the realigned Claribel Road intersection under Cumulative conditions is discussed on pages 4.0-23 and 4.0-24 of the Draft EIR.
- (b) Mitigation Measures. No feasible mitigation measures were identified.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) Remaining Impacts. The addition of trips generated by the Project would contribute to LOS F conditions on the two-lane rural section of Coffee Road between the relocated Crawford Road and the realigned Claribel Road intersection. While LOS F is projected with and without the Project, because change in v/c ratio exceeds the 0.05 increment permitted by the City of Riverbank, this is a potentially significant impact.

Improving the LOS in this area would require improving Coffee Road to an arterial standard. The projected volume exceeds the capacity of a two-lane arterial and a four-lane arterial would provide LOS B with the forecast traffic volume. Not all of the overall improvements included in the City's arterial street standard are needed to improve the LOS, and the functional equivalent of an arterial street will include two travel lanes in each direction, center two-way left-turn lane, and applicable shoulders. This work is not included in the City's traffic impact fee program.

By improving Coffee Road, the City's minimum LOS D standard will be satisfied. Implementation of Mitigation Measure 3.13-17 in Section 3.13 would reduce the potential impact. However, because this improvement is not included in any adopted fee program, there is no guarantee that the improvement will be installed. Thus, the Project's cumulative impact is cumulatively considerable and significant and unavoidable.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with the segment of Coffee Road between the relocated Crawford Road and the realigned Claribel Road intersection under Cumulative conditions, as more fully stated in the Statement of Overriding Considerations in Section VII, below. This project will provide significant economic benefits to the City and the region. Additionally, this project will provide thousands of new housing units which contribute to the City's responsibility to plan for new housing.

28. IMPACT 4.29: UNDER CUMULATIVE (YEAR 2042) CONDITIONS, THE PROPOSED PROJECT WOULD RESULT IN A SIGNIFICANT IMPACT AT THE SEGMENT OF COFFEE ROAD BETWEEN THE REALIGNED CLARIBEL ROAD INTERSECTION AND NCC.

- (a) Potential Impact. The potential for the Project to impact the segment of Coffee Road between the realigned Claribel Road intersection and NCC under Cumulative conditions is discussed on page 4.0-24 of the Draft EIR.
- (b) Mitigation Measures. No feasible mitigation measures were identified.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) Remaining Impacts. The addition of trips generated by the Project would contribute to LOS F conditions on the two-lane rural section of Coffee Road between the

realigned Claribel Road intersection and NCC. While LOS F is projected with and without the Project, because change in v/c ratio exceeds the 0.05 increment permitted by the City of Riverbank, this is a potentially significant impact.

Improving the LOS in this area would require improving Coffee Road to a four-lane arterial standard. This work is not included in the City's traffic impact fee program. The area is within the limits of the NCC project area, and the project may contribute to this work through payment of Regional Impact Fees.

By improving the Coffee Road, the City's minimum LOS D standard would be satisfied, and the project's impact would not be significant. However, because the City of Riverbank does not control the NCC or regional fee, there is no guarantee that the improvement will be installed. Therefore, the Project's impact is cumulatively considerable and significant and unavoidable.

- (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with the segment of Coffee Road between the realigned Claribel Road intersection and NCC under Cumulative conditions, as more fully stated in the Statement of Overriding Considerations in Section VII, below. This project will provide significant economic benefits to the City and the region. Additionally, this project will provide thousands of new housing units which will contribute to the City's responsibility to plan for new housing.
29. **IMPACT 4.30: UNDER CUMULATIVE (YEAR 2042) CONDITIONS, THE PROPOSED PROJECT WOULD RESULT IN A SIGNIFICANT IMPACT AT THE SEGMENT OF OAKDALE ROAD BETWEEN THE CLARIBEL ROAD INTERSECTION AND NCC IN THE CITY OF MODESTO.**

- (a) **Potential Impact.** The potential for the Project to impact the segment of Oakdale Road between the Claribel Road intersection and NCC in the City of Modesto under Cumulative conditions is discussed on page 4.0-24 of the Draft EIR.
- (b) **Mitigation Measures.** No feasible mitigation measures were identified.
- (c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) **Remaining Impacts.** The addition of trips generated by the Project would contribute to LOS F conditions on the four-lane section of Oakdale Road between the Claribel Road intersection and NCC. Because LOS F exceeds the minimum LOS D standard, this is a potentially significant impact.

Improving the LOS in this area would require improving Oakdale Road to a six-lane arterial standard. This work is not included in the City's traffic impact fee program. The area is within the limits of the NCC project area, and the Project may contribute to this work through Regional Impact Fees.

Because no mechanism exists for the Project to contribute to the cost of improvements in the City of Modesto, and because the City of Riverbank does not control the RTIF or Modesto CFF program, there is no guarantee that the City of Modesto would allocate CFF funds to this improvement. Because installation cannot be assured by the City of Riverbank, the Project's impact is cumulatively considerable and significant and unavoidable.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with the segment of Oakdale Road between the Claribel Road intersection and NCC in the City of Modesto under Cumulative conditions, as more fully stated in the Statement of Overriding Considerations in Section VII, below. This project will provide significant economic benefits to the City and the region. Additionally, this project will provide thousands of new housing units which will contribute to the City's responsibility to plan for new housing.

30. IMPACT 4.31: UNDER CUMULATIVE (YEAR 2042) CONDITIONS, THE PROPOSED PROJECT WOULD RESULT IN A SIGNIFICANT IMPACT AT THE SEGMENT OF ROSELLE AVENUE BETWEEN THE CLARIBEL ROAD INTERSECTION AND NCC.

- (a) Potential Impact. The potential for the Project to impact the segment of Roselle Avenue between the Claribel Road intersection and NCC under Cumulative conditions is discussed on page 4.0-25 of the Draft EIR.
- (b) Mitigation Measures. No feasible mitigation measures were identified.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
- (1) Remaining Impacts. The addition of trips generated by the Project would create LOS F conditions on the two-lane section of Roselle Avenue between the Claribel Road intersection and NCC. Because LOS F exceeds the minimum LOS D standard, this is a potentially significant impact.

Improving the LOS in this area would require improving Roselle Avenue to a four-lane arterial standard. This work is not included in the City's traffic impact fee program. The area is within the limits of the NCC project area and is included in Modesto's CFF, and the project may contribute to this work through Regional Impact Fees.

Because no mechanism exists for the Project to contribute to the cost of improvements in the City of Modesto, and because the City of Riverbank does not control the RTIF or Modesto CFF program, there is no guarantee that the City of Modesto would allocate CFF funds to this improvement. Because installation cannot be assured by the City of Riverbank, the Project's impact is cumulatively considerable and significant and unavoidable.

- (2) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with the segment of Roselle Avenue between the Claribel Road intersection and NCC under Cumulative conditions, as more fully stated in the Statement of Overriding Considerations in Section VII, below. This project will provide significant economic benefits to the City and the region. Additionally, this project will provide thousands of new housing units which will contribute to the City's responsibility to plan for new housing.

IV. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT IMPACTS WHICH ARE MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

A. AESTHETICS AND VISUAL RESOURCES

1. IMPACT 3.1-3: PROJECT IMPLEMENTATION MAY RESULT IN LIGHT AND GLARE IMPACTS.
 - (a) Potential Impact. The potential for the Project to result in light and glare impacts is discussed on page 3.1-8 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.1-1.
 - (c) Findings. Implementation of the proposed Project would introduce new sources of light and glare into the Plan Area. New sources of glare would occur primarily from the windshields of vehicles travelling to and from the Plan Area and from vehicles parked at the site. There is also the potential for reflective building materials and windows to result in increases in daytime glare.

A detailed lighting plan has not been prepared for the proposed Project, but for the purposes of this analysis, it has been conservatively assumed that nighttime street lighting, outdoor recreational, and safety lighting will be installed throughout areas of the Plan Area. It is assumed that security lighting will be installed within the various parking areas throughout the commercial areas.

Chapter 8, Design Guidelines, of the proposed Crossroads West Specific Plan provides standards for nuisance prevention and shielding requirements. For example, all parking lot lighting shall be LED and shall be directed and shielded in such a manner so as not to directly cast light on neighboring properties. The proposed Design Guidelines also include requirements for the installation of parking lot landscaping which further limit glare impacts.

The Riverbank General Plan EIR determined the impact of new sources of light and glare can be minimized by incorporating design features and operating requirements into

new developments that limit light and glare. Policy CONS-7.6 requires lighting to be designed to avoid glare, prevent light spillage on adjacent properties, and avoid light pollution that would contribute light to the nighttime sky.

The proposed Project lighting would be required to incorporate design features to minimize the effects of light and glare. However, without a detailed lighting plan, the potential increase of nighttime lighting cannot be evaluated to a level of specificity. In accordance with Public Resources Code, § 21081, Mitigation Measure 3.1-1 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for adverse effects from light or glare will be mitigated to a less than significant level.

B. AGRICULTURAL RESOURCES

1. 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.
 - (a) Potential Impact. The potential for the Project to result in conflicts with adjacent agricultural lands or indirectly cause conversion of agricultural lands is discussed on pages 3.2-15 through 3.2-18 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.2-3.
 - (c) Findings. Neighboring agricultural land, including Prime Farmland and Unique Farmland, are located to the west, southwest, and south of the Plan Area as shown on Figure 3.2-1. A variety of residential and commercial uses would be developed in the Plan Area with implementation of the proposed Project.

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. 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.

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.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.2-3 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for the Project to result in conflicts with adjacent agricultural lands or indirectly cause conversion of agricultural lands will be mitigated to a less than significant level.

C. BIOLOGICAL RESOURCES

1. **IMPACT 3.4-2: THE PROPOSED PROJECT HAS THE POTENTIAL TO HAVE DIRECT OR INDIRECT EFFECTS ON SPECIAL-STATUS REPTILE AND AMPHIBIAN SPECIES.**

- (a) **Potential Impact.** The potential for the Project to have direct or indirect effects on special-status reptile and amphibian species is discussed on pages 3.4-20 through 3.4-23 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.4-1 and 3.4-2.
- (c) **Findings.** According to the California Natural Diversity Database (CNDDDB), there is one special-status amphibian that is documented within the nine-quadrangle Project region, the: California tiger salamander (*Ambystoma californiense*). In addition, there is one special-status reptile that is documented within the nine-quadrangle Project region, the: Western pond turtle (*Emys marmorata*). Further, the California red-legged frog (*Rana aurora draytoni*) and giant garter snake (*Thamnophis couchi gigas*) are documented in the USFWS IPAC database as potentially occurring within the region.

irrigation ditches provide potential aquatic habitat for several species, including western pond turtle and giant garter snake. Filling the irrigation ditches and the land immediately adjacent to the irrigation ditches would present a potential impact to this habitat. While no special-status reptiles or amphibians were observed within the Plan Area during field surveys and none are expected to be affected by the proposed Project, the presence of habitat warrants preconstruction surveys to ensure that these facilities are not occupied at the time of construction. Implementation of Mitigation Measure 3.4-1 would reduce the impact to western pond turtle to a less than significant level by requiring avoidance

of areas containing potential pond turtle habitat, preconstruction surveys within aquatic habitats and adjacent suitable uplands to be disturbed by project activities, and implementing measures should pond turtle be found during the surveys. Implementation of Mitigation Measure 3.4-2 would reduce the impact to giant garter snake to a less than significant level by requiring avoidance of the irrigation ditches during the active season, preconstruction surveys within 200 feet of the irrigation ditches, and implementing measures should giant garter snake be found during the surveys.

In accordance with Public Resources Code, § 21081, and pursuant to CEQA Guidelines § 15065(b)(2), Mitigation Measures 3.4-1 and 3.4-2 are appropriate changes or alterations that have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for adverse effects on special-status reptile and amphibian species will be mitigated to a less than significant level.

2. **IMPACT 3.4-3: THE PROPOSED PROJECT HAS THE POTENTIAL TO HAVE DIRECT OR INDIRECT EFFECTS ON SPECIAL-STATUS BIRD SPECIES.**

- (a) **Potential Impact.** The potential for the Project to have direct or indirect effects on special-status bird species is discussed on pages 3.4-23 through 3.4-26 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.4-3 through 3.4-5.
- (c) **Findings.** Special-status birds that are documented in the CNDDDB within the nine-quadrangle Project region include: burrowing owl (*Athene cunicularia*), great blue heron (*Ardea herodias*), Swainson's hawk (*Buteo swainsoni*), cackling (Aleutian Canada) goose (*Branta hutchinsii leucopareia*), Tricolored blackbird (*Agelaius tricolor*), snowy egret (*Egretta thula*), and yellow-breasted chat (*Icteria virens*). The Plan Area may provide suitable foraging habitat for a variety of potentially occurring special-status birds, including those listed above. Potential nesting habitat is present in a variety of trees located within the Plan Area and in the vicinity. There is also the potential for other special-status birds that do not nest in this region and represent migrants or winter visitants to forage in the Plan Area.

The Plan Area is currently undeveloped and has been previously used for agricultural uses. Field surveys did not reveal the presence of any special-status species. However, the powerlines and trees found in the Plan Area can provide nesting opportunities for a variety of birds. During field surveys there was no evidence of nesting; however, new nests can be constructed in future breeding cycles. Suitable foraging habitat is located on and around the Plan Area. This includes foraging habitat for burrowing owl and

Swainson's hawk. The proposed project would require permanent disturbance to the foraging habitat.

Implementation of Mitigation Measure 3.4-3 would reduce the impact to western burrowing owl to a less than significant level by requiring take avoidance surveys and avoidance and minimization measures if the survey results in positive owl presence. Implementation of Mitigation Measure 3.4-4 would reduce the impact to Swainson's hawk to a less than significant level by requiring preconstruction surveys, appropriate buggers around active nests, and compensatory mitigation for the loss of foraging habitat. Implementation of Mitigation Measure 3.4-5 would reduce the impact to other protected bird species to a less than significant level by requiring preconstruction surveys and buffers around nest sites if the survey results in positive nest presence.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.4-3 through 3.4-5 are an appropriate changes or alterations that have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to have direct or indirect effects on special-status bird species will be mitigated to a less than significant level.

3. IMPACT 3.4-4: THE POTENTIAL TO RESULT IN DIRECT OR INDIRECT EFFECTS ON SPECIAL-STATUS MAMMAL SPECIES.

- (a) Potential Impact. The potential for the Project to have direct or indirect effects on special-status mammal species is discussed on pages 3.4-26 and 3.4-27 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.4-6.
- (c) Findings. The Plan Area provides potential habitat for several special-status bats, including: Townsend's big-eared bat (*Corynorhinus townsendii*), western mastiff bat (*Eumops perotis californicus*), western red bat (*Lasiurus blossevillii*), hoary bat (*Lasiurus cinereus*), and Yuma myotis (*Myotis Yumanensis*). These species are not federal or state listed; however, they are tracked by the CNDDDB and are considered species of special concern. Development of the Plan Area would eliminate foraging habitat for special-status bats by urbanizing the agricultural areas. The loss of foraging habitat would not directly affect these bat species, however, the available foraging habitat for these species would be reduced. There are a variety of agricultural areas which remain within the vicinity of the Plan Area where bats could roost. Roosts commonly include: tree/shrub foliage, hollow trees, barns, attics, inoperable vehicles, bridges, rocks, and debris piles. There was no evidence of bat roosts during the field investigations, however, bats can be difficult to detect and can inhabit areas that they were not previously known to inhabit. Implementation of Mitigation Measure 3.4-6 would reduce

the impact to special-status bats to a less than significant level by requiring surveys for active maternity roosts if removal of suitable roosting areas (i.e. buildings, trees, shrubs, bridges, etc.) must occur during the bat pupping season (April 1 through July 31), as well as appropriate buffers is roosts are found on-site during the surveys.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.4-6 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to have direct or indirect effects on special-status mammal species will be mitigated to a less than significant level.

4. IMPACT 3.4-6: THE POTENTIAL TO EFFECT PROTECTED WETLANDS AND JURISDICTIONAL WATERS.

- (a) Potential Impact. The potential for the Project to effect protected wetlands and jurisdictional waters is discussed on pages 3.4-28 and 3.4-29 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.4-7.
- (c) Findings. There are no rivers, streams, or other natural aquatic habitats within the boundary of the Plan Area. There is a network of man-made irrigation facilities (canals/ditches/basins) that are all anticipated to be deemed non-jurisdictional. The final jurisdictional determination is made by the regulatory agencies. The Project applicant for parcels that contain any of these irrigation facilities must consult with the USACE to ensure that the regulatory agency does not claim jurisdiction and require a permit for fill activities. If the regulatory agencies takes jurisdiction over these facilities the Project applicant for the parcels with the irrigation facilities would be required to obtain a permit and provide compensatory mitigation in accordance with the regulatory agency's requirements. There are no other wetlands that are proposed for disturbance.

Implementation of Mitigation Measure 3.4-7 requires verification that the ditch/canal/basin facilities qualify under the agricultural ditch exemption. If the facilities do not qualify, fill activity would require authorization for fill from the appropriate regulatory agencies.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.4-7 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to effect protected wetlands and jurisdictional waters will be mitigated to a less than significant level.

D. CULTURAL AND TRIBAL RESOURCES

1. **IMPACT 3.5-1: PROJECT IMPLEMENTATION HAS THE POTENTIAL TO CAUSE A SUBSTANTIAL ADVERSE CHANGE TO A SIGNIFICANT HISTORICAL RESOURCE, AS DEFINED IN CEQA GUIDELINES §15064.5, OR A SIGNIFICANT TRIBAL CULTURAL RESOURCE, AS DEFINED IN PUBLIC RESOURCES CODE §21074.**

- (a) **Potential Impact.** The potential for the Project to cause a substantial adverse change to a significant historical resource or tribal cultural resources is discussed on pages 3.5-11 through 3.5-13 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.5-1 and 3.5-2.
- (c) **Findings.** The Plan Area is located in an area known to have historical buildings present, some of which might be important resources. The research revealed five building complexes that are more than 50 years in age. One of the complexes has been recorded and evaluated and was not deemed to be significant. The four remaining building complexes that are more than 50 years in age are located: northwest of the Oakdale Road / Morrill Road intersection, east of the existing Riverbank Sports Complex (on APN 074-006-013); southwest of the Oakdale Road / Morrill Road intersection, approximately 0.18 miles south of the Riverbank Sports Complex (on APN 074-011-009); northwest of the Oakdale Road / Crawford Road intersection, located along Oakdale Road (on APN 074-011-009); and southwest of the Oakdale Road / Crawford Road intersection, located 0.14 to 0.27 miles west of Oakdale Road (on APN 074-014-006). These areas were not surveyed and no building complexes were recorded as part of the Cultural Resource Assessment. A new site form was not completed for the section of the MID Lateral that crosses the southern portion of the Plan Area.

As with most projects in the region that involve ground-disturbing activities, there is the potential for discovery of a previously unknown historical or tribal cultural resource. Implementation of Mitigation Measure 3.5-1 requires evaluation of the potential historic resources on the site, as well as requirements if the resource is determined to be important under the criteria of the California Register of Historical Resources, and the buildings cannot be preserved. Implementation of Mitigation Measure 3.5-2 requires cultural resources sensitivity training for all construction workers.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.5-1 and 3.5-2 are appropriate changes or alterations that have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to cause a substantial adverse change to a significant historical resource or tribal cultural resources will be mitigated to a less than significant level.

2. IMPACT 3.5-3: PROJECT IMPLEMENTATION HAS THE POTENTIAL TO DIRECTLY OR INDIRECTLY DESTROY A UNIQUE PALEONTOLOGICAL RESOURCE.

- (a) Potential Impact. The potential for the Project to directly or indirectly destroy a unique paleontological resource is discussed on page 3.5-13 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.5-3.
- (c) Findings. The field surveys by did not reveal any surface evidence of paleontological resources in the Plan Area. The Plan Area is not expected to contain subsurface paleontological resources, although it is possible. Damage to or destruction of a paleontological resource would be considered a potentially significant impact under local, state, or federal criteria. Implementation of Mitigation Measure 3.5-3 would ensure steps would be taken to reduce impacts to paleontological resources in the event that they are discovered during construction.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.5-3 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to directly or indirectly destroy a unique paleontological resource will be mitigated to a less than significant level.

3. IMPACT 3.5-4: PROJECT IMPLEMENTATION HAS THE POTENTIAL TO DISTURB HUMAN REMAINS, INCLUDING THOSE INTERRED OUTSIDE OF FORMAL CEMETERIES.

- (a) Potential Impact. The potential for the Project to disturb human remains, including those interred outside of formal cemeteries, is discussed on page 3.5-14 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.5-4.
- (c) Findings. Indications suggest that humans have occupied Stanislaus County for over 10,000 years and it is not always possible to predict where human remains may occur outside of formal burials. Therefore, excavation and construction activities, regardless of depth, may yield human remains that may not be interred in marked, formal burials.

Under CEQA, human remains are protected under the definition of archaeological materials as being “any evidence of human activity.” Additionally, Public Resources Code Section 5097 has specific stop-work and notification procedures to follow in the event that human remains are inadvertently discovered during Project implementation.

While no human remains were found during field surveys of the Plan Area, implementation of Mitigation Measure 3.5-4 would ensure that all construction activities which inadvertently discover human remains implement state-required consultation methods to determine the disposition and historical significance of any discovered human remains.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.5-4 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to disturb human remains, including those interred outside of formal cemeteries, will be mitigated to a less than significant level.

E. GEOLOGY AND SOILS

1. IMPACT 3.6-2: IMPLEMENTATION AND CONSTRUCTION OF THE PROPOSED PROJECT MAY RESULT IN SUBSTANTIAL SOIL EROSION OR THE LOSS OF TOPSOIL.

- (a) Potential Impact. The potential for the Project to result in substantial soil erosion or the loss of topsoil is discussed on pages 3.6-12 through 3.6-15 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.6-1.
- (c) Findings. To ensure that construction activities are covered under General Permit 2009-0009-DWQ (amended by 2010-0014-DWQ & 2012-0006-DWQ), projects in California must prepare a Stormwater Pollution Prevention Plan (SWPPP) containing Best Management Practices (BMPs) to reduce erosion and sediments to meet water quality standards. Such BMPs may include: temporary erosion control measures such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, and temporary revegetation or other ground cover. The BMPs and overall SWPPP is reviewed by the Regional Water Quality Control Board as part of the permitting process. The SWPPP, once approved, is kept on site and implemented during construction activities and must be made available upon request to representatives of the RWQCB and/or the lead agency.

In accordance with the NPDES Stormwater Program, Mitigation Measure 3.6-1 requires an approved SWPPP designed to control erosion and the loss of topsoil to the extent practicable using BMPs that the RWQCB has deemed effective in controlling erosion, sedimentation, runoff during construction activities. In accordance with Public Resources Code, § 21081, Mitigation Measure 3.6-1 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that

the potential to result in substantial soil erosion or the loss of topsoil will be mitigated to a less than significant level.

2. **IMPACT 3.6-3: THE PROPOSED PROJECT HAS THE POTENTIAL TO BE LOCATED ON A GEOLOGIC UNIT OR SOIL THAT IS UNSTABLE, OR THAT WOULD BECOME UNSTABLE AS A RESULT OF PROJECT IMPLEMENTATION, AND POTENTIALLY RESULT IN LANDSLIDE, LATERAL SPREADING, SUBSIDENCE, LIQUEFACTION OR COLLAPSE.**

- (a) **Potential Impact.** The potential for the Project to be located on a geologic unit or soil that is unstable, or that would become unstable as a result of Project implementation, and potentially result in landslide, lateral spreading, subsidence, liquefaction or collapse, is discussed on pages 3.6-15 through 3.6-17 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.6-2.
- (c) **Findings.** The Plan Area does not have a significant risk of becoming unstable as a result of landslide, subsidence, or soil collapse. There is a potential for liquefaction, liquefaction induced settlement, and lateral spreading. Implementation of Mitigation Measure 3.6-2 requires a final geotechnical evaluation of the soils at a design-level.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.6-2 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for the Project to be located on a geologic unit or soil that is unstable, or that would become unstable as a result of Project implementation, and potentially result in landslide, lateral spreading, subsidence, liquefaction or collapse, will be mitigated to a less than significant level.

3. **IMPACT 3.6-4: POTENTIAL FOR EXPANSIVE SOILS TO CREATE SUBSTANTIAL RISKS TO LIFE OR PROPERTY.**

- (a) **Potential Impact.** The potential for expansive soils to create substantial risks to life or property is discussed on page 3.6-17 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.6-2.
- (c) **Findings.** According to the Natural Resources Conservation Service (NRCS) Web Soil Survey, the soils in the Plan Area have a low shrink-swell potential. The NRCS Web Soil Survey indicated that near surface soils within the Plan Area have low plasticity, and the expansion potential of the soils would respond to fluctuations in moisture content.

Figure 3.6-3 provides a map of the shrink-swell potential of the soils at the Plan Area and in the vicinity.

The California Building Code Title 24, Part 2, Chapter 18, Section 1803.1.1.2 requires specific geotechnical evaluation when a preliminary geotechnical evaluation determines that expansive or other special soil conditions are present, which, if not corrected, would lead to structural defects. Implementation of Mitigation Measure 3.6-2 requires a final geotechnical evaluation of the soils at a design-level.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.6-2 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for expansive soils to create substantial risks to life or property will be mitigated to a less than significant level.

F. HAZARDS AND HAZARDOUS MATERIALS

1. IMPACT 3.8-1: POTENTIAL TO CREATE A SIGNIFICANT HAZARD THROUGH THE ROUTINE TRANSPORT, USE, OR DISPOSAL OF HAZARDOUS MATERIALS OR THROUGH THE REASONABLY FORESEEABLE UPSET AND ACCIDENT CONDITIONS INVOLVING THE RELEASE OF HAZARDOUS MATERIALS INTO THE ENVIRONMENT.
 - (a) Potential Impact. The potential to create a significant hazard through the routine transport, use, or disposal of hazardous materials or through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment is discussed on pages 3.8-19 through 3.8-22 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.8-1 through 3.8-5.
 - (c) Findings. Like most agricultural and farming operations in the Central Valley, agricultural practices in the area have used agricultural chemicals including pesticides and herbicides as a standard practice. Although no contaminated soils have been identified in the Plan Area or the vicinity above applicable levels, residual concentrations of pesticides may be present in soil as a result of historic agricultural application and storage. Continuous spraying of crops over many years can potentially result in a residual buildup of pesticides, in farm soils. Of highest concern relative to agrichemicals are chlorinated herbicides, organophosphate pesticides, and organochlorine pesticides, such as such as Mecoprop (MCP), Dinoseb, chlordane, dichloro-diphenyltrichloroethane (DDT), and dichloro-diphenyl-dichloroethylene (DDE). There are no records of soil contamination in the Plan Area. However, soil staining was observed or reported at the following properties as part of the Phase I Environmental Site Assessment (ESA):

- Former Machado Dairy (Machado Property) – APN 074-011-009;
- Alexander Dairy (Machado Property) – APN 074-014-006;
- Harrigfeld Property (1901 Morrill Road) – APN 074-006-016.

There are seven single-family residences with associated sheds and garage structures, as well as areas that are used for farm equipment storage. The homes and adjoining structures, as well as the farm equipment storage areas, will require removal prior to any construction. If the homes and structures are demolished, they will require evaluation for asbestos and lead containing materials. If such materials are present in the demolition of the structures, special demolition and disposal practices are required in accordance with state regulations to ensure their safe handling.

Additionally, existing areas containing above ground storage tanks and storage of farm equipment would require soil sampling to assess the soils in these areas. Further, groundwater wells may be located within the vicinity of the on-site residences. According to the Phase I ESA, one known well system is located at the McGrane Property (APN 074-014-007). Should other groundwater wells be present on-site, the proper well abandonment permit would be obtained.

Mitigation Measure 3.8-1 requires review of the Phase I ESA to determine if it is still applicable. After July 1, 2020, the City shall require an updated Phase I ESA for the specific property. The Phase I ESA shall evaluate the specific property proposed to be developed, to ensure that no material changes have occurred since preparation of the 2017 Phase I ESA (Geocon Consultants, Inc., July 2017). Mitigation Measure 3.8-2 requires additional soil testing for potentially hazardous conditions. Mitigation Measure 3.8-3 requires submittal of a Phase II ESA if the site investigation required by Mitigation Measure 3.8-1 indicates a probability that hazardous materials may be found on any parcel. Mitigation Measure 3.8-4 requires submittal of a Hazardous Materials Business Plan (HMBP) to the Stanislaus County Division of Environmental Resources (CUPA) for review and approval. Mitigation Measure 3.8-5 requires a well abandonment permit from Stanislaus County Department of Environmental Resources.

Implementation of the mitigation measures in Section 3.8 will ensure that these potential impacts are reduced to a less than significant level.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.8-1 through 3.8-5 are appropriate changes or alterations that have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to create a significant hazard through the routine transport, use, or disposal of hazardous materials or through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment will be mitigated to a less than significant level.

G. HYDROLOGY AND WATER QUALITY

2. IMPACT 3.9-2: THE PROPOSED PROJECT HAS THE POTENTIAL TO VIOLATE WATER QUALITY STANDARDS OR WASTE DISCHARGE REQUIREMENTS DURING OPERATION.

- (a) Potential Impact. The potential to violate water quality standards or waste discharge requirements during operation is discussed on pages 3.9-18 through 3.9-23 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.9-1 and 3.9-2.
- (c) Findings. The long-term operations of the proposed Project (all phases) could result in long-term impacts to surface water and groundwater quality from urban stormwater runoff. The proposed Project would result in new impervious areas associated with roadways, driveways, parking lots, buildings, and landscape areas. Normal activities in these developed areas include the use of various automotive petroleum products (i.e. oil, grease, and fuel), common household hazardous materials, heavy metals, pesticides, herbicides, fertilizers, and sediment. Within urban areas, these pollutants are generally called nonpoint source pollutants. The pollutant levels vary based on factors such as time between storm events, volume of storm event, type of uses, and density of people.

Development of the proposed Project would include construction of a standalone drainage system that will detain all storm water runoff on-site in three detention basins. The Project proposed to construct and use three major storm water detention basins. Additionally, the CWSP will conform to and utilize the Low Impact Development (LID) practices set forth by the City of Riverbank in order to ensure impacts to surface water quality and groundwater quality are minimized. A combination of methods will be used in the Plan Area including underground filtration, which will be integrated into parking areas and landscape areas; bio-retention areas, such as the park basins; vegetated swales, which can be located in street landscape areas and parking lots; filter strips, designed to treat sheet flow from adjacent surfaces; and permeable pavement, which is a porous, load-bearing pavement that allows storm water runoff to pass through its surface layer. Implementation of LID practices will ensure that the resulting stormwater is filtered prior to infiltration into the underlying groundwater aquifer.

The ongoing operational phase of the proposed Project requires the final discharge of stormwater into the on-site detention basins and to MID Lateral 6. The discharge of stormwater must be treated through BMPs prior to its discharge. Additionally, there are various non-structural and structural stormwater BMPs that can be implemented to reduce water pollution.

Mitigation Measures 3.9-1 and 3.9-2 would ensure that BMPs are implemented to reduce the amount of pollution in stormwater discharged from the Plan Area into the

on-site MID facilities during the operational phase of the Project. The management of water quality through obtaining a General Industrial Stormwater Permit and implementing BMPs is intended to ensure that water quality does not degrade to levels that would violate water quality standards. These are existing regulatory requirements.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.9-1 and 3.9-2 are appropriate changes or alterations that have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to violate water quality standards or waste discharge requirements during operation will be mitigated to a less than significant level.

H. NOISE

1. IMPACT 3.11-1: CONSTRUCTION OF THE PROPOSED PROJECT MAY GENERATE SIGNIFICANT NOISE.

- (a) Potential Impact. The potential for the Project to generate significant noise is discussed on pages 3.11-15 and 3.12-16 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.11-1 and 3.11-2.
- (c) Findings. The proposed development, maintenance of roadways during construction, installation of public utilities, and infrastructure improvements associated with the Project will require construction activities. These activities include the use of heavy equipment and impact tools. Activities involved in Project construction would typically generate maximum noise levels ranging from 70 to 84 dB at a distance of 100-feet. The nearest sensitive receptor would be located approximately 100-feet or more to the west of on-site construction activities.

Implementation of Mitigation Measure 3.11-1 prohibits Project construction activities between 6:30 p.m. and 6:00 a.m. on weekdays or 5:00 p.m. and 8:00 a.m. on weekends and legal holidays, as required by the City of Riverbank Municipal Code. Implementation of Mitigation Measure 3.11-2 requires the Project proponent or construction contractor to implement various construction-related noise reducing measures.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.11-1 and 3.11-5 are appropriate changes or alterations that have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for the Project to generate significant noise will be mitigated to a less than significant level.

2. IMPACT 3.11-4: THE PROPOSED PROJECT MAY RESULT IN TRAFFIC NOISE AT NEW SENSITIVE RECEPTORS.

- (a) Potential Impact. The potential for the Project to result in traffic noise at new sensitive receptors is discussed on pages 3.11-20 and 3.11-21 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.11-3.
- (c) Findings. Based upon the analysis, traffic noise levels along Oakdale Road, Morrill Road and Claribel Road are could exceed the City of Riverbank exterior noise level criteria, where residential development occurs. Site Plans and Tentative Maps depicting building locations, elevations, and floor plans are not currently available for the Project. Therefore, traffic noise levels at the typical building setbacks adjacent to Oakdale Road, Morrill Road, and Claribel Road are estimated at a distance of 75-feet from the roadway centerlines. Traffic noise levels from Crawford Road within the Project site do not exceed the noise level standards.

Mitigation Measure 3.11-3 requires determination of appropriate methods for reducing traffic noise levels at the Project site to within the City of Riverbank noise level criteria. Mitigation can take the form of sound walls, berms, a combination of walls and berms, setbacks and shielding from building facades.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.11-3 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for the Project to result in traffic noise at new sensitive receptors will be mitigated to a less than significant level.

3. IMPACT 3.11-5: THE PROPOSED PROJECT MAY RESULT IN NOISE FROM ON-SITE ACTIVITIES AT SENSITIVE RECEPTORS.

- (b) Potential Impact. The potential for the Project to result in noise from on-site activities at sensitive receptors is discussed on pages 3.11-21 and 3.11-22 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.11-4 through 3.11-6.
- (c) Findings. The site plan shows two separate neighborhood parks within the Project site: one north of Morrill Road, and one south of Crawford Road. These facilities are not considered to be significant noise-generators. Active play areas or sports fields and courts associated with schools or the Riverbank Sports Complex, could be a potential noise source. In addition, school sites include student drop-off areas, parking lots, and

school bus loading areas. Because finalized site plans depicting school site designs, or where active play areas, ball fields or soccer fields would be located is not available, detailed analyses of noise impacts cannot be determined.

Noise sources associated with play areas or play fields would primarily be shouting and cheering adults or children during intermittent periods of the sporting events and practice sessions. The data indicate that average and maximum noise levels during games are approximately 60 dB L_{eq} and 75 dB L_{max} at a distance of 100 feet from the focal point of the playing fields. These reference noise levels are based upon crowd sizes of approximately 100 people.

For playing fields or play areas, the focal point of noise varies with considerable excitement generated when the ball is near either goal, but with the sound of the participants generally spread out over the entire field and the sounds of spectators spread out along the sidelines and in the bleachers. Generally, the cumulative noise generation is analyzed at the approximate center of the playing fields or areas. As a means of achieving the exterior noise level standards of 50 dB L_{eq} and 70 dB L_{max} , the center of the play fields should be located at a distance of 275-feet from the nearest residences.

For school sites, noise levels associated with drop-off areas, parking areas or bus circulation areas is determined based upon the trip generation at those particular areas. The noise impacts can be identified when the site plans and detailed traffic studies have been developed.

Mitigation Measure 3.11-4 requires the center of play fields to be located at a minimum distance of 275-feet from the nearest residences. Mitigation Measure 3.11-5 requires the use of play fields to be restricted to the daytime hours of 7:00 a.m. to 10:00 p.m. Mitigation Measure 3.11-6 requires a detailed analysis of school site noise impacts.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.11-4 through 3.11-6 are appropriate changes or alterations that has been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for the Project to result in noise from on-site activities at sensitive receptors will be mitigated to a less than significant level.

I. PUBLIC SERVICES AND RECREATION

1. IMPACT 3.12-1: THE PROPOSED PROJECT HAS THE POTENTIAL TO REQUIRE THE CONSTRUCTION OF POLICE DEPARTMENT FACILITIES WHICH MAY CAUSE SUBSTANTIAL ADVERSE PHYSICAL ENVIRONMENTAL IMPACTS.

- (b) Potential Impact. The potential for the Project to require the construction of police department facilities which may cause substantial adverse physical environmental impacts is discussed on pages 3.12-15 and 3.12-16 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.12-1.
- (c) Findings. Based on the current adequacy of existing response times and the ability of the Riverbank Police Services to serve the City, it is anticipated that the existing police department facilities are sufficient to serve the proposed Project. The proposed Project would not require the construction of police department facilities in order to serve the Project.

Policy PUBLIC 8.1 of the 2005-2025 Riverbank General Plan states “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”. In addition, General Plan Policy PUBLIC 8.2 states “the City goal is to provide 1.25 sworn officers per 1,000 residents”. Riverbank’s police station is located at 6727 Third Street in downtown Riverbank. Staffing includes one Lieutenant (Chief of Police), two Sergeants, 15 Deputy Sheriffs/Detectives, one Supervising Legal Clerk, two Legal Clerks and one Community Service Officer. In total, 18 sworn officers provide police services within the City of Riverbank. Currently, the calculated ratio of police officers per 1,000 is 73.14 per 1,000 population, using the Department of Finance population estimate for the City of 24,610 (January 1, 2017). The Riverbank City Council, in adopting Resolutions 2016-115 and 116 on October 23, 2016, set policy that requires all new development to annex into Community Facilities District No. 2016-01 for police protection. “The increase of Police Services created by development will create an adverse impact to City financial capacity”.

Implementation of Mitigation Measure 3.12-1 requires annexation into an existing Community Facilities District or creation of a new Community Facilities District.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.12-1 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for the Project to require the construction of police department facilities which may cause substantial adverse physical environmental impacts will be mitigated to a less than significant level.

- 2. IMPACT 3.12-5: THE PROPOSED PROJECT HAS THE POTENTIAL TO REQUIRE THE CONSTRUCTION OF PARK AND RECREATIONAL FACILITIES WHICH MAY CAUSE SUBSTANTIAL ADVERSE PHYSICAL ENVIRONMENTAL IMPACTS.

- (c) Potential Impact. The potential for the Project to require the construction of park and recreational facilities which may cause substantial adverse physical environmental impacts is discussed on pages 3.12-22 and 3.12-23 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.12-2.
- (c) Findings. The proposed Project directly increases the number of persons in the area as a result of employment potential, and residential uses. The proposed Project includes up to 2,852 residential units, which is projected to increase the population by an estimated 9,469 (based on 3.32 persons per household). According to the most recent U.S. Census (2011-2015), the average number of persons residing in a dwelling unit in the City of Riverbank is 3.32. For the purposes of collecting fees to mitigate for increase park demands (Quimby Act), the California Government Code Section 66477 states: *The amount of land dedicated or fees paid shall be based upon the residential density, which shall be determined on the basis of the approved or conditionally approved tentative map or parcel map and the average number of persons per household. There shall be a rebuttable presumption that the average number of persons per household by units in a structure is the same as that disclosed by the most recent available federal census or a census taken pursuant to Chapter 17 (commencing with Section 40200) of Part 2 of Division 3 of Title 4.*

The proposed Project includes an additional 42 acres of park, open space, and Regional Sports Park uses to serve the community and surrounding area. The City's General Plan identifies a park standard based on a goal of five acres of developed parkland per 1,000 residents. The addition of 42 acres of park space falls short of the five acre per 1000 goal by 5.35 acres.

The actual amount of parkland dedication required for the Project will be determined during Tentative Subdivision Map approval and will be based on the number of proposed residential lots. Any parkland area not provided within the Plan Area will need to be covered with in-lieu fees.

Depending on the ultimate residential unit count for the Project and the amount of park land proposed for dedication, the Project developer might be required to pay the City of Riverbank parkland dedication in lieu fees to represent the shortage of park lands needed for the development. These in lieu fees would be used to pay for future land acquisition and development of park space.

Implementation of Mitigation Measure 3.12-2 requires dedication of sufficient parkland for the Mixed Use Retail property, or payment of sufficient in lieu fees.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.12-2 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as

identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for the Project to require the construction of park and recreational facilities which may cause substantial adverse physical environmental impacts will be mitigated to a less than significant level.

J. TRANSPORTATION AND CIRCULATION

1. **IMPACT 3.13-3: UNDER EXISTING CONDITIONS, THE PROPOSED PROJECT WOULD RESULT IN A SIGNIFICANT IMPACT AT THE CLARIBEL ROAD / N-S COLLECTOR INTERSECTION.**

- (a) **Potential Impact.** The potential for the proposed Project to result in a significant impact at the Claribel Road / N-S Collector intersection is discussed on page 3.13-33 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.13-3.
- (c) **Findings.** Under the Existing Plus Project condition, the Claribel Road / N-S Collector intersection would operate at LOS F. Because LOS F exceeds the minimum standard, and because traffic signal warrants are satisfied, this is a potentially significant impact. A traffic signal and auxiliary turn lanes are needed to result in LOS that satisfies the City of Riverbank's minimum LOS standards. A new traffic signal on Claribel Road serving the retail center is not included in the City of Riverbank Impact Fee program. This improvement can be applied to the new N-S Collector intersection.

Mitigation Measure 3.13-3 requires each Project applicant to pay the project's fair share impacts towards the cost of constructing a traffic signal and ancillary lanes at the Claribel Road / N-S Collector intersection.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.13-3 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for proposed Project to result in a significant impact at the Claribel Road / N-S Collector intersection will be mitigated to a less than significant level.

2. **IMPACT 3.13-9: UNDER EXISTING CONDITIONS, THE PROPOSED PROJECT WOULD RESULT IN A SIGNIFICANT IMPACT AT THE OAKDALE ROAD BETWEEN MORRILL ROAD AND CRAWFORD ROAD SEGMENT.**

- (a) **Potential Impact.** The potential for the proposed Project to result in a significant impact at the Oakdale Road between Morrill Road and Crawford Road segment is discussed on page 3.13-37 of the Draft EIR.

- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.13-7.
- (c) Findings. Under the Existing Plus Project condition, the two-lane section of Oakdale Road between Morrill Road and Crawford Road would decrease to LOS F at CWSP buildout. Because LOS F exceeds the City of Riverbank's minimum LOS D standard, this is a potentially significant impact.

Improving the LOS in this area would require improving Oakdale Road to a four-lane arterial street standard. This improvement is consistent with the City of Riverbank's policy for frontage improvements. The volume of traffic on this portion of Oakdale Road in the future will be dependent on the location of Project development, and regular monitoring would be needed to confirm when LOS D is exceeded. Mitigation Measure 3.13-7 requires that each Project applicant contribute the fair share towards the costs of widening Oakdale Road to four lanes by providing a second southbound through travel lane between Morrill Road and Crawford Road.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.13-7 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for the proposed Project to result in a significant impact at the Oakdale Road between Morrill Road and Crawford Road segment will be mitigated to a less than significant level.

3. IMPACT 3.13-11: THE PROPOSED PROJECT WOULD ADVERSELY AFFECT PEDESTRIAN AND BICYCLE FACILITIES.

- (a) Potential Impact. The potential for proposed Project to adversely affect pedestrian and bicycle facilities is discussed on pages 3.13-38 and 3.13-39 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Implementation of Mitigation Measures 3.13-8 and 3.13-9.
- (c) Findings. Pedestrian and bicycle activity would occur as development in the Plan Area proceeds, and the proposed improvements are consistent with the Stanislaus Council of Governments (StanCOG) Non-Motorized Transportation Master Plan. The CWSP identifies the locations of Class II bike lanes on Morrill Road, Coffee Road, Oakdale Road, and on the new N-S Collector. Class I bike trails are planned along the MID Main Canal at the north end of the Plan Area and along MID Lateral #6 to the south. These facilities would be linked by a trail on western Morrill Road and on the N-S Collector. A Class I trail is also planned along Claribel Road. Ultimately, pedestrian facilities would be created along the frontage of future development associated with the Project.

Thus, the Project does not interfere with the implementation of the planned bicycle and pedestrian system.

Potential safety impacts could occur as the Project connects to existing pedestrian and bicycle facilities. Existing traffic signals provide adequate pedestrian crossings on Oakdale Road to link the Project with most of the City of Riverbank. However, a protected crossing would be needed for the MID Lateral trail across Oakdale Road, and the distance between Morrill Road and Crawford Road may justify another east-west crossing on Oakdale Road. While the Morrill Road / N-S Collector intersection may not carry traffic volumes that justify signalization based on vehicular warrants, a protected crossing for the trail to the MID Main Canal may be needed. The nature of the crossings would need to be considered in consultation with the City of Riverbank. The crossing may feature a Hybrid Pedestrian Beacon to stop traffic when pedestrians are present, and would remain dark when pedestrians are not present.

Depending on the actual location of initial development within the CWSP, there may be instances when short term “gaps” between existing crossings / sidewalks and the proposed facilities. The Project applicant and the City of Riverbank should monitor development within the Plan Area to identify gaps that result in conflicts between pedestrians and automobiles, and require interim paths that provide a safe route. Similarly, development of the sports park and school sites within the CWSP may result in travel by school age children prior to completion of the overall circulation system. Interim facilities may be needed. Incremental development of the CWSP could result in short term gaps in the pedestrian circulation and bicycle systems that result in conflicts between pedestrians, bicycles, and motor vehicles, particularly on Oakdale Road.

Mitigation Measure 3.13-8 requires each Project applicant to work with the City of Riverbank to identify applicable pedestrian crossing features and shall install the features, when warranted, to the satisfaction of the City of Riverbank City Engineer. Mitigation Measure 3.13-9 requires each Project applicant to monitor pedestrian, bicycle, and motor vehicle safety conditions as development proceeds. Any identified safety conditions as a result of this monitoring would be installed to alleviate these concerns, as applicable, to the satisfaction of the City of Riverbank City Engineer.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.13-8 and 3.13-9 are appropriate changes or alterations that have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for proposed Project to adversely affect pedestrian and bicycle facilities will be mitigated to a less than significant level.

4. **IMPACT 3.13-12: THE PROPOSED PROJECT WOULD ADVERSELY AFFECT TRANSIT SERVICES OR FACILITIES.**

- (a) Potential Impact. The potential for proposed Project to adversely affect transit services or facilities is discussed on page 3.13-39 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Implementation of Mitigation Measure 3.13-10.
- (c) Findings. Development in the CWSP could result in an increase in demand for transit service. Currently, Stanislaus Regional Transit (StaRT) Route 60 passes the Plan Area on Claribel Road and Oakdale Road. This Route operates Monday through Friday between 5:00 AM and 9:43 PM, with thirteen round trips between Modesto and Oakdale, passing through Riverbank. On Saturday between 6:15 AM and 8:34 PM, seven round trips are provided. The Saturday service is combined with the Modesto/Turlock route. This route follows Claribel Road and Oakdale and has a designated stop on Oakdale Road at the Freddi Lane intersection.

The proposed alternative transportation circulation is shown in Figure 2.0-10 in Section 2.0, Project Description. As shown in the figure, public transit locations are proposed along Oakdale Road, Crawford Road, Morrill Road, and the proposed N-S Collector. The CWSP anticipates that bus shelters and pullouts will be installed at key locations within the Plan Area, to be determined in consultation with StaRT.

The StaRT routes that are available would be adequate to serve the CWSP. The Project applicant would need to work with StaRT to identify applicable locations for stops and pullouts and install these improvements as development proceeds. The ultimate decisions regarding the nature of any routes that may circulate through the CWSP would be made by StaRT. The Project's impacts to transit services would not be significant. However, mitigation would be required in order to ensure that transit facilities are incorporated into the Project.

Mitigation Measure 3.13-10 requires each Project applicant to install the transit elements included in the CWSP, work with StaRT staff to identify applicable on-site transit facilities and features, and install the features, when warranted, to the satisfaction of the City Engineer.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.13-10 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for proposed Project to adversely affect transit services and facilities will be mitigated to a less than significant level.

- 5. IMPACT 3.13-13: UNDER EPAP CONDITIONS, THE PROPOSED PROJECT WOULD RESULT IN A SIGNIFICANT IMPACT TO QUEUE LENGTHS.

- (a) Potential Impact. The potential for proposed Project to result in a significant impact to queue lengths under the Existing Plus Approved Projects (EPAP) Condition is discussed on pages 3.13-44 and 3.13-45 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Implementation of Mitigation Measure 3.13-11.
- (c) Findings. Development of the Project would increase the length of queues occurring at key intersections and increase the possibility of queues extending into adjoining travel lanes. At the Oakdale Road / Crawford Road intersection, the queue of westbound traffic on Crawford Road turning left onto southbound Oakdale Road exceeds the available storage. To an appreciable degree, this is an existing problem as the Project itself adds little traffic to the left turning volume.

At the Oakdale Road / Freddi Lane intersection, the projected queue in the northbound left turn lane is expected to exceed the available storage. The lane would need to be lengthened or dual left turn lanes installed, and the design choice would need to be made by the City of Riverbank when a plan for the mixed use retail center comes forward. Similarly, the design of the mixed use retail area would need to accommodate eastbound queues, but the nature of these lanes cannot be determined until a development plan is proposed.

At the Oakdale Road / Claribel Road intersection, anticipated 95th percentile queues exceed available left turn lane storage on three approaches. To an appreciable degree, the need to lengthen these lanes is linked to the construction of the NCC as that improvement would alter traffic volumes in this area. In lieu of that improvement, the storage in the westbound, northbound, and eastbound left turn lanes would need to be lengthened.

Mitigation Measure 3.13-11 requires each Project applicant to be responsible for lengthening the available storage in left turn lanes at the Oakdale Road / Crawford Road, Oakdale Road / Freddi Lane, and Oakdale Road / Claribel Road intersections. The applicants would be responsible for lengthening specific turn lanes when determined by the City Engineer.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.13-11 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for proposed Project to result in a significant impact to queue lengths under the EPAP Condition will be mitigated to a less than significant level.

6. IMPACT 3.13-14: UNDER EPAP CONDITIONS, THE PROPOSED PROJECT WOULD RESULT IN A SIGNIFICANT IMPACT AT THE PROPOSED MIXED USE RETAIL AREA ACCESS.

- (a) Potential Impact. The potential for proposed Project to result in a significant impact at the proposed mixed use retail area access is discussed on pages 3.13-45 and 3.13-46 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Implementation of Mitigation Measure 3.13-12.
- (c) Findings. Development of the proposed mixed use retail area could create safety conflicts or capacity bottlenecks at driveways if access is improperly designed. Direct access to the southern mixed use retail area is anticipated on both Oakdale Road and Claribel Avenue, as well as at the new N-S Collector. Although no formal development plan has been created for this area, the proposed Circulation Plan envisions numerous points of access on the 2,000 feet from the N-S Collector to Oakdale Road and onto Oakdale Road on both sides of Freddi Lane intersection.

Raised medians either exist today or are planned on both Oakdale Road and Claribel Road. While the distance along Oakdale Road may not be adequate to permit additional median openings, it would be possible to modify the Claribel Road median to allow access. While the conceptual access locations have not been quantitatively analyzed as part of the LOS analysis, feasibility would depend on factors, such as:

- Completion of the NCC in the area of the Project and the realignment of Claribel Road to a new intersection on Coffee Road.
- The distance between driveways and proximity to public road intersections.
- Presence of access on the south side of Claribel Road.
- Applicable standards for minimum turn lane length based on storage and deceleration.
- The layout of the eventual land uses in the mixed use retail area.

The feasibility of driveway access based on the distance between intersections has been evaluated conceptually under short term and long-term conditions. The proposed Circulation Plan suggests three midblock access points on Claribel Road between the N-S Collector and Oakdale Road. The average spacing would be 500 feet between intersections.

Before NCC is completed, Claribel Road will still carry appreciable background traffic, and it is likely that a traffic signal will be needed to accommodate outbound left turns. Under these circumstances, it is reasonable to expect that a single traffic signal could be permitted midway between the N-S Collector and Oakdale Road and that the other locations would be limited to right turns only.

Once the NCC is completed, full access at each location could theoretically be developed, and the City will need to consider the probable minimum length of turn lanes and bay tapers at each opening. If full access to the properties on the south side of Claribel Road is to be allowed, then the 500-foot average distance between driveways may be too short to accommodate back-to-back left turn lanes.

Mitigation Measure 3.13-12 requires the Project applicant to be responsible for providing a design for vehicular access to the satisfaction of the City of Riverbank City Engineer when development of the “MU-1 Mixed Use Retail” area proceeds.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.13-12 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for proposed Project to result in a significant impact at the proposed mixed use retail area access will be mitigated to a less than significant level.

7. **IMPACT 3.13-19: UNDER CUMULATIVE (YEAR 2042) CONDITIONS, THE PROPOSED PROJECT WOULD RESULT IN A SIGNIFICANT IMPACT AT THE CLARIBEL ROAD / N-S COLLECTOR INTERSECTION.**

- (a) **Potential Impact.** The potential for proposed Project to result in a significant impact at the Claribel Road / N-S Collector intersection under Cumulative conditions is discussed on page 3.13-53 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Implementation of Mitigation Measure 3.13-3.
- (c) **Findings.** With development of the Project, the Claribel Road / N-S Collector intersection would operate at LOS E, and traffic signal warrants would be met. As LOS E exceeds the LOS D standard, this is a potentially significant impact. A traffic signal is needed at this location. This improvement is identified as Mitigation Measure 3.13-3.

Mitigation Measure 3.13-3 requires each Project applicant to pay the fair share fee towards the cost of constructing a traffic signal and ancillary lanes at the Claribel Road / N-S Collector intersection.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.13-3 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for proposed Project to result in a significant impact at the Claribel Road / N-S Collector intersection under Cumulative conditions will be mitigated to a less than significant level.

K. UTILITIES

1. IMPACT 3.14-6: THE PROPOSED PROJECT HAS THE POTENTIAL TO REQUIRE OR RESULT IN THE CONSTRUCTION OF NEW STORM WATER DRAINAGE FACILITIES OR EXPANSION OF EXISTING FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS.
 - (a) Potential Impact. The potential for the Project to require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects is discussed on pages 3.14-41 through 3.14-45 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.14-1.
 - (c) Findings. Onsite storm drainage would be installed to serve the proposed Project. The City of Riverbank adopted a Low Impact Development Design and Specifications Manual to assist developers in meeting State and local mandates for storm water drainage. Negative impacts to the Stanislaus River, the San Joaquin Delta and regional wildlife have prompted many municipalities to design and adopt LID practices and guidelines. The CWSP is identified as a greenfield/rural residential property in the Low Impact Development Design and Specifications Manual and does not have any other land data available due to it being outside the current City limit line.

Land planning for CWSP, the preliminary drainage studies, and the preliminary drainage design are integrated to emphasize water conservation, protect water quality, help reduce flooding, and improve the overall watershed health. The proposed LID practices are appropriate for the local and existing conditions found on the Plan Area.

LID practices can greatly improve storm water quality by encouraging processes (such as sedimentation, filtration, or evapotranspiration) which reduce the pollutants present in urban and suburban runoff. The CWSP will utilize LID guidelines and specifications throughout the proposed storm drainage system to ensure better water quality, recharging of ground water supplies where feasible, and reduce community infrastructure costs. While the City of Riverbank collects fees for storm water collection and disposal, the Plan Area will be exempted from these fees. This exemption is appropriate as the CWSP will construct all necessary storm water collection and disposal facilities to serve the Plan Area, as well as set up a CFD or similar type financing district to maintain the system. Should the City require any of these facilities to provide capacity above and beyond the needs of the CWSP, reimbursement may be considered.

The MU-1 property of the CWSP intends to utilize onsite storage and transmission to the existing offsite basin in the existing Crossroads development. Preliminary calculations that were computed for the site and existing grades helped to determine

that the existing basin just east of Oakdale Road and south of MID Lateral 6 has approximately eight acre-feet of additional storage capacity available to serve the proposed Project. It is the intent of the MU-1 property developer to use an on-site basin in conjunction with underground storage of storm water, surface water storage in parking areas, and landscaped swale areas. The design and construction of these improvements will adhere to the City's LID Practices.

The MU-2 property will either need its own on-site collection system, or may tie into the collection facilities north or south of Morrill Road. The location of this connection will be determined as development occurs.

To summarize, the CWSP will conform to and utilize the LID practices set forth by the City of Riverbank. A combination of methods will be used in the Plan Area including underground filtration, which will be integrated into parking areas and landscape areas; bio-retention areas, such as the park basins; vegetated swales, which can be located in street landscape areas and parking lots; filter strips, designed to treat sheet flow from adjacent surfaces; and permeable pavement, which is a porous, load-bearing pavement that allows storm water runoff to pass through its surface layer.

Because the Plan Area could increase runoff significantly, Project impacts to stormwater are considered potentially significant. Mitigation Measure 3.14-1 requires the Project applicant to install a drainage system that meets this performance standard and, prior to issuance of grading permits, provide a drainage plan and report to the City of Riverbank for review and approval.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.14-1 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects will be mitigated to a less than significant level.

V. FINDINGS AND RECOMMENDATIONS REGARDING THOSE IMPACTS WHICH ARE LESS THAN SIGNIFICANT OR LESS THAN CUMULATIVELY CONSIDERABLE

Specific impacts within the following categories of environmental effects were found to be less than significant as set forth in more detail in the Draft EIR.

Aesthetics and Visual Resources: The following specific impact was found to be less than significant: 3.1-2.

Agricultural Resources: The following specific impact was found to be less than significant: 3.2-2.

Air Quality: The following specific impacts were found to be less than significant: 3.3-3, 3.3-4, and 3.3-5.

Biological Resources: The following specific impacts were found to be less than significant: 3.4-1, 3.4-5, 3.4-7, 3.4-8, 3.4-9, and 3.4-10.

Cultural and Tribal Resources: The following specific impact was found to be less than significant: 3.5-2.

Geology and Soils: The following specific impact was found to be less than significant: 3.6-1.

Hazards and Hazardous Materials: The following specific impacts were found to be less than significant: 3.8-2, 3.8-3, 3.8-4, 3.8-5, 3.8-6, and 3.8-7.

Hydrology and Water Quality: The following specific impacts were found to be less than significant: 3.9-1, 3.9-3, 3.9-4, 3.9-6, and 3.9-7.

Land Use, Population, and Housing: The following specific impacts were found to be less than significant: 3.10-1, 3.10-2, 3.10-3, 3.10-4, and 3.10-5.

Noise: The following specific impact was found to be less than significant: 3.11-2.

Public Services and Recreation: The following specific impacts were found to be less than significant: 3.12-4 and 3.12-6.

Transportation and Circulation: The following specific impacts were found to be less than significant: 3.13-4, 3.13-21, 3.13-29, 3.13-30, and 3.13-31.

Utilities: The following specific impacts were found to be less than significant: 3.14-1, 3.14-2, 3.14-3, 3.14-4, 3.14-5, and 3.14-7.

Urban Decay: The following specific impact was found to be less than significant: 3.15-1.

The Project was found to have a less than cumulatively considerable contribution to specific impacts within the following categories of environmental effects as set forth in more detail in the Draft EIR.

Aesthetics and Visual Resources: The following specific impacts were found to be less than cumulatively considerable: 4.1 and 4.3.

Biological Resources: The following specific impact was found to be less than cumulatively considerable: 4.6.

Cultural and Tribal Resources: The following specific impact was found to be less than cumulatively considerable: 4.7.

Geology and Soils: The following specific impact was found to be less than cumulatively considerable: 4.8.

Hazards and Hazardous Materials: The following specific impact was found to be less than cumulatively considerable: 4.10.

Hydrology and Water Quality: The following specific impacts were found to be less than cumulatively considerable: 4.11, 4.12, 4.13, and 4.14.

Land Use and Population: The following specific impacts were found to be less than cumulatively considerable: 4.15 and 4.16.

Public Services and Recreation: The following specific impact was found to be less than cumulatively considerable: 4.18.

Transportation and Circulation: The following specific impacts were found to be less than cumulatively considerable: 4.22, 4.24, 4.32, and 4.33.

Utilities: The following specific impacts were found to be less than cumulatively considerable: 4.34, 4.35, 4.36, and 4.37.

Urban Decay: The following specific impact was found to be less than cumulatively considerable: 4.38.

The above impacts are less than significant or less than cumulatively considerable for one of the following reasons:

- The EIR determined that the impact is less than significant for the Project;
- The EIR determined that the Project would have a less than cumulatively considerable contribution to the cumulative impact; or
- The EIR determined that the impact is beneficial (would be reduced) for the Project.

VI. PROJECT ALTERNATIVES

A. IDENTIFICATION OF PROJECT OBJECTIVES

An EIR is required to identify a range of reasonable alternatives to the project. The “range of potential alternatives to the project shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one of more of the significant effects.” (CEQA Guidelines Section 15126.6(c).) “Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent).” (CEQA Guidelines Section 15126.6(f)(1).)

The quantifiable objectives of the proposed Project include annexation of approximately 380 acres of land into the Riverbank City limits, and the subsequent development of land, which will include: Low Density Residential, Medium Density Residential, High Density Residential, Regional Sports Park, Mixed Use, Elementary School, Park/Basin, Neighborhood Park, and transportation and utility improvements.

The CWSP Project identifies the following objectives:

- Create opportunities for housing types responsive to current market conditions, with the flexibility to adapt to changing market conditions.
- Create synergy between this new Specific Plan Area, containing a mixture of urban uses, with Riverbank’s existing commercial node at Crossroads Shopping Center east of Oakdale Road across from the Project site.
- Develop the next logical planning area adjacent (to the west and northwest) of the City’s major existing commercial node at Crossroads Shopping Center.
- Provide housing opportunities for employees expected in Riverbank through the development of the Riverbank Industrial Complex.
- Provide opportunities for Riverbank residents to buy new homes in a newly created neighborhood.
- Eliminate the planning peninsula created by the city limits in northwest Riverbank by “squaring off” the city limits to the westernmost city limits at Patterson Road and the MID Main Canal.
- Develop areas adjacent to the city limits to minimize leap-frog development that has the fewest landowners and a land area with large parcels which improves the likelihood that the objectives of a specific plan can be achieved over time.
- Promote a balance of uses in the Plan including retail opportunities, schools, public facilities, parks and open space, and varying density residential.
- Promote a mix of urban uses that are linked to regional amenities and transportation systems.
- Provide a variety of pedestrian corridors throughout the Plan Area to promote connectivity, foster a sense of community and connect the residents of Riverbank to amenities and public facilities.
- Protect adjacent farmland operations by providing transitional buffers.
- Encourage energy efficiency and thoughtful use of resources through sustainable design practices and Low-Impact Design (LID) strategies.
- Promote friendly and inviting streetscapes through the use of landscape materials, street fixtures, furniture and design elements that reflect a high-quality development.
- Encourage the use of mixed architectural styles and materials.
- Reinforce existing retail uses to the east and designate sufficient retail, office and commercial land for job generating uses to improve the City’s jobs-to-housing balance.
- Create a safe and accessible link between neighborhoods, community facilities and shopping centers within the Plan Area and to the surrounding neighborhoods.

B. ALTERNATIVES ANALYSIS IN EIR

The alternatives analysis provides a summary of the relative impact levels of significance associated with each alternative for each of the environmental issue areas analyzed in the Draft EIR. The environmental analysis for each of the alternatives is included at the project-level within each impact statement following the analysis for the proposed Project within Sections 3.1 through 3.15. The environmental analysis for each of the alternatives was completed at an equal level to the proposed Project. The cumulative analysis for each alternative is included in Chapter 4.0.

1. NO BUILD ALTERNATIVE:

The **No Project (No Build) Alternative** is discussed on pages 5.0-6 and 5.0-7 through 5.0-13 the Draft EIR. Under the No Project (No Build) Alternative development of the Plan Area would not occur, and the Plan Area would remain in its current existing condition. It is noted that the No Project (No Build) Alternative would fail to meet the Project objectives identified by the City of Riverbank.

Findings: Environmental benefits of this alternative over the proposed Project include the reduction of impacts to aesthetics and visual resources, agricultural resources, air quality, biological resources, cultural and tribal resources, geology and soils, greenhouse gases and climate change, hazards and hazardous materials, hydrology and water quality, land use, population, and housing, noise, public services and recreation, transportation and circulation, utilities, and urban decay.

While the City recognizes the environmental benefits of the No Project (No Build) Alternative, this alternative would not achieve any of the Project objectives. Specifically, this alternative would not: create opportunities for housing types responsive to current market conditions; create synergy between this new Specific Plan Area with Riverbank's existing commercial node at Crossroads Shopping Center east of Oakdale Road across from the Project site; develop the next logical planning area adjacent (to the west and northwest) of the City's major existing commercial node at Crossroads Shopping Center; provide housing opportunities for employees expected in Riverbank through the development of the Riverbank Industrial Complex; provide opportunities for Riverbank residents to buy new homes in a newly created neighborhood; eliminate the planning peninsula created by the city limits in northwest Riverbank; develop areas adjacent to the city limits to minimize leap-frog development; promote a balance of uses; promote a mix of urban uses that are linked to regional amenities and transportation systems; provide a variety of pedestrian corridors throughout the Plan Area; protect adjacent farmland operations by providing transitional buffers; encourage energy efficiency and thoughtful use of resources; promote friendly and inviting streetscapes; encourage the use of mixed architectural styles and materials; reinforce existing retail uses to the east and designate sufficient retail, office and commercial land for job generating uses to improve the City's jobs-to-housing balance; and create a safe and accessible link between neighborhoods, community facilities and shopping centers within the Plan Area and to the surrounding neighborhoods.

This alternative is also potentially economically unfeasible because the alternative would not provide local jobs, or revenue generation for the City of Riverbank. This

alternative would not realize the project benefits of increased retail opportunities, additional employment opportunities, or new tax revenue. Property taxes and sales taxes would not be generated by this alternative as residential and commercial development would not occur. It is not a reasonable expectation for the property owner(s) to keep the Project site in the existing condition for the foreseeable future because of previous investments. For these reasons, this alternative is rejected.

2. OFF-SITE LOCATION ALTERNATIVE:

The **Off-Site Location Alternative** is discussed on pages 5.0-6 and 5.0-13 through 5.0-18 of the Draft EIR. Under the Off-Site Location Alternative, the proposed Project would be developed with the same amenities as described in the Project Description, but at an off-site location. As shown in Figure 5.0-1, this alternative would be located within the eastern portion of the City Primary Area Sphere of Influence (SOI), north of Claribel Road, west of Eleanor Avenue, south of California Avenue, and east of Claus Road. This alternative location includes approximately 376.52 acres. The existing City land use designations for the Off-Site Location Alternative include: Community Commercial (29.1 acres), Industrial / Business Park (77.2 acres), Lower Density Residential (127.9 acres), Medium-Density Residential (132.9 acres), and Mixed Use (2.0 acres).

Under the Off-Site Location Alternative, the same number of residential units as the proposed Project (1,539 to 2,852 units) would be constructed. Additionally, all of the residences would have equal lot sizes, and a comparable amount of parks and open space uses would be located throughout the off-site location. This alternative would also plan for possible future civic uses such as an elementary school, middle school, as well as a fire station site. The Off-Site Location Alternative would include the same amount of Mixed Use areas as the Project, and would provide an estimated 387,000 to 577,000 square feet (sf) of commercial/retail uses, identical to the proposed Project.

Findings: There would be no environmental benefits of this alternative over the proposed Project because this alternative would not reduce impacts in any resources areas, and would result in equal or similar impacts. On balance, the alternative is less desirable than the Project and does not lessen any environmental impacts or provide the same level of benefits as the proposed Project. This alternative would not likely avoid any of the significant and unavoidable impacts of the Project.

Additionally, this alternative would not achieve all of the Project objectives, particularly those related to the western Riverbank location proposed by the Project. Specifically, this alternative would not eliminate the planning peninsula created by the city limits in northwest Riverbank by “squaring off” the city limits to the westernmost city limits at Patterson Road and the MID Main Canal. This alternative would also not create a synergy with Riverbank’s existing commercial node at Crossroads Shopping Center east of Oakdale Road across from the Project site or develop the next logical planning area adjacent to the Crossroads Shopping Center. Further, this alternative would not reinforce existing retail uses to the east of the Project site. Lastly, the off-site location would be considered leap-frog development that does not have the fewest landowners

and a land area with large parcels which improves the likelihood that the objectives of a specific plan can be achieved over time.

This alternative is also potentially economically unfeasible because the Project applicants do not own the off-site location parcels. It is not a reasonable expectation for the property owner(s) to keep the Project site in the existing condition for the foreseeable future because of previous investments. Increased land purchasing costs and an associated delay in construction could result from this alternative when compared to the Project. For these reasons, this alternative is rejected.

3. INCREASED DENSITY ALTERNATIVE:

The **Increased Density Alternative** is discussed on pages 5.0-6, 5.0-7 and 5.0-19 through 5.0-25 of the Draft EIR. Under the Increased Density Alternative, the proposed Project would be developed with the same amenities as described in the Project Description, but the density of the residential uses would be increased. This alternative would include development of more apartments and auto court multi-family units than under the proposed Project. Under the Increased Density Alternative, the same number of residential units as the proposed Project (1,539 to 2,852 units) would be constructed. However, this alternative would include development of 50% medium and high density units, and 50% low density units. The residential areas would be clustered throughout the Project site at increased densities to allow for a decrease in the total development area from 387.5 acres under the proposed Project to 300.0 acres. This alternative would also plan for possible future civic uses such as an elementary school, middle school, as well as a fire station site. Additionally, the Mixed Use areas would provide an estimated 387,000 to 577,000 sf of commercial/retail uses, identical to the proposed Project.

Findings: Environmental benefits of this alternative over the proposed Project include the reduction of impacts to aesthetics and visual resources, agricultural resources, air quality, biological resources, cultural and tribal resources, geology and soils, greenhouse gases and climate change, and hydrology and water quality. The remaining resources areas would have equal or similar impacts to the Project.

On balance, the alternative is less desirable than the Project and does not lessen the overall environmental impacts nor provide the same level of benefits as the proposed Project. While the City recognizes the environmental benefits of this alternative, this alternative would not achieve all of the Project objectives as this alternative would not develop the entire 387.5-acre Project site. This alternative would provide fewer low density units, which would result in fewer opportunities for Riverbank residents to buy new single family residential homes in newly created neighborhoods. This would also reduce the property tax revenue generation as compared to the Project.

This alternative is also potentially economically unfeasible due to the elimination of 87.5-acres of the Project site. This landowner, or landowners, would be left with fully or partially undeveloped parcels. For these reasons, this alternative is rejected.

4. LOWER DENSITY ALTERNATIVE:

The **Lower Density Alternative** is discussed on pages 5.0-7 and 5.0-25 through 5.0-31 of the Draft EIR. Under the Lower Density Alternative, the proposed Project would be developed in such a way to promote larger lot sizes and to reduce the overall footprint of the developed areas. This alternative would include development of custom homes on approximately 10,000 sf lots, as compared to the 4,000 to 6,000 sf lot sizes for the low density residential units proposed by the Project. Under the Lower Density Alternative, the same number of residential units as the proposed Project (1,539 to 2,852 units) would be constructed. This alternative would also plan for possible future civic uses such as an elementary school, middle school, as well as a fire station site. Additionally, the Mixed Use areas would provide an estimated 387,000 to 577,000 sf of commercial/retail uses, identical to the proposed Project.

Findings: Environmental benefits of this alternative over the proposed Project include the reduction of impacts to hydrology and water quality. The remaining resources areas would have equal or similar impacts to the Project.

On balance, the alternative is less desirable than the Project and does not provide the same level of benefits as the proposed Project. This alternative would not achieve all of the Project objectives. This alternative would not provide opportunities for a variety of housing types because all houses would be constructed on the same size lots, which eliminates flexibility to adapt to changing markets. Additionally, this would reduce the walkability of the Plan Area by increasing lot sizes and street block lengths.

Further, this alternative would provide less economic growth and development consistent with the policies of the City's General Plan. On balance, the minor environmental benefits that might be achieved with this alternative are outweighed, independently and separately, by the reasons described above, and the failure of this alternative to provide the same level of benefits as the Project. In conclusion, this alternative would not provide the variety of new residential opportunities for the City. For these reasons, this alternative is rejected.

6. ENVIRONMENTALLY SUPERIOR ALTERNATIVE:

CEQA requires that an environmentally superior alternative be identified among the alternatives that are analyzed in the EIR. If the No Project Alternative is the environmentally superior alternative, an EIR must also identify an environmentally superior alternative among the other alternatives (CEQA Guidelines Section 15126.6(e)(2)). The environmentally superior alternative is that alternative with the least adverse environmental impacts when compared to the proposed project.

As shown on Table 5.0-1 of the Draft EIR (on page 5.0-32), a comparison of alternatives is presented. The No Project (No Build) Alternative is the environmentally superior alternative. However, as required by CEQA, when the No Project (No Build) Alternative is the environmentally superior alternative, the environmentally superior alternative among the others must be identified. The Off-Site Location Alternative would not reduce impacts related to any environmental issue. The Increased Density Alternative would reduce impacts in eight areas, and the Lower Density

Alternative would reduce impacts in one area. Therefore, the Increased Density Alternative would be the next environmentally superior alternative.

It should be noted that the Increased Density Alternative does not meet all of the Project objectives. This alternative would provide fewer low density units, which would result in fewer opportunities for Riverbank residents to buy new single family residential homes in newly created neighborhoods. This would also reduce the property tax revenue generation as compared to the Project. While the City recognizes the environmental benefits of the Increased Density Alternative, this alternative would not develop and annex the entire Project site, and would not result in the mix of residential uses that are identified in the Project objectives under full buildout of the Project site.

For the reasons provided above, this alternative is rejected.

VII. STATEMENTS OF OVERRIDING CONSIDERATIONS RELATED TO THE CROSSROADS WEST SPECIFIC PLAN FINDINGS

As described in detail in Section III of these Findings, the following significant and unavoidable impacts could occur with implementation of the Project:

- Impact 3.1-1: Project implementation may result in substantial adverse effects on scenic vistas and resources or substantial degradation of visual character
- Impact 3.2-1: The proposed Project has the potential to result in the conversion of Farmlands, including Prime 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
- Impact 3.3-1: Project operation has the potential to conflict with or obstruct implementation of an applicable air quality plan, cause a violation of an air quality standard, or contribute substantially to an existing or projected air quality violation
- Impact 3.3-2: Project construction has the potential to cause a violation of an air quality standard or contribute substantially to an existing or projected air quality violation
- Impact 3.7-1: Potential to generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment or potential to conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases
- Impact 3.7-2: Cumulative impact on climate change from increased Project-related greenhouse gas emissions
- Impact 3.11-3: The proposed Project may generate unacceptable traffic noise levels at existing receptors
- Impact 3.12-2: The proposed Project has the potential to require the construction of fire department facilities which may cause substantial adverse physical environmental impacts
- Impact 3.12-3: The proposed Project has the potential to require the construction of school facilities which may cause substantial adverse physical environmental impacts
- Impact 3.13-1: Under Existing conditions, the proposed Project would result in a significant impact at the Patterson Road / Coffee Road intersection

- Impact 3.13-2: Under Existing conditions, the proposed Project would result in a significant impact at the Claribel Road / Oakdale Road intersection
- Impact 3.13-5: Under Existing conditions, the proposed Project would result in a significant impact at the segment of Patterson Road from McHenry Avenue to Coffee Road
- Impact 3.13-6: Under Existing conditions, the proposed Project would result in a significant impact at the segment of Claribel Road from McHenry Avenue to Coffee Road
- Impact 3.13-7: Under Existing conditions, the proposed Project would result in a significant impact at the segment of Claribel Road from Oakdale Road to Claus Road
- Impact 3.13-8: Under Existing conditions, the proposed Project would result in a significant impact at the segment of Coffee Road between Claribel Road and Claratina Avenue, located in the City of Modesto
- Impact 3.13-10: Under Existing conditions, the proposed Project would result in a significant impact at the segment of Oakdale Road between Claribel Road and Claratina Avenue, located in the City of Modesto
- Impact 3.13-15: Under EPAP conditions, the proposed Project would result in a significant impact at the McHenry Avenue / Kiernan Avenue / Claribel Avenue intersection
- Impact 3.13-16: Under Cumulative (Year 2042) conditions, the proposed Project would result in a significant impact at the Patterson Road / Coffee Road intersection
- Impact 3.13-17: Under Cumulative (Year 2042) conditions, the proposed Project would result in a significant impact at the Coffee Road / Morrill Road intersection
- Impact 3.13-18: Under Cumulative (Year 2042) conditions, the proposed Project would result in a significant impact at the Coffee Road / Relocated Crawford Road intersection
- Impact 3.13-20: Under Cumulative (Year 2042) conditions, the proposed Project would result in a significant impact at the Claribel Road / Oakdale Road intersection
- Impact 3.13-22: Under Cumulative (Year 2042) conditions, the proposed Project would result in a significant impact at the Roselle Avenue / Sylvan Avenue intersection
- Impact 3.13-23: Under Cumulative (Year 2042) conditions, the proposed Project would result in a significant impact at the Coffee Avenue / Claratina Avenue intersection
- Impact 3.13-24: Under Cumulative (Year 2042) conditions, the proposed Project would result in a significant impact at the segment of Coffee Road between Morrill Road and the relocated Crawford Road
- Impact 3.13-25: Under Cumulative (Year 2042) conditions, the proposed Project would result in a significant impact at the segment of Coffee Road between the relocated Crawford Road and the realigned Claribel Road intersection
- Impact 3.13-26: Under Cumulative (Year 2042) conditions, the proposed Project would result in a significant impact at the segment of Coffee Road between the realigned Claribel Road intersection and NCC in the City of Modesto
- Impact 3.13-27: Under Cumulative (Year 2042) conditions, the proposed Project would result in a significant impact at the segment of Oakdale Road between the Claribel Road intersection and NCC
- Impact 3.13-28: Under Cumulative (Year 2042) conditions, the proposed Project would result in a significant impact at the segment of Roselle Avenue between the Claribel Road intersection and NCC

- Impact 4.2: Cumulative Degradation of the Existing Visual Character of the Region
- Impact 4.4: Cumulative Impact on Agricultural Resources
- Impact 4.5: Cumulative Impact on the Region's Air Quality
- Impact 4.9: Cumulative Impact on Climate Change from Increased Project-Related Greenhouse Gas Emissions
- Impact 4.17: Cumulative Exposure of Existing and Future Noise-Sensitive Land Uses to Increased Noise Resulting from Cumulative Development
- Impact 4.19: Under Cumulative (Year 2042) conditions, the proposed Project would result in a significant impact at the Patterson Road / Coffee Road intersection
- Impact 4.20: Under Cumulative (Year 2042) conditions, the proposed Project would result in a significant impact at the Coffee Road / Morrill Road intersection
- Impact 4.21: Under Cumulative (Year 2042) conditions, the proposed Project would result in a significant impact at the Coffee Road / Relocated Crawford Road intersection
- Impact 4.23: Under Cumulative (Year 2042) conditions, the proposed Project would result in a significant impact at the Claribel Road / Oakdale Road intersection
- Impact 4.25: Under Cumulative (Year 2042) conditions, the proposed Project would result in a significant impact at the Roselle Avenue / Sylvan Avenue intersection
- Impact 4.26: Under Cumulative (Year 2042) conditions, the proposed Project would result in a significant impact at the Coffee Avenue / Claratina Avenue intersection
- Impact 4.27: Under Cumulative (Year 2042) conditions, the proposed Project would result in a significant impact at the segment of Coffee Road between Morrill Road and the relocated Crawford Road
- Impact 4.28: Under Cumulative (Year 2042) conditions, the proposed Project would result in a significant impact at the segment of Coffee Road between the relocated Crawford Road and the realigned Claribel Road intersection
- Impact 4.29: Under Cumulative (Year 2042) conditions, the proposed Project would result in a significant impact at the segment of Coffee Road between the realigned Claribel Road intersection and NCC
- Impact 4.30: Under Cumulative (Year 2042) conditions, the proposed Project would result in a significant impact at the segment of Oakdale Road between the Claribel Road intersection and NCC
- Impact 4.31: Under Cumulative (Year 2042) conditions, the proposed Project would result in a significant impact at the segment of Roselle Avenue between the Claribel Road intersection and NCC

The adverse effects listed above, and described in detail in Section III, are substantive issues of concern to the City. However, the City of Riverbank has a General Plan that provides for an array of land uses throughout the City that are intended to accommodate the City's needs for growth over the foreseeable future. The proposed Project has been designated with land uses that are intended to generate jobs and tax revenue for the City, while providing recreational facilities, retail opportunities, and housing opportunities. The proposed Project would provide an increase in local jobs that could be served by the citizens of Riverbank, which could reduce the number of citizens commuting to areas outside of the City. Implementation of the proposed Project would provide job

growth to the area. It is anticipated that local employment would be increased to provide administrative, management, visitor-serving areas, and retail services. The proposed Project is expected to require both full-time and part-time employees. Additionally, development of the Project would provide short-term employment opportunities within the construction, engineering, and design field, among others. The actual number of jobs would vary by the actual businesses and types of businesses that locate within the Project site.

The Project would also provide nearby housing opportunities for current and future residents. Implementation of the Project would increase the housing supply in the western portion of the City, which could spur development, economic growth, and tax generation within the area. Additionally, the proposed Project would generate tax revenue that the City would not otherwise benefit from if the Project was not developed. The job creating uses, additional housing opportunities, and tax benefits discussed above would ultimately improve the overall quality of life in the City of Riverbank.

Based on the entire record and the EIR, the economic and social benefits of the Project in Riverbank outweigh and override any significant unavoidable environmental effects that would result from future Project implementation as more fully described in Section III, Findings and Recommendations Regarding Significant and Unavoidable Impacts. The City Council has determined that any environmental detriment caused by the proposed Project has been minimized to the extent feasible through the mitigation measures identified herein, and, where mitigation is not feasible, has been outweighed and counterbalanced by the significant social, environmental, and land use benefits to be generated within the region.

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This document is the Final Mitigation Monitoring and Reporting Program (FMMRP) for the Crossroads West Specific Plan Project (Project). This FMMRP has been prepared pursuant to Section 21081.6 of the California Public Resources Code, which requires public agencies to “adopt a reporting and monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” A FMMRP is required for the proposed Project because the EIR has identified significant adverse impacts, and measures have been identified to mitigate those impacts.

The numbering of the individual mitigation measures follows the numbering sequence as found in the Draft EIR, some of which were revised after the Draft EIR were prepared. These revisions are shown in Chapter 3.0 of the Final EIR. All revisions to mitigation measures that were necessary as a result of responding to public comments and incorporating staff-initiated revisions have been incorporated into this FMMRP.

4.1 MITIGATION MONITORING AND REPORTING PROGRAM

The FMMRP, as outlined in the following table, describes mitigation timing, monitoring responsibilities, and compliance verification responsibility for all mitigation measures identified in this Final EIR.

The City of Riverbank will be the primary agency responsible for implementing the mitigation measures and will continue to monitor mitigation measures that are required to be implemented during the operation of the Project.

The FMMRP is presented in tabular form on the following pages. The components of the FMMRP are described briefly below:

- **Mitigation Measures:** The mitigation measures are taken from the Draft EIR in the same order that they appear in that document.
- **Mitigation Timing:** Identifies at which stage of the Project mitigation must be completed.
- **Monitoring Responsibility:** Identifies the agency that is responsible for mitigation monitoring.
- **Compliance Verification:** This is a space that is available for the monitor to date and initial when the monitoring or mitigation implementation took place.

4.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 4.0-1: MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
AESTHETICS AND VISUAL RESOURCES				
<p>Impact 3.1-3: Project implementation may result in light and glare impacts.</p>	<p>Mitigation Measure 3.1-1: A lighting plan shall be prepared for each phase of development. The lighting plan shall demonstrate that the lighting systems and other exterior lighting throughout the phase of development has been designed to minimize light spillage onto adjacent properties to the greatest extent feasible. Use of LED lighting or other proven energy efficient lighting shall be required for facilities to be dedicated to the City of Riverbank for maintenance.</p>	<p>City of Riverbank Development Services Department</p>	<p>Prior to the approval of the Site Plan review for each phase</p>	
AGRICULTURAL RESOURCES				
<p>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.</p>	<p>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.</p> <p>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.</p>	<p>City of Riverbank Development Services Department</p>	<p>Prior to the issuance of grading permits, building permits, or final map approval on the subject residential property</p>	

FINAL MITIGATION MONITORING AND REPORTING PROGRAM

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ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
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.	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.	Stanislaus LAFCo	Prior to the conversion of agricultural lands in the Plan Area	
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.	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."	City of Riverbank Development Services Department	Prior to approval of any Final Maps	
AIR QUALITY				
Impact 3.3-1: Project operation has the potential to conflict with or obstruct implementation of an applicable air quality plan, cause a violation of an air quality standard, or contribute substantially to an existing or projected air quality violation.	Mitigation Measure 3.3-1: The Project proponent shall submit an Air Impact Assessment (AIA) application to the San Joaquin Valley Air Pollution Control District in accordance with District Rule 9510 Indirect Source Review (ISR) to obtain AIA approval from the District for the phase or Project component that is to be constructed. Prior to the issuance of a building permit of each individual phase or Project component, the Project proponent shall incorporate mitigation measures into the proposed Project and demonstrate compliance with District Rule 9510 including payment of all fees.	San Joaquin Valley Air Pollution Control District	Prior to final approval of improvement plans for each phase	
	Mitigation Measure 3.3-2: Prior to the approval of improvement plans, the Project proponent shall incorporate measures that reduce vehicle emissions. The measures will be implemented through project design, conditions of approval, noticing and disclosure statements, or through the City's plan check and inspection process. This mitigation measure is intended to ensure that the best available and practical approaches are used to reduce operational emissions. Appropriate measures shall be selected by the City in consultation	City of Riverbank Development Services Department	Prior to the approval of improvement plans for each phase	

4.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p>with SJVAPCD, and shall include, at a minimum, the following features into the applicable Project plans (e.g. site, engineering, landscaping, etc.):</p> <ul style="list-style-type: none"> • Provide bus turnouts and transit improvements where requested by the San Joaquin RTD. • Design streets and trails to maximize pedestrian and bicycle connectivity, safety, and access to transit lines, including pedestrian and bicycle signalization, signage and safety designs at signalized intersections. • Provide traffic calming measures on all streets and intersections. Traffic calming features may include marked crosswalks, count-down signal timers, curb extensions, speed tables, raised crosswalks, raised intersections, median islands, tight corner radii, narrow roadways, traffic circles, on-street parking, planter strips with streets trees, chicanes/chokers, or other improvements designed to reduce motor vehicle speeds and encourage pedestrian and bicycle trips. • Provide street lighting along internal roadways and bike lanes/paths, sidewalks. • Provide vanpool parking only spaces and preferential parking for carpools to accommodate carpools and vanpools in employment areas. • Provide bicycle parking areas near the entrance of commercial establishments. • Provide pedestrian signalization, signage and safety designs at signalized intersections. • Require shade trees to shade sidewalks in street-side landscaping areas. <p>Mitigation Measure 3.3-3: Prior the approval of improvement plans, the Project proponent shall prepare and implement, and/or require the implementation of high-efficiency lighting throughout all portions of the Plan Area (for example: metal halide post top lights, or LEDs, as opposed to typical mercury cobrahead lights).</p>	City of Riverbank Development	Prior to the approval of	

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FINAL MITIGATION MONITORING AND REPORTING PROGRAM

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ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
<p>Impact 3.3-2: Project construction has the potential to cause a violation of an air quality standard or contribute substantially to an existing or projected air quality violation.</p>	<p>Mitigation Measure 3.3-4: Prior to the approval of improvement plans, the Project proponent shall prepare and implement, and the City shall require the implementation of, the following additional mitigation measures:</p> <ul style="list-style-type: none"> • Use low-VOC paint (indoor and outdoor, for both residential and non-residential uses). • Use only natural gas hearths (or no hearths). • Apply a Water Conservation Strategy to achieve reductions in outdoor water usage through installation of water-efficient irrigation systems, and landscaping with native and drought-tolerant plants that also reduce the need for gas-powered landscape maintenance equipment. • Require all flat roofs on non-residential structures to have a white or silver cap sheet to reduce energy demand. • Install low flow bathroom faucets. • Install low-flow kitchen faucets. • Install low-flow toilets. • Install low-flow showers. • Use water-efficient irrigation systems. 	<p>Services Department</p> <p>City of Riverbank Development Services Department</p>	<p>improvement plans</p> <p>Prior to the approval of improvement plans</p>	
	<p>Mitigation Measure 3.3-5: To reduce construction-related emissions, the following measures shall be implemented:</p> <ul style="list-style-type: none"> • Prior to year 2025, construction contracts for development in the Plan Area shall specify use of off-road construction equipment that achieves fleet average emissions equal to or less than the Tier III emissions standard of 4.8 NOx grams per horsepower-hour (g/hp-hr). The fleet average can be achieved through any combination of uncontrolled engines complying with Tier III and above engine standards. Beginning in 2025, construction contracts for development in the Plan Area shall specify use of off-road construction equipment that achieves fleet average emissions equal to or less than the Tier IV emissions standards of NOx g/hp-hr. The 	<p>City of Riverbank Development Services Department</p> <p>San Joaquin Valley Air Pollution Control District</p>	<p>Prior to issuance of a grading or building permit</p>	

4.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p><i>fleet average can be achieved through any combination of controlled engines complying with Tier IV and above engine standards.</i></p> <ul style="list-style-type: none"> • <i>Prior to issuance of a grading or building permit, the project applicant shall submit a Fugitive Dust Control Plan to SJVAPCD for review and approval. The Fugitive Dust Control Plan shall reduce emissions, during construction of PM₁₀ and PM_{2.5} and shall include the following:</i> <ul style="list-style-type: none"> ○ <i>Names, addresses and phone numbers of persons responsible for the preparation, submission and implementation of the plan.</i> ○ <i>Description and location of operations.</i> ○ <i>Listing of all fugitive dust emissions sources included in the operation.</i> ○ <i>The following dust control measures shall be implemented:</i> <ul style="list-style-type: none"> ▪ <i>All on-site unpaved roads shall be effectively stabilized using water or chemical stabilizers that can be determined to be as efficient as or more efficient for fugitive dust control than California Air Resources Board approved soil stabilizers, and that shall not increase any other environmental impacts including loss of vegetation.</i> ▪ <i>All material excavated or graded will be sufficiently watered to prevent excessive dust. Watering will occur as needed with complete coverage of disturbed areas. The excavated soil piles will be watered as needed to limit dust emissions to less than 20 percent opacity or covered with temporary coverings.</i> ▪ <i>Construction activities that occur on unpaved surfaces will be discontinued during windy conditions when winds exceed 25 miles per hour and those activities cause visible dust plumes. Construction activities may continue if dust suppression measures are used to minimize visible dust plumes.</i> 			

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ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<ul style="list-style-type: none"> ▪ Track-out debris onto public paved roads shall not extend 50 feet or more from an active operation and track-out shall be removed or isolated such as behind a locked gate at the conclusion of each workday. ▪ All hauling materials should be moist while being loaded into dump trucks. ▪ All haul trucks hauling soil, sand and other loose material on public roads shall be covered (e.g., with tarps or other enclosures that would reduce fugitive dust emissions). ▪ Soil loads shall be kept below 6 inches of the freeboard of the truck. ▪ Drop heights should be minimized when loaders dump soil into trucks. ▪ Gate seals should be tight on dump trucks. ▪ Traffic speeds on unpaved roads shall be limited to a maximum of 15 miles per hour. ▪ All grading activities shall be suspended when visible dust emissions exceed 20 percent. ▪ Other fugitive dust control measures as necessary to comply with SJVAPCD Rules and Regulations. ▪ Disturbed areas should be minimized. 			
BIOLOGICAL RESOURCES				
Impact 3.4-2: The potential to have direct or indirect effects on special-status reptile and amphibian species.	<p>Mitigation Measure 3.4-1: The project proponent shall implement the following measures to avoid or minimize impacts on western pond turtle:</p> <ul style="list-style-type: none"> • Ground-disturbing activities in areas of potential pond turtle nesting habitat shall be avoided during the nesting season (April–August), to the extent feasible. 	City of Riverbank Development Services Department California Department of	Prior to commencement of any grading activities	

4.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<ul style="list-style-type: none"> • A preconstruction survey for western pond turtles within aquatic habitats and adjacent suitable uplands to be disturbed by project activities shall be conducted by a qualified biologist. In aquatic habitats which may be dewatered during project construction, surveys shall be conducted immediately after dewatering and before any subsequent disturbance. Elsewhere, surveys shall be conducted within 24 hours before project disturbance. • If pond turtles are found during preconstruction surveys, a qualified biologist, with approval from CDFW, shall move the turtles to the nearest suitable habitat outside the area subject to project disturbance. The construction area shall be reinspected whenever a lapse in construction activity of 2 weeks or more has occurred. • Construction personnel performing activities within aquatic habitats and adjacent suitable uplands to be disturbed by project activities shall receive worker environmental awareness training from a qualified biologist to instruct workers to recognize western pond turtle, their habitats, and measures being implemented for its protection. • Construction personnel shall observe a 15-miles-per-hour speed limit on unpaved roads. <p>Mitigation Measure 3.4-2: The project proponent shall implement the following measures to avoid or minimize impacts on giant garter snake:</p> <ul style="list-style-type: none"> • In areas within 200 feet of any irrigation ditch (potential GGS aquatic habitat) construction will occur during the GGS active season of May 1 through October 1. • Construction personnel shall receive worker environmental awareness training to instruct workers to recognize giant garter snake and their habitats. • Within 24 hours before construction activities, areas within 200 feet of any irrigation ditch (potential GGS aquatic habitat) shall be surveyed for giant garter snake. The survey shall be repeated if a lapse in construction activity of 2 weeks or greater has occurred. If a giant garter snake is encountered during construction, activities within 200 feet of the irrigation ditches shall cease until appropriate 	<p>Fish and Wildlife Qualified Biologist</p> <p>City of Riverbank Development Services Department</p> <p>California Department of Fish and Wildlife</p> <p>Qualified Biologist</p>	<p>Prior to commencement of any grading activities</p>	

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FINAL MITIGATION MONITORING AND REPORTING PROGRAM

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ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p>corrective measures have been completed or it is determined by the qualified biologist and City staff, in coordination with USFWS and CDFW, that the giant garter snake shall not be harmed. Any sightings shall be reported to USFWS and CDFW immediately.</p> <ul style="list-style-type: none"> • A biological onsite monitor will be present during initial ground-disturbing activities within 200 feet of any irrigation ditch or potential GGS habitat within the CWSP Plan Area • Construction vehicles would require low-speed limits within such sites to lessen the probability that the species could be run over by vehicles and equipment. • Any aquatic habitat for the snake that is dewatered shall remain dry for at least 15 consecutive days after April 15 and before excavating or filling of the dewatered habitat. If complete dewatering is not possible, potential snake prey (e.g., fish and tadpoles) will be removed so that snakes and other wildlife are not attracted to the construction area. • Giant garter snake aquatic habitat to be avoided (i.e. irrigation ditches) within or adjacent to construction areas will be fenced and designated as environmentally sensitive areas. These areas shall be avoided by all construction personnel. 	U.S. Fish and Wildlife Service		
Impact 3.4-3: The potential to have direct or indirect effects on special-status bird species.	<p>Mitigation Measure 3.4-3: The project proponent shall implement the following measure to avoid or minimize impacts on western burrowing owl:</p> <ul style="list-style-type: none"> • No less than 14 days before initiating ground disturbance activities, a qualified biologist shall complete an initial take avoidance survey using the recommended methods described in the Detection Surveys section of the March 7, 2012, CDFW Staff Report on Burrowing Owl Mitigation (CDFW 2012). Implementation of avoidance and minimization measures (as presented in the March 7, 2012, CDFW Staff Report on Burrowing Owl Mitigation) would be triggered if the initial take avoidance survey results in positive owl presence in the Plan Area where project activities shall occur. If needed, the development of avoidance and minimization approaches shall be developed in coordination with CDFW. 	City of Riverbank Development Services Department Qualified Biologist California Department of Fish and Wildlife	No less than 14 days before initiating ground disturbance activities	

4.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p>Mitigation Measure 3.4-4: The project proponent shall implement the following measures to avoid or minimize impacts on Swainson's hawk:</p> <ul style="list-style-type: none"> No more than 30 days before the commencement of construction, a qualified biologist shall perform preconstruction surveys for nesting Swainson's hawk and other raptors during the nesting season (February 1 through August 31). Appropriate buffers shall be established and maintained around active nest sites during construction activities to avoid nest failure as a result of project activities. The appropriate size and shape of the buffers shall be determined by a qualified biologist, in coordination with CDFW, and may vary depending on the nest location, nest stage, and construction activity. The buffers may be adjusted if a qualified biologist determines it would not be likely to adversely affect the nest. Monitoring shall be conducted to confirm that project activity is not resulting in detectable adverse effects on nesting birds or their young. No project activity shall commence within the buffer areas until a qualified biologist has determined that the young have fledged or the nest site is otherwise no longer in use. Before the commencement of construction, the project proponent shall provide compensatory mitigation for the permanent loss of Swainson's hawk foraging habitat. Mitigation shall be at the CDFW specified ratios, which are based on distance to nests. The Plan Area's distance to the closest nest currently falls within the range of "within 5 miles of an active nest tree but greater than 1 mile from the nest tree." As such, the Project shall currently be responsible for 0.75 acres of each acre of urban development authorized (0-75:1 ratio). The project proponent shall either provide lands protected through fee title acquisition or conservation easement (acceptable to the CDFW) on agricultural lands or other suitable habitats which provide foraging habitat for Swainson's hawk. <p>Mitigation Measure 3.4-5: The project proponent shall implement the following measure to avoid or minimize impacts on other protected bird species that may occur on the site:</p> <ul style="list-style-type: none"> Preconstruction surveys for active nests of special-status birds shall be conducted by a qualified biologist in all areas of suitable habitat within 500 feet of project disturbance. Surveys shall be conducted 	<p>City of Riverbank Development Services Department</p> <p>Qualified Biologist</p> <p>California Department of Fish and Wildlife</p> <p>City of Riverbank Development Services Department</p>	<p>No more than 30 days before commencement of construction</p> <p>Prior to ground disturbing activities</p>	

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ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
Impact 3.4-4: The potential to result in direct or indirect effects on special-status mammal species.	<p>within 14 days before commencement of any construction activities that occur during the nesting season (February 15 to August 31) in a given area.</p> <ul style="list-style-type: none"> If any active nests, or behaviors indicating that active nests are present, are observed, appropriate buffers around the nest sites shall be determined by a qualified biologist to avoid nest failure resulting from project activities. The size of the buffer shall depend on the species, nest location, nest stage, and specific construction activities to be performed while the nest is active. The buffers may be adjusted if a qualified biologist determines it would not be likely to adversely affect the nest. If buffers are adjusted, monitoring will be conducted to confirm that project activity is not resulting in detectable adverse effects on nesting birds or their young. No project activity shall commence within the buffer areas until a qualified biologist has determined that the young have fledged or the nest site is otherwise no longer in use. 	Qualified Biologist		
Impact 3.4-6: The potential to result in direct or indirect effects on special-status mammal species.	<p>Mitigation Measure 3.4-6: The project proponent shall implement the following measures to avoid or minimize impacts on special-status bats:</p> <ul style="list-style-type: none"> If removal of suitable roosting areas (i.e. buildings, trees, shrubs, bridges, etc.) must occur during the bat pupping season (April 1 through July 31), surveys for active maternity roosts shall be conducted by a qualified biologist. The surveys shall be conducted from dusk until dark. If a special-status bat maternity roost is located, appropriate buffers around the roost sites shall be determined by a qualified biologist and implemented to avoid destruction or abandonment of the roost resulting from habitat removal or other project activities. The size of the buffer shall depend on the species, roost location, and specific construction activities to be performed in the vicinity. No project activity shall commence within the buffer areas until the end of the pupping season (August 1) or until a qualified biologist confirms the maternity roost is no longer active. 	City of Riverbank Development Services Department Qualified Biologist	If removal of suitable roosting areas (i.e. buildings, trees, shrubs, bridges, etc.) must occur during the bat pupping season (April 1 through July 31)	
Impact 3.4-6: The potential to effect protected wetlands and jurisdictional waters.	<p>Mitigation Measure 3.4-7: If construction activities would disturb a ditch/canal/basin within the Plan Area, the property owner/applicant proposing the activity shall verify that the facility qualifies under the agricultural ditch exemption. If the facilities do not qualify for the exemption</p>	City of Riverbank Development	If construction activities would disturb a ditch / canal / basin	

4.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p>and are determined to be jurisdictional by the regulatory agencies, any fill activity would require authorization for fill from the regulatory agencies (USACE-404 permit, RWQCB-401 certification, 1600 Streambed Alteration Agreement). All requirements of a permit shall be adhered to throughout the construction phase.</p>	<p>Services Department Qualified Biologist</p>	<p>within the Plan Area</p>	
CULTURAL AND TRIBAL RESOURCES				
<p>Impact 3.5-1: Project implementation has the potential to cause a substantial adverse change to a significant historical resource, as defined in CEQA Guidelines §15064.5, or a significant tribal cultural resource, as defined in Public Resources Code §21074.</p>	<p>Mitigation Measure 3.5-1: Prior to ground disturbing activities for each phase of the Project that would potentially affect one or more of the listed resources below, the resources shall be evaluated for their potential architectural and/or historic importance by a Qualified Architectural Historian, at the cost of the Project applicant. The potentially historic resources within the Project site include the following:</p> <ul style="list-style-type: none"> • Buildings or building complexes located northwest of the Oakdale Road / Morrill Road intersection, east of the existing Riverbank Sports Complex (on APN 074-006-013); • Buildings or building complexes located southwest of the Oakdale Road / Morrill Road intersection, approximately 0.18 miles south of the Riverbank Sports Complex (on APN 074-011-009); • Buildings or building complexes located northwest of the Oakdale Road / Crawford Road intersection, located along Oakdale Road (on APN 074-011-009); • Buildings or building complexes located southwest of the Oakdale Road / Crawford Road intersection, located 0.14 to 0.27 miles west of Oakdale Road (on APN 074-014-006); and • The MID Lateral No. 6 that crosses the southern portion of the Project site. <p>Work shall not continue at the above-listed site(s) until the Qualified Architectural Historian conducts sufficient research and data collection to determine if the above-listed site(s) is eligible for listing on the NRHP or CRHR; or not a significant Public Trust Resource. Should the site(s) be determined to not be significant or eligible, no further action is required. Should the site(s) be determined to be significant or eligible, the Project applicant shall work</p>	<p>City of Riverbank Development Services Department Qualified Architectural Historian</p>	<p>Prior to ground disturbing activities for each phase of the Project that would potentially affect one or more of the listed resources</p>	

FINAL MITIGATION MONITORING AND REPORTING PROGRAM

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ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p>with the Registered Professional Historian to develop a cultural resource plan for the site(s).</p> <p>If a building or building complex is determined to be important under the criteria of the California Register of Historical Resources, and the buildings cannot be preserved, then it is recommended that the buildings be documented through the preparation of the DPR 523 forms with large scale "HABS-like" photographs taken. Sets of these photographs shall be placed with the County museum or a suitable archival facility and the Central California Information Center, thereby preserving information on early architecture for future researchers.</p> <p>Mitigation Measure 3.5-2: All construction workers shall receive a cultural resources sensitivity training session before they begin site work in order to identify any potentially significant cultural or similar resources that may result during construction. The sensitivity training session shall be instructed by a professional archaeologist. The sensitivity training shall inform the workers of their responsibility to identify and protect any cultural resources, including prehistoric or historic artifacts, or other indications of archaeological resources, within the Plan Area. The sensitivity training shall cover laws pertaining to cultural resources, examples of cultural resources that may be discovered in the Plan Area, and what to do if a cultural resource, or anything that may be a cultural resource, is discovered.</p> <p>If any cultural resources, including prehistoric or historic artifacts, or other indications of archaeological resources, are found during grading and construction activities during any phase of the Project, all work shall be halted immediately within a 200-foot radius of the discovery until an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, has evaluated the find(s).</p> <p>Work shall not continue at the discovery site until the archaeologist conducts sufficient research and data collection to make a determination that the resource is either 1) a significant find; 2) not cultural in origin; or 3) not potentially significant or eligible for listing on the NRHP or CRHR; or 4) not a significant Public Trust Resource.</p> <p>If a significant finding is made, a plan must be developed for this inadvertent finding. Measures to potentially address a subsurface finding could include one or more of the following depending upon the nature of the find:</p>	<p>City of Riverbank Development Services Department Qualified Archaeologist</p>	<p>Prior to ground disturbance</p>	

4.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p>recording of the finding; further efforts to define the extent and nature of the resource; preservation in place, and re-design to ensure long-term preservation of the resource; and/or data recovery excavations.</p> <p>If Native American resources are identified, a Native American monitor, following the Guidelines for Monitors/Consultants of Native American Cultural, Religious, and Burial Sites established by the Native American Heritage Commission, may also be required and, if required, shall be retained at the Project applicant's expense.</p>			
Impact 3.5-2: Project implementation has the potential to cause a substantial adverse change to a significant archaeological resource, as defined in CEQA Guidelines §15064.5.	Implement Mitigation Measure 3.5-2 .	See Mitigation Measure 3.5-2	See Mitigation Measure 3.5-2	
Impact 3.5-3: Project implementation has the potential to directly or indirectly destroy a unique paleontological resource.	Mitigation Measure 3.5-3: If paleontological resources are discovered during the course of construction during any phase of the Project, work shall be halted immediately within 50 meters (165 feet) of the discovery, the City of Riverbank shall be notified, and a qualified paleontologist shall be retained to determine the significance of the discovery. If the paleontological resource is considered significant, it should be excavated by a qualified paleontologist and given to a local agency, State University, or other applicable institution, where the resource could be curated and displayed for public education purposes.	City of Riverbank Development Services Department Qualified Paleontologist	If paleontological resources are discovered during the course of construction	
Impact 3.5-4: Project implementation has the potential to disturb human remains, including those interred outside of formal cemeteries.	<p>Mitigation Measure 3.5-4: If human remains are discovered during the course of construction during any phase of the Project, work shall be halted at the site and at any nearby area reasonably suspected to overlie adjacent human remains until the Stanislaus County Coroner has been informed and has determined that no investigation of the cause of death is required. If the remains are of Native American origin, either of the following steps will be taken:</p> <ul style="list-style-type: none"> The Coroner shall contact the Native American Heritage Commission in order to ascertain the proper descendants from the deceased individual. The coroner shall make a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods, which may include 	City of Riverbank Development Services Department San Joaquin County Coroner	If human remains are discovered during the course of construction during any phase of the project	

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FINAL MITIGATION MONITORING AND REPORTING PROGRAM

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ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p>obtaining a qualified archaeologist or team of archaeologists to properly excavate the human remains.</p> <ul style="list-style-type: none"> • The landowner shall retain a Native American monitor, and an archaeologist, if recommended by the Native American monitor, and rebury the Native American human remains and any associated grave goods, with appropriate dignity, in a location that is not subject to further subsurface disturbance when any of the following conditions occurs: <ul style="list-style-type: none"> ○ The Native American Heritage Commission is unable to identify a descendant. ○ The descendant identified fails to make a recommendation. ○ The City of Riverbank or its authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner. 			
GEOLOGY AND SOILS				
Impact 3.6-2: Implementation and construction of the proposed Project may result in substantial soil erosion or the loss of topsoil.	<p>Mitigation Measure 3.6-1: Prior to clearing, grading, and disturbances to the ground such as stockpiling, or excavation for each phase of the Project, the Project proponent shall submit a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) to the RWQCB to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ amended by 2010-0014-DWQ & 2012-0006-DWQ). The SWPPP shall be designed with Best Management Practices (BMPs) that the RWQCB has deemed as effective at reducing erosion, controlling sediment, and managing runoff. These include: covering disturbed areas with mulch, temporary seeding, soil stabilizers, binders, fiber rolls or blankets, temporary vegetation, and permanent seeding. Sediment control BMPs, installing silt fences or placing straw wattles below slopes, installing berms and other temporary run-on and runoff diversions. These BMPs are only examples of what should be considered and should not preclude new or innovative approaches currently available or being developed. Final selection of BMPs will be subject to approval by City of Riverbank and the RWQCB. The SWPPP will be kept on site</p>	City of Riverbank Development Services Department	Prior to clearing, grading, and disturbances to the ground such as stockpiling, or excavation for each phase of the Project	

4.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
Impact 3.6-3: The proposed Project has the potential to be located on a geologic unit or soil that is unstable, or that would become unstable as a result of Project implementation, and potentially result in landslide, lateral spreading, subsidence, liquefaction or collapse.	<p>during construction activity and will be made available upon request to representatives of the RWQCB.</p> <p>Mitigation Measure 3.6-2: Prior to earthmoving activities for each phase of the Project, a certified geotechnical engineer, or equivalent, shall be retained to perform a final geotechnical evaluation of the soils at a design-level as required by the requirements of the California Building Code Title 24, Part 2, Chapter 18, Section 1803.1.1.2 related to expansive soils and other soil conditions. The evaluation shall be prepared in accordance with the standards and requirements outlined in California Building Code, Title 24, Part 2, Chapter 16, Chapter 17, and Chapter 18, which addresses structural design, tests and inspections, and soils and foundation standards. The final geotechnical evaluation shall include design recommendations to ensure that soil conditions do not pose a threat to the health and safety of people or structures, including threats from liquefaction or lateral spreading. The grading and improvement plans, as well as the storm drainage and building plans for each phase of the Project shall be designed in accordance with the recommendations provided in the final geotechnical evaluation.</p>	City of Riverbank Development Services Department Certified Geotechnical Engineer	Prior to earthmoving activities for each phase of the Project	
Impact 3.6-4: Potential for expansive soils to create substantial risks to life or property.	<p>Implement Mitigation Measure 3.6-2.</p>	See Mitigation Measure 3.6-2	See Mitigation Measure 3.6-2	
GREENHOUSE GASES AND CLIMATE CHANGE				
Impact 3.7-1: Potential to generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment or potential to conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.	<p>Mitigation Measure 3.7-1: The City shall require GHG reduction measures in connection with tentative subdivision maps submitted for approval, including but not limited to the following:</p> <ul style="list-style-type: none"> • Actions included in Mitigation Measures 3.3-1 through 3.3-5 (see Section 3.3: Air Quality) that also reduce GHG emissions; • Actions that further improve energy efficiency, such as requiring that all buildings exceed Title 24 energy-efficiency requirements by a certain percentage, requiring on-site renewable energy production to meet a specified percent of the subdivision's electricity needs, etc. • Actions that further reduce vehicle miles traveled, such as providing transit hubs that would be accessible by local and regional transit 	City of Riverbank Development Services Department	Prior approval of tentative subdivision maps	

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ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p>routes and community multimodal paths and trails; providing general pedestrian connectivity throughout the project, etc.</p> <ul style="list-style-type: none"> • Payment for GHG offsets, as determined to be feasible by the City. 			
HAZARDS AND HAZARDOUS MATERIALS				
<p>Impact 3.8-1: Project implementation has the potential to create a significant hazard through the routine transport, use, or disposal of hazardous materials or through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.</p>	<p>Implement Mitigation Measure 3.6-1.</p> <p>Mitigation Measure 3.8-1: Prior to the approval of any map, Preliminary Development Plan, or site plan, the City shall review the 2017 Phase I ESA (Geocon Consultants, Inc., July 2017) cited in the Draft EIR for the CWSP to determine if it is still applicable. After July 1, 2020, the City shall require an updated Phase I ESA for the specific property. The Phase I ESA shall evaluate the specific property proposed to be developed, to ensure that no material changes have occurred since preparation of the 2017 Phase I ESA (Geocon Consultants, Inc., July 2017).</p> <p>Mitigation Measure 3.8-2: The applicant shall hire a qualified consultant to perform additional soil and site testing for the areas identified in this EIR to have potential hazardous conditions present prior to any mapping approvals. The following areas have been deemed to have potential hazardous conditions present:</p> <ul style="list-style-type: none"> • The residential units and adjoining structures. • The remnant construction and/or farming materials (i.e. remnant pipes, etc.). • The soils in the area where farming equipment and above ground tanks have been stored, including, but not limited to, the following: <ul style="list-style-type: none"> ○ The parcels associated with the Alexander Dairy (APNs 074-011-009 and 074-014-006). ○ The parcels associated with the properties located at 5817 Oakdale Road, 5525 Oakdale Road, and 2054 Crawford Road. 	<p>See Mitigation Measure 3.6-1</p> <p>City of Riverbank Development Services Department</p> <p>City of Riverbank Development Services Department</p>	<p>See Mitigation Measure 3.6-1</p> <p>Prior to the approval of any map, Preliminary Development Plan, or site plan</p> <p>Prior to any mapping approvals</p>	

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ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<ul style="list-style-type: none"> o The Harrigfeld property located at 1901 Morrill Road. o All parcels located south of Morrill Road. <p>The intent of the additional testing is to investigate whether any of the buildings, facilities, or soils in any of the above parcels contain hazardous materials. If asbestos-containing materials and/or lead are found in the buildings, a California Occupational Safety and Health Administration (Cal/OSHA) certified asbestos containing building materials (ACBM) and lead based paint contractor shall be retained to remove the asbestos-containing materials and lead in accordance with EPA and Cal/OSHA standards. In addition, all activities (construction or demolition) in the vicinity of these materials shall comply with Cal/OSHA asbestos and lead worker construction standards. The ACBM and lead shall be disposed of properly at an appropriate offsite disposal facility.</p> <p>Mitigation Measure 3.8-3: If the site investigation required by Mitigation Measure 3.8-2 indicates a probability that hazardous materials may be found on any parcel, the applicant for that parcel shall submit a Phase II ESA, which shall further evaluate on-site conditions. The Phase II ESA shall address the likely presence of hazardous substances and/or petroleum products identified in the previous Phase I ESA (Geocon Consultants, Inc., 2017) prepared for the Plan Area.</p> <p>In addition, due to the past agricultural operations in the Plan Area, a soil sampling program shall be implemented to assess potential agricultural (including pesticides, herbicides, diesel, petrochemicals, etc.) impacts to surface soil within the Plan Area, as follows:</p> <p>A soil sampling and analysis workplan shall be submitted for approval the Stanislaus County Department of Environmental Resources. The sampling and analysis plan shall meet the requirements of the Department of Toxic Substances Control Interim Guidance for Sampling Agricultural Properties (2008), and the County Department of Environmental Resources Recommended Soil and Groundwater Sampling for Underground Tank Investigations (2013). The soils in the area where farming equipment and tanks have been stored, including, but not limited to, the following, should be included in the soil sampling and analysis workplan:</p> <ul style="list-style-type: none"> • The parcels associated with the Alexander Dairy (APNs 074-011-009 and 074-014-006). 	<p>City of Riverbank Development Services Department</p>	<p>If the site investigation required by Mitigation Measure 3.8-2 indicates a probability that hazardous materials may be found on any parcel</p>	

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ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<ul style="list-style-type: none"> • The parcels associated with the properties located at 5817 Oakdale Road, 5525 Oakdale Road, and 2054 Crawford Road. • The Harrigfeld property located at 1901 Morrill Road. • All parcels located south of Morrill Road. <p>If the sampling results indicate the presence of agrichemicals that exceed commercial screening levels, a removal action workplan shall be prepared in coordination with Stanislaus County Department of Environmental Resources. The removal action workplan shall include a detailed engineering plan for conducting the removal action, a description of the onsite contamination, the goals to be achieved by the removal action, and any alternative removal options that were considered and rejected and the basis for that rejection. A no further action letter shall be issued by Stanislaus County Department of Environmental Resources upon completion of the removal action. The removal action shall be deemed complete when the confirmation samples exhibit concentrations below the commercial screening levels, which will be established by the agencies.</p> <p>If any stained soil or odor-impacted areas are encountered during the Phase II ESA, then soil sampling of these areas shall be included in the above soil sampling workplan, and depending upon the sampling results, included in the removal action workplan as well.</p> <p>Mitigation Measure 3.8-4: Prior to bringing hazardous materials onsite, the applicant shall submit a Hazardous Materials Business Plan (HMBP) to the Stanislaus County Division of Environmental Resources (CUPA) for review and approval. If during the construction process the applicant or any subcontractor generates hazardous waste, the applicant must register with the CUPA as a generator of hazardous waste, obtain an EPA ID# and accumulate, ship and dispose of the hazardous waste per Health and Safety Code Ch. 6.5. (California Hazardous Waste Control Law).</p> <p>Mitigation Measure 3.8-5: Prior to initiation of any ground disturbance activities within 50 feet of a well, the applicant shall hire a licensed well contractor to obtain a well abandonment permit from Stanislaus County Department of Environmental Resources, and properly abandon the on-site wells, pursuant to review and approval of the City Engineer and the Stanislaus County Department of Environmental Resources.</p>	<p>Stanislaus County Division of Environmental Resources</p> <p>City of Riverbank Development Services Department</p>	<p>Prior to bringing hazardous materials onsite</p> <p>Prior to initiation of any ground disturbance activities within 50 feet of a well</p>	

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ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<i>Implement Mitigation Measures 3.8-1, 3.8-2, 3.8-3, 3.8-4, and 3.8-5.</i>	See Mitigation Measures 3.8-1, 3.8-2, 3.8-3, 3.8-4, and 3.8-5	See Mitigation Measures 3.8-1, 3.8-2, 3.8-3, 3.8-4, and 3.8-5	
NOISE				
Impact 3.11-1: Construction of the proposed Project may generate significant noise.	<p>Mitigation Measure 3.11-1: Construction activities shall not occur between 6:30 p.m. and 6:00 a.m. on weekdays or 5:00 p.m. and 8:00 a.m. on weekends and legal holidays, as required by the City of Riverbank Municipal Code. This requirement shall be noted in the improvements plans prior to approval by the City's Public Works Department.</p> <p>Mitigation Measure 3.11-2: In an effort to comply with the City General Plan standards contained in Table 3.11-6 (Table N-3 of the General Plan), all equipment shall be fitted with factory equipped mufflers, and in good working order. In addition, all staging areas shall be located as far as feasibly possible from residential areas. This requirement shall be noted in the improvements plans prior to approval by the City's Public Works Department.</p>	City of Riverbank Public Works Department	During construction activities	
Impact 3.11-4: The proposed Project may result in traffic noise at new sensitive receptors.	<p>Mitigation Measure 3.11-3: The Project applicant(s) shall determine the appropriate methods for reducing traffic noise levels at the Project site to within the City of Riverbank noise level criteria. It is expected that traffic noise levels could exceed the City standards at residential areas adjacent to Oakdale Road, Morrill Road and Claribel Road. Mitigation can take the form of sound walls, berms, a combination of walls and berms, setbacks and shielding from building facades. The effectiveness of the proposed mitigation shall be documented by acoustical analyses. The appropriate mitigation will be determined prior to the approval of tentative maps or site plans, and subject to review and approval by the City of Riverbank.</p>	City of Riverbank Public Works Department	During construction activities	
Impact 3.11-5: The proposed Project may result in noise from on-site activities at sensitive receptors.	<p>Mitigation Measure 3.11-4: The center of the play fields shall be located at a minimum distance of 275-feet from the nearest residences. This requirement shall be noted in the improvements plans prior to approval by the City's Public Works Department.</p>	City of Riverbank Public Works Department City of Riverbank	Prior to approval of tentative maps or site plans Prior to approval of improvement plans Prior to approval of	

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ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p>Mitigation Measure 3.11-5: Use of the play fields shall be restricted to the daytime hours of 7:00 a.m. to 10:00 p.m. This requirement shall be noted in the improvements plans prior to approval by the City's Public Works Department.</p> <p>Mitigation Measure 3.11-6: When school site plans have been developed, a detailed analysis of school site noise impacts shall be identified and appropriate mitigation measures shall be included in the project designs. The City shall review and approve the analysis of school site noise impacts, as well as any mitigation measures resulting from the analysis.</p>	<p>Public Works Department</p> <p>City of Riverbank Public Works Department</p>	<p>improvement plans</p> <p>Prior to approval of improvement plans</p>	
PUBLIC SERVICES AND RECREATION				
<p>Impact 3.12-1: The proposed Project has the potential to require the construction of police department facilities which may cause substantial adverse physical environmental impacts.</p> <p>Impact 3.12-5: The proposed Project has the potential to require the construction of park and recreational facilities which may cause substantial adverse physical environmental impacts.</p>	<p>Mitigation Measure 3.12-1: Prior to the City recording a "Final Map" for each Project within the Plan Area, the owner of the project/map shall either annex the mapped property into a Community Facilities District ("CFD"), or create a new CFD for the mapped property, which will include funding for operational services with the Riverbank Police Department (Stanislaus County Sheriff).</p> <p>Mitigation Measure 3.12-2: Prior to the recording of any Final Maps, or in connection with any other final approvals for the MU-1 "Mixed Use Retail" area dedicated to residential development, the project developer shall dedicate and finance the improvement of sufficient park land in accordance with a park improvement plan, subject to approval by the City, or pay sufficient in lieu fees in accordance with the Quimby Act and the City's General Plan policy, to develop at least five acres of parkland per 1,000 residents. If sufficient park area is not provided for in the subdividable lands in accordance with the Quimby Act and City Ordinances, the Project applicant shall demonstrate where the parkland dedication may occur and provide surety of its dedication and improvement according to a defined time line for dedication and improvement. This dedication requirement shall include development of full park improvement plans to be approved by the Director of Parks and Recreation. The timing of the park improvements shall be negotiated with the developer unless stipulated in a Development Agreement or Subdivision Improvement Agreement.</p>	<p>City of Riverbank Development Services Department</p> <p>City of Riverbank Services Department</p>	<p>Prior to the City recording a "Final Map" for each Project within the Plan Area</p> <p>Prior to the recording of any Final Maps, or in connection with any other final approvals for the MU-1 "Mixed Use Retail" area dedicated to residential development</p>	
TRANSPORTATION AND CIRCULATION				
<p>Impact 3.13-1: Under Existing conditions, the proposed Project would result in a significant</p>	<p>Mitigation Measure 3.13-1: Prior to issuance of any Building Permits for the CWSP Project, each project applicant in the Plan Area shall pay the applicable</p>	<p>City of Riverbank</p>	<p>Prior to issuance of any Building</p>	

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ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
<p>impact at the Patterson Road / Coffee Road intersection.</p>	<p>City of Riverbank Impact Fee towards the improvement of the Patterson Road / Coffee Road intersection in order to satisfy their fair share obligation.</p>	<p>Public Works Department</p>	<p>Permits for the CWSP Project</p>	
<p>Impact 3.13-2: Under Existing conditions, the proposed Project would result in a significant impact at the Claribel Road / Oakdale Road intersection.</p>	<p>Mitigation Measure 3.13-2: Prior to the approval of a Final Map or improvement plans, each applicant within the CWSP Project shall be responsible for the project's fair share impacts towards the cost of widening Oakdale Road to provide a second southbound travel lane that continues beyond Claribel Road a distance sufficient to accommodate efficient intersection traffic operations and a transition back to a single lane, as well as a northbound right turn lane. The distance needed to accommodate the auxiliary through lane and transition back to a single lane is roughly ¼ mile. This roadway improvement shall be noted on the project improvement plans.</p> <p>The sum of each project applicant's fair share cost shall be equal to the total cost to construct the entire improvement, and the sum of the fair share costs shall be used by the developer(s) to construct the entire improvement. The specific segments of roadway which would be widened shall be completed as determined by the City Engineer based on the level of development being proposed at the time.</p>	<p>City of Riverbank City Engineer</p>	<p>Prior to the approval of a Final Map or improvement plans</p>	
<p>Impact 3.13-3: Under Existing conditions, the proposed Project would result in a significant impact at the Claribel Road / N-S Collector intersection.</p>	<p>Mitigation Measure 3.13-3: Prior to approval of a Final Map or improvement plans, each applicant within the CWSP Project shall be responsible for the project's fair share impacts towards the cost of constructing a traffic signal and ancillary lanes at the Claribel Road / N-S Collector intersection. When warranted, construction of the traffic signal shall be required, to the satisfaction of the City of Riverbank City Engineer. The additional ancillary lanes shall be completed as determined by the City Engineer based on the level of development being proposed at the time. When warranted, this roadway improvement shall be noted on the improvement plans for such project.</p> <p>The sum of each project applicant's fair share cost shall be equal to the total cost to construct the entire improvement, and the sum of the fair share costs shall be used by the developer(s) to construct the entire improvement.</p>	<p>City of Riverbank City Engineer</p>	<p>Prior to approval of a Final Map or improvement plans</p>	
<p>Impact 3.13-5: Under Existing conditions, the proposed Project would result in a significant impact at the segment of</p>	<p>Mitigation Measure 3.13-4: Prior to issuance of any Building Permits for each project in the Plan Area, each project applicant shall pay the applicable City of Riverbank Impact Fee towards widening of SR 108 to four-lanes in order to satisfy their fair share obligation.</p>	<p>City of Riverbank Public Works Department</p>	<p>Prior to issuance of any Building Permits for</p>	

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ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
Patterson Road from McHenry Avenue to Coffee Road.			each project in the Plan Area	
Impact 3.13-6: Under Existing conditions, the proposed Project would result in a significant impact at the segment of Claribel Road from McHenry Avenue to Coffee Road.	Mitigation Measure 3.13-5: Prior to issuance of any Building Permits for each project in the Plan Area, each project applicant shall pay the applicable County RTIF fee towards construction of the North County Corridor in order to satisfy their fair share obligation.	Stanislaus Council of Governments	Prior to issuance of any Building Permits for each project in the Plan Area	
Impact 3.13-7: Under Existing conditions, the proposed Project would result in a significant impact at the segment of Claribel Road from Oakdale Road to Claus Road.	Mitigation Measure 3.13-6: Prior to issuance of Building Permits for the Project, each project applicant in the Plan Area shall pay the applicable City of Riverbank Impact Fee and County RTIF fee towards the improvement of Claribel Road from Oakdale Road to Claus Road in order to satisfy their fair share obligation.	Stanislaus Council of Governments	Prior to issuance of Building Permits for the Project	
Impact 3.13-9: Under Existing conditions, the proposed Project would result in a significant impact at the Oakdale Road between Morrill Road and Crawford Road segment.	Mitigation Measure 3.13-7: Prior to issuance of any Building Permits each project within the Plan Area, each project applicant shall be responsible for contributing the fair share contribution towards the costs of widening Oakdale Road to four lanes by providing a second southbound through travel lane between Morrill Road and Crawford Road. The applicant shall be responsible for widening Oakdale Road when determined by the City Engineer.	City of Riverbank City Engineer	Prior to issuance of any Building Permits each project within the Plan Area	
Impact 3.13-11: The proposed Project would adversely affect pedestrian and bicycle facilities.	Mitigation Measure 3.13-8: Each project applicant in the Plan Area shall work with City of Riverbank staff to identify applicable pedestrian crossing features and shall install the features, when warranted, to the satisfaction of the City of Riverbank City Engineer. Mitigation Measure 3.13-9: Each project applicant in the Plan Area shall monitor pedestrian, bicycle, and motor vehicle safety conditions as development proceeds. Any identified safety conditions as a result of this monitoring shall be installed to alleviate these concerns, as applicable, to the satisfaction of the City of Riverbank City Engineer.	City of Riverbank City Engineer City of Riverbank City Engineer	When warranted, as determined by the City Engineer When warranted, as determined by the City Engineer	

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ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
Impact 3.13-12: The proposed Project would adversely affect transit services or facilities.	Mitigation Measure 3.13-10: The project applicants in the CWSP Area shall install the transit elements included in the CWSP. The project applicants shall work with Stanislaus Regional Transit staff to identify applicable on-site transit facilities and features in order to ensure that transit facilities are incorporated into the project. The transit facilities and features may include, but would not be limited to, bus turnouts, bus stops, and signage. The project applicants shall install the features, when warranted, to the satisfaction of the City Engineer.	City of Riverbank City Engineer Stanislaus Regional Transit	When warranted, as determined by the City Engineer	
Impact 3.13-13: Under EPAP conditions, the proposed Project would result in a significant impact to queue lengths.	Mitigation Measure 3.13-11: Prior to approval of a Final Map or improvement plans, each project applicant within the CWSP Area shall be responsible for lengthening the available storage in left turn lanes at the Oakdale Road / Crawford Road, Oakdale Road / Freddi Lane, and Oakdale Road / Claribel Road intersections. The applicants shall be responsible for lengthening specific turn lanes when determined by the City Engineer. These roadway improvements shall be noted on the project improvement plans.	City of Riverbank City Engineer	Prior to approval of a Final Map or improvement plans	
Impact 3.13-14: Under EPAP conditions, the proposed Project would result in a significant impact at the proposed mixed use retail area access.	Mitigation 3.13-12: Prior to approval of a Final Map or improvement plans for the "MU-1 Mixed Use Retail" area, the project applicant shall be responsible for providing a design for vehicular access to the satisfaction of the City of Riverbank City Engineer when development of the "MU-1 Mixed Use Retail" area proceeds. This roadway design shall be noted on the project improvement plans.	City of Riverbank City Engineer	Prior to approval of a Final Map or improvement plans for the "MU-1 Mixed Use Retail" area	
Impact 3.13-15: Under EPAP conditions, the proposed Project would result in a significant impact at the McHenry Avenue / Kiernan Avenue / Claribel Avenue intersection.	Mitigation Measure 3.13-13: Prior to issuance of Building Permits for each project in the Plan Area, each project applicant shall pay the applicable County RTIF fee towards construction of the North County Corridor in order to satisfy their fair share obligation.	Stanislaus Council of Governments	Prior to issuance of Building Permits for each project in the Plan Area	
Impact 3.13-16: Under Cumulative (Year 2042) conditions, the proposed Project would result in a significant impact at the Patterson Road / Coffee Road intersection.	Implement Mitigation Measure 3.13-1 .	See Mitigation Measure 3.13-1	See Mitigation Measure 3.13-1	

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ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
Impact 3.13-17: Under Cumulative (Year 2042) conditions, the proposed Project would result in a significant impact at the Coffee Road / Morrill Road intersection.	Mitigation Measure 3.13-14: Prior to approval of a Final Map or improvement plans, each applicant within the CWSP Project shall be responsible for the project's fair share impacts towards the cost of installing a traffic signal at the Coffee Road / Morrill Road intersection. When warranted, construction of the traffic signal shall be required, to the satisfaction of the City of Riverbank City Engineer. When warranted, this roadway improvement shall be noted on the improvement plans for such project.	City of Riverbank City Engineer	Prior to approval of a Final Map or improvement plans	
Impact 3.13-18: Under Cumulative (Year 2042) conditions, the proposed Project would result in a significant impact at the Coffee Road / Relocated Crawford Road intersection.	Mitigation Measure 3.13-15: Prior to approval of a Final Map or improvement plans, each project applicant shall be responsible for its fair share of the cost of installing traffic signal at the Coffee Road / Relocated Crawford Road intersection. The signal shall be installed when conditions warrant, as determined by the City of Riverbank City Engineer.	City of Riverbank City Engineer	Prior to approval of a Final Map or improvement plans	
Impact 3.13-19: Under Cumulative (Year 2042) conditions, the proposed Project would result in a significant impact at the Claribel Road / N-S Collector intersection.	Implement Mitigation Measure 3.13-3.	See Mitigation Measure 3.13-3	See Mitigation Measure 3.13-3	
Impact 3.13-20: Under Cumulative (Year 2042) conditions, the proposed Project would result in a significant impact at the Claribel Road / Oakdale Road intersection.	Mitigation Measure 3.13-16: Prior to approval of a Final Map or improvement plans, each applicant in the Plan Area shall be responsible for the project's fair share impacts towards the cost of adding a second northbound left turn lane at the Claribel Road / Oakdale Road intersection, as determined by the City of Riverbank City Engineer. When warranted, the addition of a second northbound left turn lane shall be required, to the satisfaction of the Stanislaus County Road Commissioner. When warranted, this roadway improvement shall be noted on the improvement plans for such project.	City of Riverbank City Engineer	Prior to approval of a Final Map or improvement plans	
Impact 3.13-24: Under Cumulative (Year 2042) conditions, the proposed Project would result in a significant impact at the segment of Coffee Road between Morrill Road and the relocated Crawford Road.	Mitigation Measure 3.13-17: Prior to approval of a Final Map or improvement plans, each project applicant in the Plan Area shall be responsible for the fair share of the cost of improving Coffee Road from Morrill Road to the relocated Crawford Road intersection to provide the functional equivalent of a two-lane arterial street standard, as determined by the City of Riverbank City Engineer.	City of Riverbank City Engineer	Prior to approval of a Final Map or improvement plans	

4.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
Impact 3.13-25: Under Cumulative (Year 2042) conditions, the proposed Project would result in a significant impact at the segment of Coffee Road between the relocated Crawford Road and the realigned Claribel Road intersection.	Mitigation Measure 3.13-18: Prior to approval of a Final Map or improvement plans, each project applicant in the Plan Area shall be responsible for contributing its fair share to the cost of improving Coffee Road from the relocated Crawford Road intersection to the realigned Claribel Road intersection to the equivalent of a four-lane arterial street standard, as determined by the City of Riverbank City Engineer.	City of Riverbank City Engineer	Prior to approval of a Final Map or improvement plans	
Impact 3.13-26: Under Cumulative (Year 2042) conditions, the proposed Project would result in a significant impact at the segment of Coffee Road between the realigned Claribel Road intersection and NCC.	Mitigation Measure 3.13-19: Prior to approval of a Final Map or improvement plans, each project applicant in the Plan Area shall be responsible for contributing its fair share fee to the cost of improving Coffee Road from the realigned Claribel Road intersection to NCC to a four-lane arterial street standard.	City of Riverbank City Engineer	Prior to approval of a Final Map or improvement plans	
UTILITIES				
Impact 3.14-6: The proposed Project has the potential to require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	Mitigation Measure 3.14-1: Prior to the issuance of a building or grading permit, the Project applicant shall submit a drainage plan to the City of Riverbank for review and approval. The plan shall include an engineered storm drainage plan that demonstrates attainment of pre-Project runoff requirements prior to release and describes the volume reduction measures and treatment controls used to reach attainment consistent with the Riverbank Low Impact Development Design and Specifications Manual, the Riverbank Storm Drain System Master Plan, and the Crossroads West Specific Plan.	City of Riverbank City Engineer	Prior to the issuance of a building or grading permit	

EXHIBIT F

Draft LAFCO Resolution No. 2019-13

**STANISLAUS COUNTY LOCAL AGENCY
FORMATION COMMISSION**

RESOLUTION

DATE: June 26, 2019

NO. 2019-13

SUBJECT: LAFCO APPLICATION NO. 2019-06 – CROSSROADS WEST CHANGE OF ORGANIZATION TO THE CITY OF RIVERBANK

On the motion of Commissioner _____, seconded by Commissioner _____, and approved by the following vote:

Ayes: Commissioners:
Noes: Commissioners:
Ineligible: Commissioners:
Absent: Commissioners:

THE FOLLOWING RESOLUTION WAS ADOPTED:

WHEREAS, the City of Riverbank has requested to annex approximately 403.79 acres known as the Crossroads West Specific Plan;

WHEREAS, the City of Riverbank adopted a Resolution of Application and pre-zoned the proposed annexation area, located within the City of Riverbank’s existing Sphere of Influence and Primary Area;

WHEREAS, there are less than 12 registered voters within the area and it is thus considered uninhabited;

WHEREAS, the City of Riverbank, as Lead Agency, has certified a Final Environmental Impact Report for the proposal, in compliance with the California Environmental Quality Act (CEQA) and State CEQA Guidelines;

WHEREAS, the City of Riverbank shall be responsible for monitoring and reporting to ensure CEQA compliance;

WHEREAS, the City of Riverbank has determined that there are impacts which could not be mitigated to acceptable levels and adopted CEQA Findings of Fact and Statements of Overriding Considerations, as put forth in City of Riverbank Resolution No. 2019-013;

WHEREAS, the Commission has reviewed the environmental documentation prepared by the City of Riverbank, including the Final Environmental Impact Report and Statements of Overriding Considerations, and has not identified any feasible mitigation measures that would substantially lessen the identified impacts of the proposal;

WHEREAS, the Commission is not aware of any legal challenge filed against the City’s environmental determinations for the proposal;

WHEREAS, the Commission has reviewed the Plan for Agricultural Preservation submitted by the City for the proposal which provides information regarding impacts to agricultural lands and the City's strategy to minimize the loss of agricultural lands;

WHEREAS, at the time and in the form and manner provided by law, the Executive Officer provided notice of the June 26, 2019 public hearing by this Commission; and

WHEREAS, the Commission has heard all interested parties desiring to be heard and has considered the proposal and report by the Executive Officer and all other relevant evidence and information presented or filed at the hearing.

NOW, THEREFORE, BE IT RESOLVED that this Commission:

1. Acting as a Responsible Agency pursuant to CEQA Guidelines Sections 15051, 15052, 15096, and 15391, the Commission has reviewed and considered the Final Environmental Impact Report for the Crossroads West Specific Plan, and adopts the same findings regarding the environmental impacts of the proposal and the statement of overriding considerations, all as approved and adopted by the City of Riverbank acting as the Lead Agency and put forth in Riverbank City Council Resolution No. 2019-013; and additionally makes the following findings:
 - A. As a "Responsible Agency", Stanislaus LAFCO has independently evaluated the City's certified EIR, and has complied with all actions and guidelines pursuant to CEQA Guidelines Section 15096, and has reached an independent conclusion that determines the EIR adequately addresses the potential impacts related to the proposal that the Stanislaus LAFCO has been asked to approve;
 - B. On the basis of substantial evidence in light of the whole record, none of the conditions identified in the CEQA Guidelines Section 15052 have occurred that would necessitate LAFCO assuming the role of Lead Agency from the City of Riverbank;
 - C. On the basis of substantial evidence in light of the whole record, none of the conditions identified in CEQA Guidelines Section 15162 or 15163 have occurred that would necessitate preparation of a Subsequent EIR or Supplemental EIR as certified by the City of Riverbank;
 - D. On the basis of substantial evidence in light of the whole record, in compliance with CEQA Guidelines Section 15096(g)(2), that there are no feasible alternatives to the proposal or feasible mitigation measures within the Stanislaus LAFCO's powers that would substantially lessen or avoid any significant effect the proposal would have on the environment;
 - E. On the basis of substantial evidence in light of the whole record, in compliance with CEQA Guidelines Section 15096(h), that the Stanislaus LAFCO, as a "Responsible Agency" adopts the same findings put forth in Riverbank City Council Resolution No. 2019-013 as required by Section 15091(a) for each significant effect of the proposal and makes the findings in Section 15093 as necessary, adopts the same Statement of Overriding Considerations, also

contained in said referenced resolution, and to further require the filing of a Notice of Determination in compliance with CEQA Guidelines Section 15096(i); and,

- F. The City of Riverbank shall be responsible for the Mitigation Monitoring and Reporting Program, all as approved and adopted by the City to ensure CEQA Compliance.
2. Determines that the Plan for Agricultural Preservation, as submitted by the City, contains sufficient evidence demonstrating consistency with the goals of the Commission's Agricultural Preservation Policy.
 3. Determines that the approval of the change of organization is consistent with overall Commission policies and the City's General Plan and that the City has provided sufficient evidence to show that the required services are available and will be provided upon development of the area.
 4. Approves the proposal subject to the following terms and conditions:
 - A. The applicant shall pay State Board of Equalization fees and any remaining fees owed to LAFCO.
 - B. The applicant agrees to defend, hold harmless and indemnify LAFCO and/or its agents, officers, and employees from any claim, action or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul LAFCO's action on a proposal or any action relating to or arising out of such approval, and provide for the reimbursement or assumption of all legal costs in connection with that approval.
 - C. The effective date shall be the date of recordation of the Certificate of Completion.
 - D. The application shall be processed as a change of organization consisting of the annexation of territory to the City of Riverbank.
 - E. Upon the effective date of the annexation, all rights, title, and interest of the County, including the underlying fee where owned by the County in any and all public improvements, including, but not limited to the following: sidewalks, trails, landscaped areas, open space, street lights, signals, bridges, storm drains, and pipes shall vest in the City; except for those properties to be retained by the County.
 5. Designates the proposal as the "Crossroads West Change of Organization to the City of Riverbank."
 6. Designates the Commission as conducting authority pursuant to Government Code Section 56029 for the change of organization.

7. Authorizes and directs the Executive Officer, pursuant to Government Code Section 56881(d), to initiate the protest proceedings for the change of organization pursuant to Part 4, commencing with Section 57000, in compliance with this Resolution and upon receipt of a map and legal description accepted to form by the Executive Officer, subject to the specified terms and conditions.

ATTEST: _____
Sara Lytle-Pinhey
Executive Officer