

Farmland Working Group

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Riverbank would grow to McHenry under plan for 2,400 homes. Not so fast, critics say

By John Holland
Updated June 21, 2021

Riverbank has released a plan for about 2,400 homes, along with businesses and parks, on farmland to the west of town. The idea has drawn protests from farming advocates, who say this expanse is about as good as it gets for growing crops.

And a Modesto official said Riverbank's plan is "a significant deviation from established plans for this area." The bigger city is just starting to update its general plan, the main guide for growth.

The 993-acre project would stretch from Riverbank's current northwest corner to McHenry Avenue on the west. Patterson Road runs along the south edge of the plan area. The Stanislaus River is at the north. The plan would bring a roughly 30% increase in the number of homes in Riverbank, over perhaps a decade. It now has about 25,000 residents.

The city proposes to annex the land on behalf of numerous parcel owners. Approval of specific land uses could take a year or two, said Donna Kenney, planning and building manager for Riverbank, in an email. Another 529 acres, just to the south and west, would be reserved for future development decisions. This area has long frontages on McHenry and Patterson. A 150-acre solar plant is in the southwest corner.

The 993 acres are called River Walk. The city has just launched the environmental study on the plan, including a Zoom meeting held Thursday, June 17.

The landowners want to create a mix of housing densities suited to young families, seniors and other residents, consultant Steve McMurtry said at the meeting. He is a principal planner for De Novo Planning Group, based in El Dorado Hills.

Details on homes, shops, parks

The plan includes:

- 1,550 low-density homes, up to eight per acre, on a total of 366 acres
- 702 medium-density homes, up to 16 per acre, on a total of 54 acres
- 180 high-density homes, averaging 18 per acre, on a total of 10 acres
- 71 acres of "mixed use," including retail, services and housing close to each other

- 60 acres of open space along the bluff overlooking the river, which would have habitat protections and trails
- 44 acres of parkland in other spots.

Part of River Walk would be for residents 55 and older. They could find services close by and get around on electric golf carts charged on site, McMurtry said. The public has until July 5 to comment on what the environmental study should cover. The city will then release a draft report for further comment, followed by a final report. The project would go to the Riverbank Planning Commission, followed by the City Council.

The final step is approval by the county Local Agency Formation Commission. It oversees annexations by cities and considers farmland loss as one of the factors.

'Top tier of quality soils'

Farmland advocates have long urged protection for the project area. It provides a buffer between cities while supporting the region's huge food processing industry. "The land proposed for urbanization is at the top tier of quality soils in the world, and with available water," said an email from Denny Jackman, a leader with the Farmland Working Group.

The plan area includes almond, walnut and cherry orchards along with fallow land. Farmland advocates said the soil is especially well suited to groundwater recharge through irrigation.

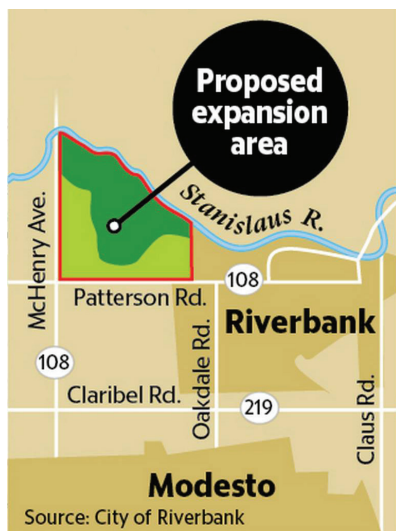
Jackman, a former Modesto city councilman, said Riverbank already has plenty of vacant land with lesser soil where it could expand.



North of Patterson Road and above McHenry Avenue looking east towards the city of Riverbank on Thursday, June 17, 2021. Andy Alfaro aalfaro@modbee.com

Continued page 2

Our Mission: To preserve the agricultural foundation of our region and promote smart growth in our urban communities through education, outreach and action.



Laurie McAdam THE MODESTO BEE

This is known as a “sphere of influence,” areas that are not yet in a city but could be annexed at some point. Riverbank’s are mostly near its current western and eastern borders.

Much of the recent growth has happened near the Crossroads shopping center at the south end of town. Another phase just got under way.

Riverbank has a modest amount of downtown hous-

ing, but a plan approved in 2015 outlined how the core might be revived. Just to the west is a vacant cannery site where a walkable mix of homes and businesses was suggested.

Modesto watches from south

The Riverbank annexation emerges just as Modesto is starting work on an update of its general plan. Among the many issues is how far it should stretch into the farmland to the north.

In an email, Deputy City Manager Caluha Barnes said Modesto has just begun reviewing Riverbank’s proposed growth and does not yet have a position on how the area should be used.

“That said, we acknowledge that the proposed area is a significant deviation from established plans for this area,” she said. “We expect to better understand the potential impact after we have completed our review.”

Sara Lytle-Pinhey, Executive Officer Stanislaus County LAFCO — Response to Notice of Preparation of an Environmental Impact Report for The River Walk Specific Plan

Dear Ms. Kenney:

June 29, 2021

Thank you for the opportunity to review the Notice of Preparation of an Environmental Impact Report (EIR) for the River Walk Specific Plan. As Lead Agency, the City of Riverbank is responsible for considering the effects, both individual and collective, of all activities involved in the project (Public Resources Code §21000 et seq). LAFCO, as a Responsible Agency, will utilize the CEQA documents prepared by the City in reviewing the proposed sphere of influence expansion and annexation.

The project proposes to expand the City’s Sphere of Influence by 1,535 acres and annex approximately 1,000 acres. The following comments are provided for the City’s consideration:

Sphere of Influence Policies

Stanislaus LAFCO’s policies describe a Sphere of Influence as “the area around a local agency within which territory is eligible for annexation and the extension of urban services within a twenty-year period.” Stanislaus LAFCO also adopts a Primary Area within the Sphere of Influence, representing the City’s short-term growth area. Lands within the Primary Area are eligible for annexation and extension of urban services within a zero to ten-year period. Territory between an adopted Primary Area and Sphere of Influence is considered a transition area, anticipated to need services within ten to twenty years.

Consistency with these timeframes are a concern, as LAFCO recently approved an expansion of the City of Riverbank’s Sphere of Influence in 2016, adding approximately 1,479 acres intended to accommodate the City’s growth over the next 20 years. The City subsequently annexed approximately 400 acres of this area in 2019 for residential and commercial uses (known as Crossroads West).

In addition to the timeframes above, State law and locally-adopted LAFCO policies contain numerous provisions that are intended to prevent sprawl and encourage logical growth when considering Sphere expansions. The EIR should include a discussion regarding these policies, including those highlighted below:

- Amendment proposals involving Sphere expansion which contain prime agricultural land will not be approved by LAFCO if there is sufficient alternative land available for annexation within the existing Sphere of Influence. The City’s analysis should identify undeveloped areas already within the City limits and Sphere of Influence that could be developed with similar uses.
- Territory not in need of urban services, including open space, agriculture, non-protested, or protested and not upheld Williamson Act contracted lands, shall not be assigned to an agency’s sphere of influence, unless the area’s exclusion would impede the planned orderly and efficient development of this area.
- Sphere of influence boundaries shall, to the extent possible, maintain a separation between existing communities to protect open space and agricultural lands and the identity of an individual community.

As proposed, the City’s Sphere of Influence would extend along the Stanislaus River to McHenry Avenue, adjacent to development in the unincorporated Del Rio community area. The EIR should also discuss how the proposal relates to overall regional planning for the area. If both the City and County’s plans were developed to their extents, no separation of communities or agricultural land would remain north of Patterson and Ladd Rd in this area of Stanislaus County.

City-County Meeting Requirement

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

Agricultural Resources

One of LAFCO's main charges, as put forth by the Legislature, is to protect and promote agriculture. LAFCO's policies state that development should be guided away from agricultural lands, including prime agricultural land. It appears that the majority of the 1,535-acre sphere of influence expansion area is also considered prime farmland. The EIR's analysis of impacts to agricultural lands should describe not only those lands categorized on the Department of Conservation's Important Farmland Map, but also those lands that fall within the LAFCO definition of prime agricultural land (Government Code Section 56064). The EIR should also identify a range of alternatives to the proposal, including alternatives that focus on lands already within the sphere of influence and non-prime lands.

Agricultural Preservation Policy

LAFCO's adopted Agricultural Preservation Policy will require the City to prepare a Plan for Agricultural Preservation ("Plan"). The Plan must include information regarding the proposal's direct and indirect impacts to agricultural resources, the availability of lands in the City's existing boundaries, and relevant General Plan policies related to agricultural preservation. The Plan also must specify the method or strategy proposed to minimize the loss of agricultural lands. The information provided in the Plan should be consistent with the EIR prepared by the City.

The City adopted a Sustainable Agricultural Strategy in 2016 that it used as its Plan for Agricultural Preservation for the City's current Sphere of Influence. The Plan identified many of the City's current General Plan policies, including Agricultural Resource Conservation Areas covering 1,300 acres west of the City, use of agricultural buffers, and overall policies related to infill development prior to consideration of additional annexation areas. The current proposal would remove the Agricultural Resource Conservation designation in the project area and represents a significant shift in General Plan policies, the impacts of which will need to be fully discussed and considered.

Logical Boundaries

As proposed, annexation of the River Walk Specific Plan area will leave the unincorporated Park Ridge / River Heights neighborhood surrounded by the City Limits on three sides and the County boundary on the fourth, creating an unincorporated island. LAFCO's policies and State law discourage the creation of islands or other distortion of a city's boundaries. This area currently relies on a private water system, would benefit from connection to City services, and should be included in any annexation proposal that would otherwise surround it.

Public Services

The proposal must show that the City has the necessary public services available to serve the development upon annexation, pursuant to LAFCO policies. This analysis must include detailed evidence of current service levels, sufficient sewer capacity, sufficient quantities and quality of water, financing mechanisms, as well as the means to provide adequate levels of fire and police protection. This information can also be used to prepare a "Plan for Services", as required by LAFCO Policy and State law (Government Code Section 56653). The Plan for Services shall include information on the present and future level of services and evidence that the annexing agency can at least maintain the current level of public services already provided within its boundaries.

Municipal Service Review Requirement

In accordance with Government Code Sections 56425 and 56430, when updating a Sphere of Influence, a Municipal Service Review (MSR) must also be prepared. The City's last MSR was completed in conjunction with the City's 2016 Sphere of Influence expansion and relied on water and sewer master plans from 2007. These plans should be updated to include the additional territory of the River Walk proposal.

Impacts on Special Districts

The proposed Specific Plan Area is currently within the boundaries of the Stanislaus Consolidated Fire Protection District, the Modesto Irrigation District, the Oakdale Irrigation District, and the Wendt Ranch Reclamation District. LAFCO will also consider impacts to these agencies. The Commission will deny proposals, pursuant to LAFCO policy, that would result in significant immitigable adverse effects upon other service recipients or other agencies servicing the affected area unless the approval is conditioned to avoid such impacts. The environmental analysis should identify any future annexation that will include new tax sharing agreements or assessments and include a discussion of any resulting impacts. The City is encouraged to consult with each of these districts to resolve any concerns identified prior to application to LAFCO.

Please include LAFCO on the mailing list for any future environmental referrals involving this project, as we did not receive mailed notice of the NOR. If you have any questions, please contact our office at (209) 525-7660.

Sincerely,



Sara Lytle-Pinhey
Executive Officer
Stanislaus County LAFCO



WE ARE WATCHING...



tel: 916.455.7300 • fax: 916.244.7300
510 8th Street • Sacramento, CA 95814

July 6, 2021

SENT VIA EMAIL (dkenney@riverbank.org)

Donna Kenney
City of Riverbank
Development Services Dept.
6707 3rd St.
Riverbank, CA 95367

**RE: Comments on Notice of Preparation for
River Walk Specific Plan Draft EIR**

Dear Ms. Kenney:

These comments on the Notice of Preparation ("NOP") for the River Walk Specific Plan ("project") Draft Environmental Impact Report ("EIR") are submitted on behalf of Annabel and Allen Gammon. The Gammons' primary concern with respect to the project is farmland preservation.

The Gammons have been advocates for farmland preservation in Riverbank and the San Joaquin Valley for many years. Dr. Gammon served as chair of the Farmland Working Group from 2011-2014. A native of the island of Luzon in the Philippines, Ms. Gammon's family operated rice farmland and livestock, where she gained an appreciation of farming. In addition to providing wildlife habitat, the Gammons believe that protection of local farmland is critical to providing sustenance for the people of our state and beyond.

The Gammons' home is currently within unincorporated Stanislaus County. In 2009, the Gammons grew concerned about the urbanization of this same area, where Fritz Grupe proposed to build "villages", and now this irreplaceable farmland is again slated for development.

In addition to working to preserve the quality of life and protect farmlands for purposes of feeding our growing state, the Gammons also want to protect the Stanislaus River, which runs through the proposed project. The Stanislaus River was named by a Yokut Indian, Estanislao. The Yokut tribe lived by the river and Native American cultural sites and artifacts likely exist in this area. All of the resources of this area should be protected and preserved, as required by the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq. ["CEQA"]) and other applicable laws.

Overview of Concerns

The project would convert nearly 1,500 acres of farmland to urban uses. The Specific Plan contemplates between 2,432 – 2,682 residential units, and 375,000 and 875,000 square feet of Mixed-Use for commercial, office, service, or retail use, as well as some transitional care facilities. Key concerns include:

1. Prime farmland in the project area should be preserved for agriculture.
2. The project is proposed to be sited in a floodplain, which creates unacceptable risks for new residents and increases risks for existing residents.
3. Riverbank currently lacks the basic infrastructure to support River Walk including:
 - a. Inadequate water or sewer connections to support this large development.
 - b. Insufficient roads to provide proper circulation.
 - c. Inadequate school, police and fire services for new residents.
4. The River Walk project would accelerate climate change and global warming because:
 - a. Thousands of trees will be clear cut and further increase atmospheric carbon.
 - b. The proposed project would create a waste of energy resources.

- c. The proposed project would replace a large solar farm.
- 5. The proposed homes in River Walk will not be affordable for most Riverbank citizens but will attract more affluent commuters who work

CEQA Background

The overriding and primary goal of CEQA is the protection of the environment. (Pub. Resources Code, §§ 21000–21189.3; see §§ 21000–21002.) It is the policy of the state to “[t]ake all action necessary” to provide citizens with “clean air and water,” “freedom from excessive noise,” “[p]revent the elimination of fish or wildlife species due to [anthropogenic] activities” and “[e]nsure that the long-term protection of the environment, consistent with the provision of a decent home and suitable living environment for every Californian, shall be the guiding criterion in public decisions.” (Id., § 21001, subd. (b)-(d).) The purpose of an environmental impact report (“EIR”) is to provide the public with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project. (Pub. Resources Code, §§ 21061, 21002.1, subd. (a).) The City of Riverbank’s (“City”) EIR for the project must disclose and fully analyze all of the project’s potentially significant impacts.

Specific Concerns with NOP

Project Description

The project description in the NOP fails to provide information necessary to understand the full extent of the project, or its impacts on the environment. (CEQA Guidelines, § 15082, subd. (a)(1).) Even review of the separate 75-page so-called “Project Description” fails to provide a clear view of what is being proposed. In addition, the NOP fails to disclose the probable environmental effects of the project. In order to conduct adequate environmental review, detailed project descriptions must first be developed.

Agricultural Resources

The EIR must analyze all potential impacts on existing agriculture. In addition to analyzing impacts from conversion of agricultural land to nonagricultural uses, the EIR must also analyze indirect impacts associated with such conversion. The full range of mitigation for conversion of agricultural lands and interference with agricultural practices should be included in the EIR. Such mitigation includes securing replacement acreages through the use of conservation easements and buffers between different land uses, among other mitigation approaches. A two-to-one mitigation ratio should be considered due to the high value of the farmland proposed to be converted under the project. The County General Plan also includes policies applicable to conversion of agricultural land and interference with ongoing agricultural uses.

Biological Resources

The 1,500-acre site bordered by the Stanislaus River is rich with biological resources. Numerous special status species likely rely on the project site and surrounding resources, and conversion to urban uses would destroy their habitat. In addition, the site may contain fully protected species under state law, for which take authority cannot be granted. The EIR must describe these existing uses as well as formulate mitigation to either avoid or reduce these impacts to biological resources to less than significant levels.

Groundwater

The Project Description indicates that a 2 million gallon water tank and two wells would be needed to serve buildout of the plan area. The NOP fails to identify specific sources of water for project, or the potential impacts on the environment. The project area is within the Modesto Subbasin for purposes of groundwater planning under the Sustainable Groundwater Management Act (Wat. Code, §§ 10720 -12924 [“SGMA”]). The Groundwater Sustainability Plan for the Modesto Subbasin has not yet been completed. The Draft EIR for the project must describe how the project is proposed to be served for water supply, and consider the project’s effects on the ability of the Subbasin to reach sustainability as defined by SGMA.

Energy

The addition of between 2,432-2,682 residential units, and 375,000 and 875,000 square feet of Mixed-Use for commercial, office, service, or retail use, as well as some transitional care facilities, would require significant energy to construct and operate. Neither the NOP nor the Project Description include any information regarding plans for

energy efficiency. The EIR must fully disclose the energy use of the project, as well as means to reduce energy use to address climate change and other environmental concerns.

Land Use

The EIR should carefully examine land use impacts from implementation of the project. Most of the land is designated for agricultural use by the County, with a small part designated for urban transition. Annexation and urbanization of these lands would be a significant change from these land use designations, and undermine County and state policies to protect farmland and open space.

Public Services

The public services required for the project must be completely described. While phasing is mentioned in the Project Description, there is no proposed phasing plan provided in the NOP. In addition, the NOP fails to describe how necessary services would be provided to the project site. As a result, it is unclear how public services are proposed to be provided to the project.

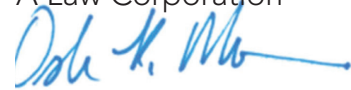
Alternatives

Alternatives that reduce the significant impacts of the project, along with a no project alternative, must be considered in the EIR.

The NOP fails to meet the basic requirements of CEQA and should be revised and recirculated prior to proceeding with environmental review of this project. The additional detail found in the "Project Description" document is also inadequate and cannot substitute for a complete NOP in any case. Thank you for considering these comments, and please feel free to contact my office with any questions.

Very truly yours,

SOLURI MESERVE
A Law Corporation



By: Osha R. Meserve

Donna Kenney
Planning and Building Manager
City of Riverbank

Please include this response/questions/opposition to the proposal.

1. Specifically identify the source of the water for urban uses and who is expected to pay for those costs. I am opposed to a proposal that is designed to take water away from existing, approved users that have been included in approved plans. Without a new water source, existing ratepayers will carry a new cost and ration existing allocations.
2. Specifically identify the productive farmland values to be eliminated for the entire project, and the mitigation proposed. The proposed area for urbanization took 3.5 million years to flood and recede, flood and recede, to form the quality of soils existing.
3. Specifically identify the need for the project size as it relates to the City of Riverbank and if it is compatible with the SOI that currently exists based on the review made during the SOI request/approval in July 2016. There are over 1783 acres outside the city, within the primary SOI and many undeveloped acres within the City limits, according to Stanislaus LAFCO reports, June 2020.
4. Specifically identify the impacts of this project concerning the removal of vegetation from the farms and the elevated sources of greenhouse gas emissions expected by its urban replacements. Are there offsets proposed?

Thank you,
Denny Jackman

Dear Ms. Kenney —

My name is Jeani Ferrari, I am a Founding Director of Farmland Working Group. Please include my written comments in response to the NOP (Notice of Preparation) of the River Walk Specific Plan. These are my comments and input as to the scope and content of the proposed project as the Lead Agency, the City of Riverbank, prepares the Environmental Impact Report.

The overall proposed area is 1,552 acres in the unincorporated area of Stanislaus County. The Specific Plan Area is 993 acres. This area includes Prime Farmland zoned AG-A40 and AG-A10. What is the logic of pouring concrete on the best soils and water recharge areas when there is available land for residential development on land that doesn't have the best soils?

There are 1783 acres outside the City of Riverbank, within the primary SOI. There are available acres within the city limits. This land should be developed before sprawling and adding more roads and municipal services to the City of Riverbank. Who will, ultimately, carry the financial burden of new sprawling development?

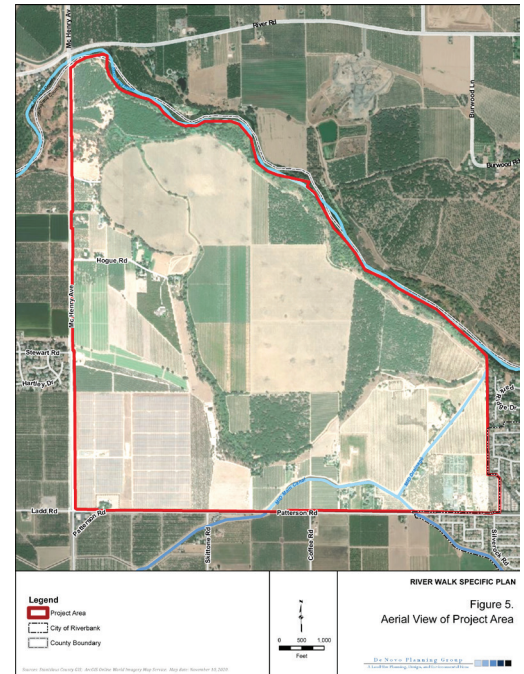
When farmland is paved over, the capacity to help the environment is also removed. When more roads and cars are introduced, further from the city center, the environment is further assaulted. It has a double impact of contributing to poor air quality while no longer storing carbon in the soil and vegetation.

How does the City of Riverbank, the lead agency, plan to do its duty to consider and impose mitigation measures to lessen all significant impacts, even when those impacts are ultimately determined to be significant and unavoidable. What is the real value of farmland and what agency will enforce “real” farmland mitigation?

If the City of Riverbank recognizes its part in protecting Stanislaus County's important farmland and vital Ag economy, infill must be considered an important planning tool. At what point is there recognition that farmland and important soils are irreplaceable? At what point is there a commitment to stopping sprawl and protecting farmland? Riverbank has ample acres to develop without paving over farmland and water recharge areas.

With ample acres within the city of Riverbank and its primary sphere of influence, planners should be looking at projects that provide affordable and livable housing — that's where the shortage is most obvious. Building elite communities meets the needs of commuters coming from the Bay Area looking for homes they can easily afford. Stanislaus County needs housing for its workers. There should be a commitment to meeting the needs of our workers not commuters. We should not be building homes for the workers/retirees from the Bay Area.

Each of the cities in Stanislaus County should be committed to protecting our Ag economy and farmland and not becoming a “commuter community.” What is the long term plan for water in the River Walk Project? How is the long term drought impacting water availability? Ultimately, who pays for more houses using more water?



Thank you,
Jeani Ferrari
Founding Director - Farmland Working Group

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Farmland Working Group

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 www.farmlandworkinggroup.org



Striving to protect food, families & farmland. Since 1999.

STANISLAUS COUNTY LAFCO Should Reject Riverbank's River Walk Project Sphere Expansion and Annexation.

Stanislaus County LAFCO
AGRICULTURAL PRESERVATION POLICY
Adopted September 26, 2012

Agriculture is a vital and essential part of the Stanislaus County economy and environment. Accordingly, boundary changes for urban development should only be proposed, evaluated, and approved in a manner which, to the fullest extent feasible, is consistent with the continuing growth and vitality of agriculture within the County.

LAFCO's mission is to discourage urban sprawl, preserve open space and prime agricultural lands, promote the efficient provision of government services and encourage the orderly formation of local agencies. Additionally, Government Code Section 56668(e) requires LAFCO to consider "the effect of the proposal on maintaining the physical and economic integrity of agricultural lands."