



**STANISLAUS LAFCO  
LOCAL AGENCY FORMATION COMMISSION**

**Sara Lytle-Pinhey, Executive Officer**  
1010 10<sup>th</sup> Street, Third Floor  
Modesto, California 95354  
Phone: 209-525-7660  
Fax: 209-525-7643  
[www.stanislauslafco.org](http://www.stanislauslafco.org)

**Chair Amy Bublak, City Member**  
**Vice Chair Terry Withrow, County Member**  
Sue Zwahlen, City Member  
Vito Chiesa, County Member  
Ken Lane, Public Member  
Charlie Goeken, Alternate City Member  
Mani Grewal, Alternate County Member  
Bill Berryhill, Alternate Public Member

---

**AGENDA**  
**Wednesday, April 23, 2025**  
**6:00 P.M.**  
**Joint Chambers—Basement Level**  
**1010 10<sup>th</sup> Street, Modesto, California 95354**

- Members of the public may attend this meeting in person.
- You can also observe the live stream of the LAFCO meeting at:  
<http://www.stancounty.com/sclive/>
- In addition, LAFCO meetings are broadcast live on local cable television. A list of cable channels is available at the following website:  
<http://www.stancounty.com/planning/broadcasting.shtm>

**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 comment 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 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. 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.

- 1. Response Letter to the City of Modesto's Notice of Preparation of an Environmental Impact Report - Scannell Industrial Project dated March 27, 2025.

C. "In the News."

4. **DECLARATION OF CONFLICTS AND DISQUALIFICATIONS**

5. **CONSENT ITEMS**

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.

A. **MINUTES OF THE MARCH 26, 2025, LAFCO MEETING**  
(Staff Recommendation: Accept the Minutes.)

B. **OUT OF BOUNDARY SERVICE APPLICATION – TOPEKA-SANTA FE (CITY OF RIVERBANK – SEWER & WATER)**: The Commission will consider a request to extend sewer and water services outside the City of Riverbank's city limits to serve an unincorporated area along Topeka Street and Santa Fe Street between 8<sup>th</sup> Street and Claus Road. The area consists of approximately 19.5 acres. The Commission will also consider the Mitigated Negative Declaration prepared by Stanislaus County, as Lead Agency under the California Environmental Quality Act (CEQA). (Staff Recommendation: Approve the request and adopt Resolution No. 2025-08.)

6. **OTHER BUSINESS**

A. **SELECTION OF PUBLIC MEMBER AND ALTERNATE PUBLIC MEMBER TO THE COMMISSION**. The Commission will consider applications to fill upcoming vacancies for the Public and Alternate Public Member. (Staff Recommendation: Appoint a Public Member and Alternate Public Member and adopt Resolutions No. 2025-05 and 2025-06.)

7. **PUBLIC HEARING**

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 are asked to fill out a "Speaker Card" and provide it to the Commission Clerk.

A. **PROPOSED LAFCO BUDGET FOR FISCAL YEAR (FY) 2025-2026**. The Commission will consider the adoption of the proposed LAFCO budget consistent with Government Code Sections 56380 and 56381. (Staff Recommendation: Approve the Proposed Budget and adopt Resolution No. 2025-07.)

8. **COMMISSIONER COMMENTS**

Commission Members may provide comments regarding LAFCO matters.

9. **ADDITIONAL MATTERS AT THE DISCRETION OF THE CHAIRPERSON**

The Commission Chair may announce additional matters regarding LAFCO matters.

10. **EXECUTIVE OFFICER'S REPORT**

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

A. On the Horizon.

## 11. ADJOURNMENT

- A. Set the next meeting date of the Commission for May 28, 2025.
- B. Adjournment

---

### LAFCO Disclosure Requirements & Notices

**Disclosure of Campaign Contributions:** Government Code Section 84308 requires that a LAFCO Commissioner disqualify themselves from voting on an application involving an “entitlement for use” (such as a change of organization, reorganization or sphere of influence) if, within the last 12 months, the Commissioner has received \$500 or more in campaign contributions from the applicant, participant or a representative of either. The law requires any applicant or other participant in a LAFCO proceeding to disclose the amount and name of the recipient Commissioner on the official record of the proceeding. The law also prohibits an applicant or other participant from making a contribution of \$500 or more to a LAFCO Commissioner while a proceeding is pending and for 12 months afterward.

**Disclosure of Political Expenditures and Contributions Regarding LAFCO Proceedings:** Any person or combination of persons who directly or indirectly contributes a total of \$1,000 or more in support of or opposition to a LAFCO proposal must comply with the disclosure requirements of the Political Reform Act (Section 84250). These requirements contain provisions for making disclosures of contributions and expenditures at specific intervals. More information on the scope of the required disclosures is available from the Fair Political Practices Commission ([www.fppc.ca.gov](http://www.fppc.ca.gov) or 1-866-ASK-FPPC).

**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 209-525-7660. 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:** Proceedings before the Local Agency Formation Commission are conducted in English and translation to other languages is not provided. Please make arrangements for an interpreter if necessary.

---

March 27, 2025

Tristan Osborn, Planning Manager  
City of Modesto - Planning Division  
1010 10<sup>th</sup> Street, Suite 3300  
Modesto, CA 95354

**SUBJECT: COMMENTS REGARDING NOTICE OF PREPARATION OF AN  
ENVIRONMENTAL IMPACT REPORT – SCANNELL INDUSTRIAL PROJECT**

Dear Mr. Osborn:

The Stanislaus Local Agency Formation Commission (LAFCO) appreciates the opportunity to provide comments on the City's Notice of Preparation of an Environmental Impact Report for the Scannell Industrial Project. LAFCO is considered as a Responsible Agency for the purposes of the California Environmental Quality Act (CEQA) and will rely on the environmental documents prepared by the City during review of the proposed sphere of influence amendment and annexation.

Among the purposes of LAFCO are discouraging urban sprawl, preserving open-space and prime agricultural lands, efficiently providing governmental services, and encouraging the orderly formation and development of local agencies (Government Code Section 56301). Based on this, LAFCO has particular interest in the following topics being fully discussed in the City's environmental documentation: growth-inducing impacts, the effect of the proposal on nearby communities and special districts (including the Salida Fire Protection District), direct and indirect effects to agricultural resources, availability of water supplies, and the ability to provide services.

Comprehensive Planning

The proposed sphere of influence amendment and annexation are located in an area known as the Salida Community Plan Amendment Area. The "Amendment Area" is in reference to a larger area outside of the pre-2007 Salida Community Plan that was approved by adoption of an initiative by the Stanislaus County Board of Supervisors. Due to the immediate adoption of the Amendment Area as part on an initiative, environmental review and comprehensive planning for the area, including an analysis of services, has not yet been completed. Stanislaus County recently issued a Notice of Preparation for a Program Environmental Impact Report for the Salida Community Plan Amendment Area. LAFCO's response requested an analysis of the provision of services for the area, including the potential expansion of Salida Sanitary District services, which currently provides wastewater collection, treatment, and disposal for the existing Salida community.

Chapter III of the City of Modesto General Plan states, "if the Salida Comprehensive planning district is annexed to the City of Modesto, the City does not propose to change any land use designations from those established by Stanislaus County. Therefore, the Salida Community Plan, as adopted by Stanislaus County, will continue to guide growth and development for this area, even upon annexation to the City." These statements rely on the Salida Community Plan as the "comprehensive



plan” for the area; however, as noted, the County is still in the process of preparing an Program Environmental Impact Report and the area has not yet been fully studied.

The City’s General Plan policies encourage the use of Comprehensive Planning Districts (CPDs) and Specific Plans within these CPDs to ensure orderly, well-planned development. The Salida Community Plan area, including the proposed project site, are identified in the General Plan as being a CPD. Chapter VIII of the City’s General Plan states, “Specific Plans are used by the City to implement the Comprehensive Planning Districts (CPDs)... A CPD shall consist of one or more Specific Plans.” The General Plan describes the minimum planning area for new specific plans to be approximately 480 acres or otherwise determined adequate for “true comprehensive planning of new growth areas” (pg. III-18). The proposed sphere of influence expansion and annexation does not appear to implement these planning policies.

### Sphere of Influence Policies

A sphere of influence is defined by Government Code §56425 as a plan for the probable physical boundaries and service area of a local agency as determined by LAFCO. The sphere of influence is intended to be a long-term growth boundary. For cities, a sphere of influence is typically amended in conjunction with a comprehensive planning document, such as a General Plan with associated updates to utility master plans. Stanislaus LAFCO also designates a “primary area” within the sphere of influence of cities to represent a more near-term growth area. The sphere of influence and primary area designations function as planning tools intended to carry out the Commission’s role to promote logical and orderly development and guide timely changes of organization (annexations). Annexations are intended to accommodate development where growth is imminent and a city has demonstrated the need for additional territory after prioritizing development within current boundaries and current Sphere of Influence.

LAFCO is aware that the City is in the process of comprehensively updating its General Plan. As part of this process, various land use alternatives will be considered that may result in a future request to amend the City’s overall Sphere of Influence. The current proposal—simultaneous sphere of influence expansion and annexation of a 145-acre parcel—skips ahead of the City’s comprehensive General Plan update process and into a growth area that the City has not yet determined will be part of its preferred growth alternative. The NOP states that the project is expected to develop in four phases over 10 years and that an end user is not currently known. Considering the above, the City’s environmental documentation should discuss the timing of this proposal as it relates to growth-inducing impacts.

### City-County Meeting and Tax-Sharing Agreement

An expansion of a sphere of influence requires the City of Modesto to meet with the County to discuss the proposed sphere of influence and explore methods to reach agreement regarding boundaries, development standards, and zoning requirements within the sphere of influence in accordance with Government Code §56425(b). Evidence of this consultation and any resulting agreement must be provided as part of the application to LAFCO.

Additionally, pursuant to Revenue and Taxation Code §99(b)(6), the City must present resolutions adopted by the City and County whereby each agency agrees to an exchange of property tax revenues prior to an application for the proposal being deemed complete by LAFCO. While the City and County currently have a Master Property Tax Agreement executed in 2022, the project site was specifically excluded from the agreement. Thus, a separate agreement must be negotiated.

### Agricultural Resources

One of LAFCO's main charges, as set forth by the Legislature, is to protect and promote agriculture. The project site is currently designated as Prime Farmland. LAFCO's adopted Agricultural Preservation Policy requires that any proposal which will have an impact to agricultural lands prepare a Plan for Agricultural Preservation ("Plan"). The Plan must include information regarding the proposals direct and indirect impacts to agricultural resources, the availability of lands within the City's existing city limits and sphere of influence, relevant General Plan policies, and the method or strategy proposed to minimize the loss of agricultural lands. The information provided in the Plan should be consistent with the environmental documentation prepared by the City.

### Public Services

Pursuant to LAFCO policies, the proposal must show that the City has the necessary public services available to serve the annexation area. 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 satisfy the requirement of LAFCO Policy and State law (Government Code §56653) for a "Plan for Services." The NOP also notes the LAFCO requirement for a Municipal Service Review. A Municipal Service Review must be completed prior to or in conjunction with an action to amend a Sphere of Influence (Government Code §56430(e)). The last Municipal Service Review prepared for the City was in 2004. A new Municipal Service Review will need to be drafted that includes information from utility master plans and any other updated information since that time, as well as to reflect the updated determinations in Government Code §56425 and 56430.

### Impacts to Special Districts

The proposed sphere of influence expansion and annexation is located within the boundaries of the Salida Fire Protection District. LAFCO will consider the impacts to the District during review of the proposal. Commission policies generally support detachment from fire protection districts upon annexation to a city that provides fire services. The project description should identify whether detachment from the Salida Fire Protection District is proposed, whether any existing or new agreements are applicable, and a discussion of resulting impacts. While two prior annexations were approved by the Commission *without* detachment based on an agreement between the City and District, non-detachment has resulted in overlapping service boundaries, confusion regarding jurisdiction and disagreements regarding collection of fees. The City is encouraged to consult with the District to resolve any identified concerns prior to application to LAFCO.

If you have any questions regarding these comments, please contact our office at (209) 525-7660 or via email at [LAFCO@stancounty.com](mailto:LAFCO@stancounty.com).

Sincerely,



Sara Lytle-Pinhey  
Executive Officer

cc: LAFCO Commissioners  
Shaun Wahid, LAFCO Counsel

## **IN THE NEWS**

### **Newspaper Articles**

- Westside Connect, March 25, 2025, “Westside Community Healthcare to decide on possible options for its future.”
- Westside Connect, March 25, 2025, “City of Newman to use Nexus study to review development impact fees.”
- Modesto Bee, March 27, 2025, “How these councils help concerned residents of unincorporated Stanislaus towns.”
- Westside Connect, April 2, 2025, “Westside Community Healthcare District to begin talks with billing company for possible reimbursement payments.”
- Patterson Irrigator, April 3, 2025, “Council rejects Keystone Ranch subdivision map.”
- Patterson Irrigator, April 3, 2025, “DPHCD looking at Development Impact Fees.”
- Patterson Irrigator, April 3, 2025, “WSCFPD announces new logo.”
- Modesto Bee, April 8, 2025, “Diablo Grande resort in Stanislaus County fears water could be shut off to homes.”
- Patterson Irrigator, April 8, 2025, “Diablo Grande residents concerned after water service termination notice.”
- Ceres Courier, April 9, 2025, “Four-story senior living complex approved.”

*This page intentionally left blank*

## Westside Community Healthcare to decide on possible options for its future

By Navtej Hundal

With uncertainty around its future, the Westside Community Healthcare District (WSCHD) Board held a special meeting on Monday to discuss findings and possible pathways for the district to take into consideration.

The meeting consisted of a presentation presented by Karin Freese, the CEO of Del Puerto Health Care District. Freese alongside members of an Ad Hoc Committee have met within the past couple of months to discuss their findings and develop a sustainable business plan.

Multiple topics were mentioned including the district's revenue, expenses, payroll and staffing, financial health and equipment. Additionally, there were two proposed paths that the district could take: continue operations for Westside Ambulance or exit from Emergency Medical Services (EMS) and shift the district's focus towards broader healthcare initiatives.

Each topic brought up the core problem with a possible solution or plan to deal with the issue.

Westside Ambulance currently has nine part-time Emergency Medical Technicians (EMTs), eight part-time paramedics, three full-time EMTs and paramedics. Based on dispatch data the committee found from the past two calendar years, the district only had two Advance Life Support (ALS) Ambulance staff units for 89% of the time in 2023. Last year saw a decrease as the district had two full ALS staff units for 65% of the time. Additionally, the number of transports dropped from 1677 transports in 2023 to 1282 last year.

The proposed idea to help negate this issue is to have a minimum of ALS Ambulances while hiring nine full-time paramedics, four full-time EMTs and additional part-time paramedics and EMTs could help with possible shortages within the units.

"If you have three paramedics scheduled and a paramedic gets sick, you can still replace them with an EMT and still have two ALS Ambulances," Freese said. "If your EMT is the one that calls out, you can replace them with an EMT or paramedic and still have two ALS ambulances."

Another staffing proposal was to have a full-time District Administrator and Ambulance Operations Manager.

The District Administrator will be the board's clerk and handle a multitude of responsibilities including representing the district with various agencies, handling staff development, working on an annual strategic plan, dealing with labor-management contracts and managing board orientation and training. The Ambulance Operations Manager will focus on handling internal responsibilities within the ambulance units, management of supplies, equipment maintenance, maintaining quality improvements and filling in needed staffing.

Freese said that these positions will help alleviate the responsibilities of the current Chief Administrative Officer and Administrative Service Manager, adding that they were given an "impossible job."

As the presentation shifted toward the expenses, an unaudited profit & loss chart from the district's Fiscal Year 2024 was shown. The district's adjusted ambulance operations had an income of around \$1.85 million. However, the adjusted ambulance operations and administration expenses were around a

## **IN THE NEWS – Westside Connect, March 25, 2025 - Continued**

combined \$2.3 million. Freese told the Westside Connect that this report did not include any unreported expenses.

The committee also found out that WSCHD didn't report various expenses and tax revenue. Between January 2024 and June 2024, there were unreported legal expenses and \$6,937 spent on vehicle maintenance based on receipts found but only \$1,553 was reported in FY24.

The taxes were reported incorrectly as it was not reported in the fiscal year they were paid in. There were also untimely audits that occurred 16 months following a fiscal year. During the COVID-19 pandemic, the district received \$135,000 in pandemic funding but was not eligible for the funding and had to repay the amount. This was reported as a tax expense.

For this issue, it was recommended to hire a full-time Finance Manager who can track expenses, ensure accurate and timely audits, get revenue from multiple public agencies and the transport billing accurate. Additionally, it was also recommended for the district to hire a part-time Human Resources Generalist.

The district has four ambulances that are at least six years old and with 29k miles left. Freese said the Local Emergency Medical Service Agency (LEMSA) standard for the lifespan of EMS vehicles is up to 250,000 miles. The asset replacement fund will be used to schedule replacement ambulances.

It was recommended that the district have four ALS Ambulances with two being primaries that are operating 24/7, one backup in case of mechanical failures in the primary vehicles and one used for scheduled events such as high school sporting events.

For equipment, it was recommended to do regular maintenance and repairs for reliability such as spending \$5,000 per year for ambulance maintenance and \$1,000 annually per device repairs and maintenance.

The final recommendation for the district is to switch from its current billing company, Quick Med Claims (QMC). Due to a lack of transparency to QMC about changes to California law and public agencies group, the district had \$337,000 under-billed and underpaid from January 2023 to today. However, changing billing companies will require \$1.4 million to cover expenses as there will be no cash flow when making the transition.

If the district continues operating its ambulance services, some of the recommendations for that path were to focus on recruiting and hiring individuals in the profession with the right expertise, settling on a collective bargaining agreement with the union, switching to a new billing provider and purchasing required medical equipment for the ambulances. It could cost \$2 million to address these issues.

One of the individuals who attended Monday's meeting was Gustine City Council member Mark Melville. Melville suggested the idea of going with the first path because he was concerned about whether or not the ambulance service within Gustine and Newman would be available if the district went with another pathway, adding that he does not want EMS services to be abandoned.

"We want that as much as possible in our communities. I know Newman wants it [and] we (Gustine) want it." Melville said.

If WSCHD decides to move toward broader healthcare initiatives, the district will have to return its LEMSAs contract to Stanislaus County. The county will then contract with a contractor who meets or exceeds the expectations set by WSCHD in Stanislaus and Merced Counties.

Additionally, the district can use its annual Direct Assessment Revenue of \$360,000 towards supporting timely and quality EMS service with an agreement with a LEMSAs contractor to help provide event coverage and cover any operating losses, equipment and vehicle replacements.

## **IN THE NEWS – Westside Connect, March 25, 2025 - Continued**

The district's property tax revenue of \$335,000 can be used toward paying off WSCHD's more than \$1 million debt. This direction can also help WSCHD provide multiple initiatives including education and scholarship opportunities, direct patient care within the district's boundaries, preventative screenings and community services.

Freese, who heard concerns from board and community members about the district's ambulance service, ensured that there would be still EMSs available within the district boundaries as Stanislaus and Merced Counties are responsible for keeping the same standards that WSCHD follow even if the district decides to transition away from EMS.

Board President David Varnell said it's important to ensure residents that the same services will be still available regardless of what the district decides.

A meeting will be held on Tuesday to decide whether the district will pursue either one of the two options or not.



*This page intentionally left blank.*

**IN THE NEWS – Westside Connect, March 25, 2025**

## **City of Newman to use Nexus study to review development impact fees**

By Sabra Stafford

NEWMAN, CA – The City of Newman has unveiled a Public Draft version of the Nexus Study Update for the Citywide Capital Facilities Development Impact Fees program, marking an important step in addressing future development within the city.

This update aims to establish the required nexus—or reasonable relationship—between projected new development and the infrastructure improvements necessary to support that growth.

A nexus study is a formal analysis that ensures there is a fair and logical connection between the impact of new development and the funding needed for public services and infrastructure to accommodate that growth.

Capital Facilities Development Impact Fees are charges assessed on new development projects to help fund the construction of public facilities such as roads, parks, water systems, and other essential infrastructure. These fees ensure that the costs of expanded services required by growth are equitably distributed among those benefiting from the development.

The CFF Program is a city-implemented development impact fee program applicable to land uses within the City's Sphere of Influence. It is designed as a mechanism to fund backbone infrastructure and public facilities needed to serve the projected new residents and employees, addressing needs not covered by other funding sources.

This Nexus Study Update will revise the following fee components: Public safety, general government, transportation, sewer, storm drainage, water and administration.

The current CFF Program also includes Park fees; however, these fees are not being updated at this time. A Parks Master Plan is currently being prepared, and the City plans to revise Park fees following the adoption of this plan. Additionally, the update will consolidate the Water and Sewer fees, combining their respective development impact fees and connection fees into streamlined categories.

The City last adopted a comprehensive update to its CFF Program in 2002. Since then, annual fee adjustments have accounted for cost inflation. This Nexus Study Update provides a full review of the CFF Program and establishes the legally required findings necessary to implement the revised program fees.

The study will align the City's Capital Facility Fee program with the build-out of Newman's General Plan Primary Sphere of Influence. It outlines the improvements required to effectively serve anticipated development. A copy of the Nexus Study Update is available online through the City's source materials.

In collaboration with Economic & Planning Services, Inc., the City of Newman will host a virtual meeting to present an overview of the Nexus Study Update and provide an opportunity for public engagement. Residents are encouraged to submit their comments and questions on the draft by March 31. The City will review all input, make relevant changes, and address concerns before finalizing the study.

### **Virtual Meeting Information**

- Date: March 24, 2025
- Time: 2:00 PM
- Link: Microsoft Teams Meeting
- Meeting ID: 289 394 268 202
- Passcode: Zu93WP67

**IN THE NEWS – Westside Connect, March 25, 2025 - Continued**

A public hearing on the Nexus Study Update is scheduled with the Newman City Council on April 22. The meeting time is set for 7 p.m. and will be at the Newman City Council Chambers at 938 Fresno Street, on the second floor.

Citizens are urged to participate in the process, shaping the future development of their community.

**IN THE NEWS – Modesto Bee, March 27, 2025**

# **How these councils help concerned residents of unincorporated Stanislaus towns**

By Kathleen Quinn

For people who live in the unincorporated areas of Stanislaus County, getting your voice heard at the county level can be tough. That's where municipal advisory councils step in.

Municipal advisory councils, or MACs, advocate for residents of unincorporated areas to their Stanislaus County representatives.

There are nine MACs in the county and their meetings are free and open to the public.

Jennifer Hidalgo, a community relations manager at Stanislaus County, helps oversee the MAC system.

"Sometimes there are county pockets that are not represented by a city," she said. "These MACs are there to advise the Board of Supervisors with specific community concerns."

The system for MACs was established by the state in 1971, not as a mandate, but as an option. The first MAC in Stanislaus County was Knights Ferry, which was formed in 1983.

## **What does a MAC meeting look like?**

The five members of each advisory board are either appointed by the county or elected. They don't get paid, they participate in the MAC because they want to raise the voices of the people in their community.

At meetings, the area's county supervisor, members of the local fire department, law enforcement and other county representatives often attend.

At the Salida MAC meeting Tuesday evening, many community members voiced concerns about the Scannell Project, a 145-acre lot slated for development, which might result in annexation of a section of Salida by the city of Modesto.

Brad Johnson, a member of the Salida MAC for over 20 years, said his role is to guide supervisors to provide services to the community.

"People bring their problems to the town meeting, or we see problems in the community, and we ask the county officials from those departments to help us with that," he said. "Whether that's getting curbs and gutters in the community, crosswalks where people have been fatally struck by cars, or negotiating developments, which we've been doing quite a bit of recently."

Hidalgo, who attends meetings throughout the county, said she helps with agenda posting requirements, ensuring the meetings run according to the Brown Act, and following up with the county on behalf of the MAC if county representatives aren't at the meetings.

"I kind of help bridge that gap," she said.

## **Why are municipal advisory councils necessary?**

Each community has its own needs. Hidalgo said Salida is concerned about upcoming development projects, Wood Colony wants to preserve agricultural land, south Modesto really wants sidewalks and Knights Ferry wants to preserve the historical aspects of its community.

## **IN THE NEWS – Modesto Bee, March 27, 2025 - Continued**

"It just really depends, every community is different, even within the county," she said.

On average, each county supervisor represents over 100,000 residents, which can make it harder for communities with specific needs to be heard over the din of incorporated cities.

Terry Withrow, county supervisor for District 3, has two MACs in his district: Wood Colony and Salida. He said he always attends or has a representative attend their meetings because MACs are crucial for supervisors to be the eyes and ears of the community.

"It's kind of like one voice coming from this community," he said. "Your voice can really be heard from people who are going to do something for you as compared to getting buried in a Board of Supervisors meeting."

### **MACs' challenges & successes in advocating for their communities**

Though the MAC members can raise issues, they can't make final decisions – despite what some community members would prefer.

James Brugger is the chair of the Denair MAC. "As the name implies, we are advisory only to the Board of Supervisors," he said. "We are a way for the community to provide input, and we do through our minutes provide that input back to planning and the Board of Supervisors. But in the end, it's really planning and the Board of Supervisors who have the final say on whether a project moves forward or not."

MACs do have occasional small wins, Johnson said. "It's been rewarding, I've seen some progress in our town," he said.

Brugger said advocating for the community can take a few tries to get the county to listen. Things get delayed or the county will forget about them, but with persistence, they are able to get through, he said.

"If we pepper them about two or three times usually, it'll get addressed," he said. "If we hit them up enough times, they do start being proactive about it and say 'Hey, yeah, we came out and drained this catch basin.'"

In Empire, previous efforts by its MAC helped secure what is now the Empire Public Library branch, which opened in 2021.

"MACs are a very useful tool for supervisors and for the people in those communities to get their concerns heard louder," Withrow said. "They're heard louder at a MAC than they are in the Board of Supervisors meetings."

### **To become a member of a MAC**

Some MACs meet monthly, others quarterly:

- Denair meets the first Tuesday of every month at 7 p.m. in the Denair Unified School District boardroom.
- Empire is not currently meeting because it does not have a quorum of members.
- Hickman meets the first Thursday of every quarter (February, May, August and November) at 6 p.m. in the Hickman School auditorium.
- Keyes meets the third Thursday of January, April, July and October at 7 p.m. at the Keyes Community Service District Office.
- Knights Ferry meets the fourth Thursday of January, April, July and October at 7 p.m. at the Knights Ferry Community Club House.
- Salida meets the fourth Tuesday of every month at 7 p.m. at the Salida Library community room.
- South Modesto meets the second Thursday of every month at 6 p.m. at the Stanislaus Ag Center in Harvest Hall.
- Valley Home meets the second Wednesday of January, April, July and October at 6:30 p.m. in the Valley Home School multipurpose room.

## **IN THE NEWS – Modesto Bee, March 27, 2025 – Continued**

- Wood Colony meets the second Wednesday of the month at 7 p.m. in the Hart Ransom Elementary School cafeteria.

Applicants interested in joining a MAC must be registered to vote in the area the MAC covers. Stanislaus County has an application that can be filled out and returned online.

Hidalgo said the application is simple: name, contact info and a little explanation as to why you want to be on the board. “What attracts you? Why would you be a good fit for them? Just a basic, very simple application.”

Salida and Hickman are examples of boards with elected representatives, however, if a seat becomes vacant in the middle of a term, the board has 60 days to appoint a replacement, otherwise, they have to wait for the next election cycle.

### **These MACs have vacancies**

- Empire - The MAC has only two members at this time, and because its quorum is three, it can't meet. That leaves three openings for the board, whose members are appointed by Stanislaus County.
- Knights Ferry - The board has one vacancy and its members are appointed.
- South Modesto - The board has two vacancies, and its members are appointed. This means that currently, all board members have to be present at the meeting for it to reach quorum.
- Valley Home - The board has one vacancy, its members are appointed.
- Hickman - The board has one vacancy and its members are elected.

Not all unincorporated areas in the county have a MAC, but there is a process to establish MACs if residents want to form their own.

Hidalgo said MACs help serve as a forum for community members, a chance to get feedback from the county and listen to what ongoing projects are happening.

“They’re a really great tool for the community to be able to participate when they can’t vote for city council,” she said. “This is a way to be in a city council without having a city.”

For more information on how to get involved, reach out to Jennifer Hidalgo at [hidalgoj@stancounty.com](mailto:hidalgoj@stancounty.com)

*This page intentionally left blank.*



## **Westside Community Healthcare District to begin talks with billing company for possible reimbursement payments**

By Navtej Hundal

A decision on the Westside Community Healthcare District's (WSCHD) future will have to wait after the district's board voted to look into beginning an appeal process to secure reimbursement payments with its billing company.

The district will look to have its staff members or a legal counsel coordinate with its billing company, Quick-Med Claims (QMC), to ensure accurate billing while also focusing on receiving Public Provider Ground Emergency Medical Transport Intergovernmental Transfer (PP-GEMT-IGT) payments.

David Varnell, the board president, told the Westside Connect that a decision has not been made on which pathway to move forward with.

"I believe the district can still be prosperous ... and I think we can go in the right direction and keep this ambulance running," Varnell said.

Prior to Tuesday's meeting, a special meeting was held on March 17, which focused on the Ad Hoc Committee's findings within the district. Some of those findings include that \$337,000 were under-billed and under-paid from January 2023 to today due to lack of transparency with QMC about changes to state laws and public agencies group, not enough full-time staffing through the district's ambulance operations and tax expenses not being reported accurately in the fiscal year they were paid in.

Additionally, the subcommittee proposed two pathways for WSCHD to consider.

The first pathway brought up was the district continuing its ambulance operations. For the district to continue with this option, it was recommended to address its issues with staffing, QMC and ongoing operations.

The subcommittee recommended WSCHD retain skilled professionals within the field to handle demands and come to a collective bargaining agreement with its union for staffing.

Regarding its billing situation, it was recommended to switch from QMC to a new billing company to work with. This would require the district to have \$1.4 million to cover six months of expenses during its change to another billing company. When considering the previously mentioned recommendations as well as purchasing and replacing medical equipment, it could cost the district \$2 million to maintain its ambulance operations.

The second pathway proposed that the district move on from Emergency Medical Services (EMS) and toward offering broader healthcare initiatives. The move would require WSCHD to give its Local Emergency Service Agency (LEMSA) contract to Stanislaus County. Afterwards, a provider, who meets the same standards as WSCHD, will be contacted to provide services for the district within Stanislaus and Merced Counties.

Karin Freese, the CEO of Del Puerto Health Care District and a subcommittee member, said at the special meeting that emergency services will still be available within the district's boundaries of operations if it transitions away from EMS. This was in response to concerns she's heard from board and community members.

With its focus shifted away from EMS, the transition could help the district. With a property tax revenue of \$335,000, it was proposed that the district could use the revenue towards paying off its debt of more than \$1 million.

## **IN THE NEWS – Westside Connect, April 2, 2025 – Continued**

Additionally, it was also proposed that WSCHD could use its direct assessment annual revenue of \$360,000 towards a grant-making process that would support EMS services within its boundaries. With an agreement with an LEMSA contractor, grants could be used towards providing coverage for local events, covering operating losses and helping with vehicle replacements and equipment.

Lastly, WSCHD could help provide district residents with scholarships and education opportunities, preventative screenings, patient care and community services.

With the first pathway recommending that the district address its three issues to continue its ambulance operations, each issue was presented with options to consider as well as pros and cons in a printed PowerPoint presentation document provided at the meeting.

Some additional paths mentioned in the document were bankruptcy, financial assistance from the counties and dissolving or consolidating the district through the Local Agency Formation Commission.

Aside from mentioning that WSCHD needs to coordinate with QMC about billing and proper payments, the billing section in the document for the first path also mentioned the subcommittee's recommendation of the district terminating its contract with QMC.

Some of the benefits of the options in the first phase include being more cost-effective, optimizing PP-GEMT billing to potentially receive supplemental payments and using any monies recovered towards sustainable practices that the subcommittee recommended.

The challenges that come with this phase are an uncertain timeline for the appeal process, such as payment delays and requiring \$1.4 million to switch billing companies.

Throughout Tuesday's meeting, attendees voiced their concerns about the situation. Delya Stoltz, a paramedic for Westside Community Ambulance and Oak Valley Hospital District, expressed to the board why they should consider maintaining their ambulance operations, mentioning the fondness that she and her colleagues have for the areas that the district operates in, such as Newman and Gustine.

"The current crew you have is invested, we're motivated and we're already a really lean, mean machine," Stoltz said. "Please, as you consider path one, that you have a group of people that you cannot replace."

The district will discuss further details about the situation in a special meeting in April.

## Council rejects Keystone Ranch subdivision map

By Jessica Wilkinson

After much debate and discussion during a four-and-a half hour long Patterson City Council meeting, the council unanimously approved a motion to reject Keystone Ranch's vesting tentative subdivision map.

Prior to some of the discussions during the public hearing for the maps, the council heard presentations regarding the settlement agreement terms between the City of Patterson and Patterson Irrigation District, as well as a presentation from Deputy City Attorney Douglas White about Keystone Ranch and some of their concerns with the development of their portion of the Zacharias Master Plan.

Keystone was expected to be the first developer to kick off the construction of the Zacharias Master Plan, which includes nearly 1,200 acres located on the north end of the City of Patterson bounded by Rogers Road (west), Zacharias Road (north), the California Northern Railroad tracks and Ward Avenue (east), and existing residential and business park uses (south).

Keystone Ranch has a proposed housing project on a 95-acre site within the Zacharias Master Planning area that includes 719 single and multi-family housing units, a 7.68-acre park, and a bike and pedestrian pathway.

Attorney Gage Marchini with White Brenner LLP presented information on the settlement agreement with the irrigation districts, which delved into the reasons that conditions for the Keystone Ranch development changed, many of which Keystone objects to.

Matthew Francois, attorney for Keystone Ranch LLC, said the city's conditions are problematic and economically unfeasible, asking the city to stick to the original master plan. Attorneys representing the city said that's not an option because new conditions were imposed on them.

Marchini said there were several documents and studies for assumptions that went into place for the Environmental Impact Report for the Master Plan. When the city, along with several other agencies in the Delta-Mendota Basin, prepared a Groundwater Sustainability Plan (GSP), the Department of Water Resources determined the City of Patterson's plan (as well as the other agencies' plans) was inadequate, and amendments to that plan had to be made.

While the initial EIR stated there would be enough available groundwater supply to support the city, as well as the new development, that changed when records were updated to show that Patterson, as well as the other agencies in the Northern Delta-Mendota Basin, needed to reduce groundwater pumping.

Marchini's presentation showed that the city is currently pumping 3,086 acre-feet of water per year and must reduce it to 2,626 acre-feet per year with a reduction target of 460 acre-feet of water per year.

"We don't have enough water if we never build a new home, period," White said. "That plan was ejected and a new one was effectively imposed on us."

White also addressed several of the Keystone Ranch advertisements published in the Patterson Irrigator the past several weeks, saying several of the allegations they made are false.

### EXCESSIVE FEES

"There are no duplicative or excessive fees being charged to Keystone," he said.

## **IN THE NEWS – Patterson Irrigator, April 3, 2025 – Continued**

There are Development Impact Fees, or fees charged to new development to pay for infrastructure like water, sewer, roads, parks and recreational facilities, but the developers also get fee credits given to them when they build that infrastructure, reducing impact fees they may owe, he said. They will also get reimbursement from other developers who build public infrastructure that benefit others beyond their project, as well as reimbursement from Community Facilities Districts (CFDs) that future homeowners pay into that reimburse developers for constructed public infrastructure.

Francois argued they had concerns about the fee structure and that they're being told it's too early to talk about the CFDs, as it has not yet been adopted.

### **RECHARGE BASIN**

The condition that a recharge basin be built before the first building permit can be obtained does not equate to a development moratorium, White said. The recharge basin was already included in the Master Plan and the only thing that changed was the cost of construction of the basin, which has increased since the original plan was put into place.

City Manager Fernando Ulloa said if the developer can construct the recharge basin for the originally estimated price of about \$7.8 million, they can do that. The newly estimated cost of \$19 million came from conservative estimates due to inflation and the cost of construction increasing after COVID, he said, adding they do not know the true cost of what the bid will be.

Francois said it's not fair to put a project of that financial magnitude onto the shoulders of one developer, but White said other developers would be reimbursing Keystone for their portion of that project.

If the recharge basin is needed for the city to meet groundwater pumping reduction requirements, Francois asked what then happens if the developer refuses to build the recharge basin?

"We have ways," White said of meeting the requirements. City staff later added that conservation efforts and water recycling programs would contribute to solving that problem, but they would also look into other creative ways to make sure they meet that requirement.

Francois also previously said the city needs to enter into an agreement with the irrigation districts to purchase surface water for recharge purposes in order to comply with the city's new contractual obligations under the Groundwater Sustainability Act and the costs of such water purchases should be a city-wide obligation, built into the citywide water rates applicable to all customers.

"New development must pay for itself," White said, adding that they cannot legally charge existing ratepayers for the new development's water needs.

White said that water needs to be available to be able for them to provide it to new homes. The city would be unable to offer a "will-serve" letter for water without surface water purchase from the developers and can decline to issue one if water is unavailable or over-allocated, groundwater basins are over-drafted or restricted under SGMA, and the Urban Water Management Plan or GSP does not support new allocations.

Additionally, if the city of Patterson does not comply with the groundwater reduction requirements, they could face backlash from the other agencies in the Delta-Mendota Basin.

All of the city council members had questions for Keystone Tuesday and one that City Council member Jessica Romero asked was if Keystone was actually required to develop first in the Zacharias Master Plan, or if another developer, for example Zacharias Ranch, could develop first?

"It goes back to the master plan. Keystone and Lakeside were always envisioned to go first," Francois said. "The housing element identifies us as going first."

## **IN THE NEWS – Patterson Irrigator, April 3, 2025 – Continued**

The Keystone attorney added that if the condition of the recharge basin being built first before construction can begin is imposed on someone else, does that make it any more fair? He also said that the cost of the project is so large, no developer will want to pay that cost and he doesn't think it's realistic to expect that.

"It will kill development," he said.

White said the Villages of Patterson still developed despite large upfront costs due to the project being in a large- ly unincorporated area, similar to the Zacharias Master Plan. The deputy city attorney also said there is no requirement that Keystone develops first.

### **PUBLIC COMMENTS**

Patterson resident Angela Bodas, who made several public comments regarding both the settlement and Keystone Ranch development, said if the city does not have enough water to accommodate for the new development, she's glad the development will be stalled.

"I would like to remind the council that prioritizing people in the city means planning ahead for things like schools and fire hydrants that work, with water. So I'm excited to hear that the development may be slowed down while we get our infrastructure set up for success and the future for all the people in Patterson, not just developers investing in the city," Bodas said.

She said the city is suffering from overcrowd- ed classrooms that are already at max capacity and the new development will also affect the school district. If citizens of Patterson were to be polled, she said most would probably say we can wait five years for new development to come in while the city catch- es up with much-needed infrastructure.

"Can you imagine 700 new cars coming in off of Sperry?" Bodas said.

### **SUPPLEMENTAL EIR**

While Keystone shot down the idea of having a supplemental EIR con- ducted, saying that they do not believe the city can legally recirculate an EIR because it can only reopen if a narrow trigger is met and there has been no changes in circum- stances to show any triggers have been met, that's what the city ultimately decided on Tuesday.

After returning from a closed session late Tuesday night, which was recessed for the regular meeting to take place, the mayor made a motion to reject the vesting tentative map.

"I came here tonight actually prepared to sup- port staff and the planning commission's recommendation for approval; however, after reading your letter and hearing your comments today sir, it has become clear that the only prudent course of action is to move forward with the supplemental EIR in order to protect our existing and future residents," Mayor Michael Clauzel said.

### **POTENTIAL LITIGATION**

"Last night's hearing and subsequent denial of Keystone Ranch LLC was another example of the gross incompetence of the city of Patterson and its legal team," said Evette Davis, spokesperson for Keystone Ranch, LLC, on Wednesday.

"While not surprising, the city's appalling presentation last evening, in which the deputy city attorney knowingly misled the public about key aspects of the city's review process, is nevertheless disappointing. We wish the city council had been this expansive and forthcoming during the many months the City Council refused to meet with the project team."

## **IN THE NEWS – Patterson Irrigator, April 3, 2025 – Continued**

Davis said despite the project's consistency with the city's General Plan and the Zacharias and Baldwin Ranch Master Plan, the council attempted to impose costly and unlawful conditions, including requiring Keystone to fund a \$20 million City stormwater project.

"When confronted with the facts, rather than do the right thing and approve the project without these conditions, the council retreated into a closed session, returning with a bogus need for a supplemental Environmental Impact Report (EIR) that is neither necessary nor legal," she said.

"Given the city's intentional misrepresentation of our project and its shocking decision to delay the Zacharias & Baldwin Ranch Master Plans with unnecessary environmental review, we have no choice but to initiate litigation to seek damages and recover attorneys' fees and costs. We hope the city has set aside a substantial litigation budget to deal with the consequences of its incompetence."

Francois previously told the Irrigator if the city didn't allow for financially viable development to go forward, their action would most likely be challenged in court, citing the Housing Accountability Act.

The act is a state law that was passed in January that significantly restricts a local agency's ability to deny a housing development. In a letter to the planning commission back in February, Francois stated the city's actions significantly delayed the project and substantially increased the costs such that it is not financially feasible to proceed with it.

If the courts rule in the developer's favor, the city would be required to pay attorneys' fees and costs of suit and "may also impose penalties of \$10,000 per unit on the agency for failing to comply with a court order requiring compliance with the HAA," the letter states.

"I gladly stand with my city against any litigation," Bodas said Tuesday.

## DPHCD looking at Development Impact Fees

By Jessica Wilkinson

As the Del Puerto Health Care District's plans for a medical park in the middle of Patterson continue to move forward, a public hearing for the Development Impact Fee Nexus Study will be scheduled for next month.

The Nexus Study and Development Impact Fee draft was presented to the DPHCD board of directors Monday during their regular meeting at City Hall. DPHCD CEO Karin Freese said the study was ordered a year ago and has been updated to include their most recent capital planning and construction cost indexes.

The first part, she said, is to understand that Nexus fees and Development Impact Fees are for new and future residents of the community.

"So currently there's 8,700 units/ homes and there are planned be 8,900 additional homes," Freese said. "The population counts both residents and employees that would be coming in to work in Patterson as the demand for commercial business increases. And you can see that the current residency throughout our district is approximately 32,000 but they anticipate an additional almost 42,000 residents to be moving into our district within the next 10 to 15 years."

Construction plans on the eighteen acres in the center of the medical park campus include the ambulance and administration operations building, a mental health clinic, medical office building, residential care facility which would be memory and assisted care, and then a skilled nursing facility, Freese said.

The Nexus Study also shows plans for a hospital but was excluded from the fiscal impact at this point in time.

"We specifically excluded the hospital at this point because these buildings and services are really intended for those that live within the proximity of the greater Patterson area and wouldn't necessarily be serving the communities of Gustine, Newman or Los Banos," she said.

"When we get to the hospital and the impact that it has, it will actually be counting more residents throughout the westside, so at that time we'd have to do a new survey to estimate what the current residency is and the hospital's share of the cost."

Patterson Mayor Michael Clauzel recently posted a video on his official Facebook page on Sunday showing the land where the proposed medical park is expected to constructed, adding that it may include an acute care facility with 25 beds.

Clauzel said in the video both he and County Supervisor Channce Condit had advocated to our congressman for some kind of healthcare facility with emergency services west of Highway 99 in Stanislaus County since there currently isn't any.

"Thank goodness that the Del Puerto Health Care District and their outstanding CEO Karin Freese stepped up and when the opportunity came to purchase this property, they got down to business and made a deal with the property owner and this purchase is currently in escrow," Clauzel said.

"Now this is a long way off and right now; it's just a vision and just a dream, but just like the plans that I laid down when I became mayor, you have to have a structured vision towards the future in order to make it a reality."



## **IN THE NEWS – Patterson Irrigator, April 3, 2025 – Continued**

Freese said Tuesday the funding for the hospital was not included in the Nexus Study because the projects included must be done within a reasonable time period and they don't know what the time period for that currently looks like, adding that it could be 10 to 15 years.

"As Patterson continues to grow, we may or may not be qualified (for a facility like) that," she said. "Another aspect could be an extremely advanced 24-hour urgent care, which has different requirements."

The State of California is also currently exploring the option of building standalone emergency departments because current law states they have to be within 300 feet of a main hospital campus, she said.

Either way, the health care district's property acquisition along Las Palmas allows room for growth.

The share of cost for the projects, excluding the hospital, was \$197 million. About \$86 million of the \$197 million has to be sourced from the district's resources, not from the new development.

"Our resources to raise that \$86 million as we phase in each of these projects is property tax revenue, which will grow and more than double with each of the houses that are being phased in, the behavioral health grant that we've applied for, additional grants that can come from the local, county, state or federal governments, public or private partnerships that might assist with the development of the skilled nursing facilities and the independent senior living, and then operating revenue that we have at the end of each year," Freese said.

Development impact fees listed for each type of property were as follows:

- Residential fee for houses - \$4.89 per square foot
- Light industrial (distribution centers) - \$0.89 per square foot
- Business park - \$2.67 per square foot
- Commercial/retail/ grocery - \$1.34 per square foot

A public hearing for the Nexus Study will be scheduled for May 19 during the DPHCD's regular board meeting.

Also related to the Development Impact Fees, the board approved a contract with Nagle Frizzi Public Affairs to assist staff with public hearings, materials to advertise and promote the capital projects, and much more. A one-year contract was approved by the board unanimously at \$5,000 per month. Board President Becky Campo was absent from the meeting.

## **RESOLUTIONS OF RECOGNITION**

The Del Puerto Health Care District Board of Directors and staff also recognized several individuals during the board's regular meeting Monday.

Longtime board member Anne Stokman was recognized for her contributions to DPHCD including initiating the Community Health Needs Assessment, guiding the District's vision and bringing her perspective as a nurse and educator.

Stokman served on the board from 2008 to 2025. She was born at the Del Puerto Hospital and later on in life served as a candy stripper there as well. Stokman became a registered nurse and later a professor of nursing at California State University of Stanislaus, where she still teaches.

The former board member also served as a diabetes educator for the Del Puerto Health Center from 2004 to 2008.

## **IN THE NEWS – Patterson Irrigator, April 3, 2025 – Continued**

“The Del Puerto Health Care District has been fortunate to have Anne Ielmini Stokman committed to its mission of Providing, Promoting and Partnering in Quality Healthcare for All,” Freese said while reading a resolution of recognition and appreciation for Stokman.

Freese said they also were able to obtain a resolution of recognition from Congress for Stokman, which was sent directly to her house.

Stokman stepped down from her position on the board of directors earlier this year and appointed Reyna Gomez, RN, to fill the vacancy. Gomez will serve a two-year term until the general district election in 2026.

### **STARS OF LIFE**

The board and staff also recognized two recipients of the Stars of Life award during the meeting, Patterson District Ambulance employees Bryan Santos and Lisa Jorstad.

PDA Director of Ambulance Operations Paul Willette presented Santos and Jorstad with Resolutions of Recognition, giving background information on the Stars of Life celebration as well as the two recipients.

Annually, the California Ambulance Association recognizes nominees from EMS services to be recognized with a Star of Life Award. The CAA's Annual Stars of Life Celebration recognizes and honors the dedicated professionals in the ambulance services industry.

“By sponsoring employees to be a Star of Life, the district provides wonderful memories for our employees, helps them feel valued and respected and gives our district local exposure and recognition for our ambulance operation,” Willette said.

*This page intentionally left blank.*

**IN THE NEWS – Patterson Irrigator, April 3, 2025**

## **WSCFPD announces new logo**

By Patterson Irrigator Staff

West Stanislaus County Fire Protection District announced a significant change in West Stanislaus County Fire Protection District's identity with the adoption of a new logo.

"While the previous logo has long served its purpose, we feel the new logo will become a visible representation of our values, dedication, and the pride we take in serving our local community," a WSCFPD media release states.

The new logo prominently features the Diablo Range visible from the western valley floor of Stanislaus County which provides a powerful reflection of our commitment to protect life, environment, and property. It also honors the agricultural heritage of the communities we serve and of those before us who came together in 1935 to establish West Stanislaus County Fire Protection District.

"This new logo embodies the core values and services we provide to our community and the pride we take in the fire service," the release states.

"The logo was created with valuable input from our members with the support of the Board of Directors. This change is not just cosmetic; it's a symbol of our continued commitment, dedication and the unwavering spirit of the men and women who represent West Stanislaus County Fire Protection District."

*This page intentionally left blank.*

IN THE NEWS – Modesto Bee, April 8, 2025

## Diablo Grande resort in Stanislaus County fears water could be shut off to homes

By Ken Carlson

Residents and officials of the Diablo Grande community on Stanislaus County's West Side say water to their homes could be cut off and they're appealing to local and state agencies for help with the crisis.

A week ago, the Kern County Water Agency near Bakersfield issued a termination notice to Western Hills Water District that could stop delivery of water for Diablo Grande for nonpayment, effective June 30. Western Hills provides the water service to the 600 homes at Diablo Grande, which is in the hills southwest of Patterson.

"This alarming situation threatens the health, safety and basic living conditions of hundreds of families," the newly formed Diablo Grande Community Action Committee said in a statement over the weekend.

The Western Hills Water District board outlined the crisis to residents who attended a special meeting Saturday. The most pressing concern is finding another source of water for the community and its 1,300 residents.

Western Hills is reaching out to the Stanislaus County Board of Supervisors, the county chief executive officer, state representatives and others asking for financial and other assistance, board members said. The district owes more than \$13 million to the Kern water agency.

Mark Kovich, Western Hills' board president, said at Saturday's meeting that the district is a "hand-to-mouth" operation losing \$150,000 to \$200,000 a month and expects operations to be \$2.26 million in the red this year. Board members told community members they need to work collectively on a solution.

County Supervisor Channce Condit, whose district includes Diablo Grande, set up a Monday afternoon Zoom meeting, inviting Modesto and Turlock irrigation districts, Del Puerto Water District, West Stanislaus Irrigation District and other entities to discuss any possible solutions.

Diablo Grande's original developer, Donald Panoz, and World International, which bought the project out of bankruptcy in 2008, formerly subsidized water and sewer service for the golf resort community as attempts were made to develop the large real estate project. But World International sold the debt-ridden development to another developer for a nominal amount in 2020. The new developer didn't pay the bills and defaulted on property taxes.

According to Western Hills, an agreement prior to year 2000 has required the district to purchase 8,000 acre-feet of water annually from Kern Water Agency, but Diablo Grande uses only 400 acre-feet a year.

Originally, the water purchase agreement was scaled for development of a 29,000-acre resort with 5,000 homes and six golf courses. Only 600 homes were ever built at Diablo Grande, around two golf courses that were closed in 2014 and 2019.

Western Hills officials hope to find another source of purchased water that could be taken out of the nearby California Aqueduct, as is done with the water from Kern. The district also is investigating access to groundwater, including records of test wells decades ago that probed the foothills for water.

The Kern County Water Agency, the water source for Diablo Grande, was created by the state Legislature in 1961 as a contracting entity for the massive State Water Project. Kovich said the Western Hills contract for 8,000 acre-feet per year helps pay for operation of State Water Project reservoirs and canals. Because Western Hills has not been making payments for the water, the Kern agency is paying the district's obligation.

## **IN THE NEWS – Modesto Bee, April 8, 2025 – Continued**

"We are getting together with stakeholders, and we are all coming together to find a fix, some alternative to the current situation they are facing," Condit said. He added that both public and private partners are involved with the discussion.

County Supervisor Terry Withrow said the county is willing to assist the unincorporated community. "I know we are working hard to get everyone involved," Withrow said Monday. "We knew they had a problem, but I never realized it had gone this far. We have all hands-on deck trying to figure it out."

Withrow said state representatives would be involved with Monday's conference call. "I can't imagine their water would be cut off. You can't just turn the water off. This has been a problem for a long time and it just came to a head," Withrow said.

Debbie Antigua of the community action committee said the emergency is stressful for the households at Diablo Grande. "We have a community of over 600 households that have no idea what is going to happen," Antigua said. "We are trying to get as many people to reach out to public officials so they understand the situation."

### **Developers made promises they didn't keep, resident says**

She said the resort community is not just millionaires — the majority are people who worked to buy a house in a decent area. A 51-page court complaint filed by Western Hills details how developers made promises to build out the resort and cover costs and then they bailed, Antigua said.

She added that the district, going back to 2001, has been billed for far more water than is used at Diablo Grande. "We don't use near that much but (the district) had to agree to that back in those days," Antigua said.

At Saturday's meeting, the Western Hills board disclosed other facts about Diablo Grande's situation.

- World International stopped paying for subsidized water and sewer service, Mello-Roos assessments and county property taxes in 2019.
- Western Hills needs to resolve \$3.7 million in unpaid sewer bills to Patterson.
- An additional 1,500 homes would create enough customers for self-supporting water and sewer services at Diablo Grande.
- If water is not cut off, enough capacity exists for an additional 120 homes, but a new storage tank and completion of a treatment plant is necessary for more residential growth.
- Almost 120 Western Hills customers are behind on their water service bills, owing \$236,540.



IN THE NEWS – Patterson Irrigator, April 8, 2025

## Diablo Grande residents concerned after water service termination notice

By Jessica Wilkinson

Homeowners and residents of the Diablo Grande community are concerned after receiving a water service termination notice from Kern County Water Agency scheduled for June 30.

"This alarming situation threatens the health, safety, and basic living conditions of hundreds of families," said Debbie Antigua, Diablo Grande resident and member of the Diablo Grande Action Committee.

"It was pretty alarming when my tenant told me they were given a notice that June 30th water was going to be shut off due to the water district not paying their bill," homeowner Darlene Stevenson said. "It's just alarming that this whole little area is just not going to get any water supply."

Diablo Grande, a community of about 600 homes, is located about 8 miles west of I-5 and the City of Patterson in an unincorporated area that is part of Stanislaus County's jurisdiction. County Supervisor Channce Condit, whose district includes Diablo Grande, said Tuesday he has been trying to bring stakeholders together and had a very fruitful teams meeting with various irrigation districts to discuss a solution.

"We're trying to be helpful, trying to help Western Hills Water District come up with a solution that is of the best benefit for residents up there," Condit said. "There's no easy answer to this, but the county is supportive and trying to come up with some sort of best avenue for this."

Condit said the situation has been his top priority for the last week since Kern County Water Agency sent out the letter at the beginning of the month.

"We are going to have a follow up stakeholder meeting very soon in the coming days and I have also been reaching out to potential private partners who might be of assistance," he said.

"I am optimistic, and I am hopeful we do have a potential avenue for an agreement. We have a lot of great partners at the table," he said, adding that it may help provide a short-term solution to get them on the path for a long-term plan.

Patterson Mayor Michael Clauzel said while Diablo Grande does not fall directly within his jurisdiction, he is "fully committed to supporting the community."

"I am actively engaged in advocating for the residents and have been in discussions with relevant parties to explore viable solutions," he said Tuesday.

Although the city is in pending litigation with the water district due to money owed for sewage services, Clauzel said he will continue to "work collaboratively to find ways to address their immediate water concerns and ensure that the Diablo Grande community has the resources and support its needs."

The water district owes approximately \$3.7 million to the City of Patterson for providing sewage services to the Diablo Grande community.

The Kern County Water Agency's letter states that they have been "exploring possible solutions over the past several years with respect to the monies Western Hills Water District owes the agency for water supplied, and related charges incurred," since the June 5, 2000 contract to transfer water." However, the water district hasn't made a payment since July 2019 and now has debt totaling over \$13.5 million.

## **IN THE NEWS – Patterson Irrigator, April 8, 2025 – Continued**

“Despite lack of payment, the agency has continued to provide WHWD with water in accordance with the contract,” the letter states.

On March 27, at the agency’s board of directors’ meeting, agency staff were given direction to terminate the contract “as the agency cannot continue to incur the costs of supplying water to WHWD without payment,” the letter states.

### **HISTORY OF DEVELOPERS**

Condit said the Diablo Grande community was never set up for success because it never got a real developer who committed to a full buildout. The original plan according to the vesting tentative map approved by the county in 1999 was for 6,000 units—instead there’s only about 1,000 units today.

The original developer, Donald Panoz, had an agreement with Kern County Water Agency and the City of Patterson to subsidize water and sewer services for the golf resort and residential community. When the housing market crashed and the recession hit in 2008, World International bought the project, taking over the agreement for the subsidized payments and incurred debt.

Condit said the agreement with Kern was to purchase water infrastructure for the entirety of the projected 6,000 units to be built, but since only about 1,000 units have been built, “that has always been the problem and why they haven’t been in the green.”

For years the community and developers have been paying for enough water for the full buildout of 6,000 units when only a sixth of that portion is developed, as per the contract with Kern.

When World International purchased the development out of bankruptcy, individuals of World International served on the water district’s board until 2020, until Angels Crossing LLC bought out the developer for \$100,000. Angels Crossing also agreed to subsidize payments and take over the incurred debt that had accumulated, Antigua said, who provided information from a lawsuit filed by WHWD against World International and Angels Crossing on April 19, 2024.

But Angels Crossing did not build any additional units and ended up going “belly up” about a year and a half ago, Condit said.

Antigua said the WHWD board was taken over by Diablo Grande residents when World International left the picture and have become the ones targeted to pay for the \$13.5 million debt owed to Kern and \$3.7 million owed to the City of Patterson for sewer services.

“They’re putting us in a predicament we can’t get out of and they’re coming after the wrong people,” Antigua said. “World still has money. They’re the ones that agreed to all this stuff.”

The homeowner said WHWD is a middleman who is supposed to take the money from World and/or Angels Crossing and pay Kern and the City of Patterson.

“It’s not our fight ... it was the agencies behind Western Hills Water District. And now it’s the homeowners of Diablo Grande that are trying to go in and fix the mess.”

Antigua said she hopes some kind of agreement can be made with one of the other water districts in the area and instead of being charged for the full buildout of the development project, maybe some sort of tiered rate system could be worked out so that for each 1,000 units built, the water and sewage services supplied would reflect that.

“If you’re only billing us for the amount of people here, if you don’t hold us to this huge development, there’s enough people here to pay,” she said.

## **IN THE NEWS – Patterson Irrigator, April 8, 2025 – Continued**

### **FINISHING THE DEVELOPMENT**

Condit said another thing the county has been working on is getting a real developer to get in there and “roll up their sleeves” and finish the buildout.

“We have had several conversations with private developers eyeing the project,” he said, but when the issues with water and sewer come up, “this is a death nail to any conversations.”

Antigua said until the water and sewer issues get resolved, she’s afraid no developer will touch the area. Finishing the development would be a win-win for everyone, “but our hands right now are tied.”

With many residents paying bills upwards of \$200 a month for water right now, Antigua said she’s not sure where the money to pay for the roughly \$20 million of debt will come from, adding that many of the homeowners, including many retirees, bought a house there because it was a nice area that was affordable.

“It’s beautiful up here, it’s very peaceful, but this stresses you out,” she said.

Those who have questions about the Diablo Grande Action Committee or would like to attend the next meeting can email [DGcommunityactioncommittee@gmail.com](mailto:DGcommunityactioncommittee@gmail.com). For more information about WHWD, including board meeting information, visit [whwd.org](http://whwd.org).

*This page intentionally left blank.*

**IN THE NEWS – Ceres Courier, April 9, 2025**

## **Four-story senior living complex approved**

By Jeff Benziger

An 81-unit senior assisted living facility was approved to be constructed south of the Evanshire Mansion.

At Monday's Ceres Planning Commission meeting, the panel voted 3-0 to approve a Conditional Use Permit (CUP) and Tentative Parcel Map for a new commercial park at the northwest corner of Mitchell Road and Roeding Road.

In the first item, the commission voted 4-0 to approve Evanshire Senior Living LLC rezoning a two-acre site at 1748 Evans Road from Administrative Professional (AP) to High Density Residential (HDR). Community Development Director Lea Simvoulakis noted that the General Plan pegs the site for high density residential but it was zoned AP, which she said is an uncommon mismatch. So, the applicant sought to rezone the rear half of the five acres to match the existing land use designation.

The project is planned to be constructed south of the French colonial style Evanshire Mansion, once the home of Valley medical pioneer Dr. Clairborne W. Evans (1859-1937). The 4,000-square-foot mansion was built in 1902 and with its gardens is now an event center. It will be left with the AP zoning designation.

One resident in the vicinity of Stone Haven Court – currently a dead-end but planned to be the main entrance to the senior complex – protested the project. He said his “quiet way of living” will be opened up to a “monster” that will bring traffic and “destroy our area.”

Scottie Payne of Stone Cress Court complained about existing loud music from mansion parties and asked the city to do away with its use.

Simvoulakis argued that Stone Haven Way was always made to give access to the Evanshire property and the city has no legal right to deny that access. She also noted that high density zoning would allow 253 units of regular apartment units so the senior complex is much smaller and will generate far less traffic. Simvoulakis also opined that making the main access from Evans Road doesn't make sense but it will be a gated access for emergency vehicles only.

She also noted that there was no hue and cry from neighbors against the project at a Feb. 11 community meeting. Of the two neighbors who turned out, one was in favor and the other not.

“I don't want fearmongering of what could be to really detract from what is – it's a senior living center with people who don't drive ... you're not going to see this volume,” she said.

Commissioner Gary Condit suggested a gate at the Stone Haven Way entrance but Simvoulakis felt it would have little value.

“I think this is a noble project,” said Condit who noted senior living projects are needed.

Commissioner Dave Johnson agreed, saying the waiting lists to get into similar places are long

The project developer is using the state's density bonus since the units are entirely for seniors, meaning that the developer may build 35% more units than normally allowed.

The allowable density of a project in HDR zone is 20-30 dwelling units per acre, or 63 units. The density bonus allows 81 units.

Simvoulakis said the developer could have developed up to 150 units on the entire five acres.

## **IN THE NEWS – Ceres Courier, April 9, 2025 – Continued**

“While a larger senior project would have been great for the city, it’s still exciting to be able to have new senior units .... and still keep an active business in town,” Simvoulakis said. “The dual use of the site is essentially a form of horizontal mixed use that benefits the city as a whole by providing jobs and residential units all on one parcel.”

The applicant is also able to use waivers to modify a development standard when the reduction or modification of a standard would otherwise physically preclude the construction of the project. The project applicant is waiving the current R-5 height restriction of three stories or 40 feet (whichever is less) and aiming to build four-story units as high as 50 feet.

“Staff is aware that a taller building can be imposing on a neighborhood,” said Simvoulakis, “however, the applicant has worked with staff to site the project as considerately as possible.” She said only two residential backyards would be immediately affected by the structure but the developer plans to use a generous landscaped screen where the project abuts to the rear yards where El Rosal and El Monte avenues come together at the western edge. The Stanislaus County Behavioral Health campus is to the south of the project site. The front of the project at the eastern boundary faces Stone Haven Way and is over 50 feet away from the nearest homes, she said which significantly minimizes the impact of the building’s height.

There will be fewer parking stalls than an ordinary apartment complex since residents in the 55-plus-year-old community would own fewer cars.

### **Commercial project okayed**

Commissioners voted 3-0 to approve changes to a previously approved Mitchell and Roeding Commercial Park. Condit abstained due to a conflict of interest and Commissioner Dorie Perez was absent.

The changes were asked to add a Starbucks drive-thru and relocate a car wash on a previously approved project site that contained a gas station, convenience store, and fast-food restaurant on a 3.59-acre parcel at the southwest corner of Mitchell and Roeding roads.

The applicant requested a Conditional Use Permit Amendment to add a Starbucks drive-thru to the project site, and to move the location of a previously approved car wash.

The applicant won approval to subdivide the parcel into three separate parcels.

Parcel one will include the 4,500-square-foot convenience store, a 2,200-square-foot quick serve restaurant and drive thru, and the fuel canopy. Parcel 2 will include a 1,200-square-foot fast food restaurant and drive-thru. Parcel 3 will include a 5,500-square-foot car wash with vacuum equipment and parking.

Plans now call for the car wash to be pushed to the back of the site away from Mitchell Road with Starbucks built in its original planned site.

The original project was approved on December 6, 2021. At the time it was planned for a convenience store with a gas station, a car wash facility, and two future retail pads for the 3.59 acre site.

The project was delayed because the applicant was asked to do a sewer study after the entitlement was granted. That approval would have expired in December 2023. Then Community Development Director Christopher Hoem determined that the application was not expired at the time the applicant decided to amend the project. As such, there is the current project amendment that changes the location of the car wash and adds a Starbucks drive-through restaurant. The applicant did not apply for a map at that time. The amended CUP includes the new Tentative Parcel Map.

Resident John Warren complained about Mitchell Road already having two Starbucks and Ceres having multiple gas stations and car washes.



# **STANISLAUS LOCAL AGENCY FORMATION COMMISSION MINUTES**

**March 26, 2025**

## **1. CALL TO ORDER**

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

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

Commissioners Present: Amy Bublak, Chair, City Member  
Terry Withrow, Vice Chair, County Member  
Sue Zwahlen, City Member  
Ken Lane, Public Member

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

Staff Present: Sara Lytle-Pinhey, Executive Officer  
Javier Camarena, Assistant Executive Officer  
Jennifer Vieira, Commission Clerk  
Donya Nunes, Alternate LAFCO Counsel

## **2. PUBLIC COMMENT**

Milt Trieweler spoke regarding decision making.

## **3. CORRESPONDENCE**

- A. Specific Correspondence.  
  
None.
- B. Informational Correspondence.  
  
None.
- C. In the News

## **4. DECLARATION OF CONFLICTS AND DISQUALIFICATIONS**

None.

## 5. CONSENT ITEMS

- A. **MINUTES OF THE FEBRUARY 26, 2025, LAFCO MEETING**  
(Staff Recommendation: Accept the Minutes.)
- B. **AMENDMENT TO RULE 45: PROCEDURES TO IMPLEMENT THE REQUIREMENTS OF THE POLITICAL REFORM ACT.** The Commission will consider a minor update to its Policies and Procedures Rule 45 (Procedures to Implement the Requirements of the Political Reform Act, 1974). The adoption of the Policies and Procedures amendment is a continuing administrative or maintenance activity with no potential for a direct or indirect physical change to the environment. It is therefore not a “project” for the purposes of the California Environmental Quality Act (CEQA), pursuant to Section 15378(b)(2). (Staff Recommendation: Approve amendment to Rule 45 and adopt Resolution No. 2025-04.)

*Motion by Commissioner Withrow, seconded by Commissioner Zwahlen, and carried with a 4-0 vote to approve the consent items, by the following vote:*

<i>Ayes:</i>	<i>Commissioners: Bublak, Lane, Withrow and Zwahlen</i>
<i>Noes:</i>	<i>Commissioners: None</i>
<i>Ineligible:</i>	<i>Commissioners: Goeken</i>
<i>Absent:</i>	<i>Commissioners: Berryhill, Chiesa and Grewal</i>
<i>Abstention:</i>	<i>Commissioners: None</i>

## 6. PUBLIC HEARING

- A. **OUT OF BOUNDARY SERVICE APPLICATION – TOP SHELF MEGA STORAGE (KEYES COMMUNITY SERVICES DISTRICT):** The Keyes Community Services District has a requested to extend water service outside of the Keyes Community Services District’s boundary to serve a property at 4401 W. Barnhart Road, east of Golden State Boulevard, for a new storage facility. Stanislaus County, as Lead Agency under the California Environmental Quality Act (CEQA) prepared an Initial Study and Mitigated Negative Declaration for the project. (Staff Recommendation: Approve the request and adopt Resolution No. 2025-03.)

Javier Camarena, Assistant Executive Officer, presented the item with a recommendation to approve the request.

Chair Bublak opened the Public Hearing at 6:10 p.m.

Dave Romano spoke on behalf of the project. Milt Trieweiler also commented.

Chair Bublak closed the Public Hearing at 6:12 p.m.

*Motion by Commissioner Lane, seconded by Commissioner Withrow, and carried with a 4-0 vote to approve the request, by the following vote:*

<i>Ayes:</i>	<i>Commissioners: Bublak, Lane, Withrow and Zwahlen</i>
<i>Noes:</i>	<i>Commissioners: None</i>
<i>Ineligible:</i>	<i>Commissioners: Goeken</i>
<i>Absent:</i>	<i>Commissioners: Berryhill, Chiesa and Grewal</i>
<i>Abstention:</i>	<i>Commissioners: None</i>



**7. OTHER BUSINESS**

- A. **CALIFORNIA ASSOCIATION OF LOCAL AGENCY FORMATION COMMISSIONS (CALAFCO) UPDATE** (Staff Recommendation: Receive an informational update regarding CALAFCO and provide direction to Staff as needed.)

Sara Lytle-Pinhey, Executive Officer, presented the item.

Commissioners Withrow and Zwahlen asked questions from Staff.

**8. COMMISSIONER COMMENTS**

None.

**9. ADDITIONAL MATTERS AT THE DISCRETION OF THE CHAIRPERSON**

None.

**10. EXECUTIVE OFFICER'S REPORT**

The Executive Officer informed the Commission of the following:

- The recruitment for Public and Alternate Public Member is open until Friday March 28, 2025, at 4:30 pm.
- For the April meeting Staff will bring the Proposed Budget and Selection of Public and Alternate Public Member.

**11. ADJOURNMENT**

- A. Chair Bublak adjourned the meeting at 6:18 p.m.

**DRAFT**

---

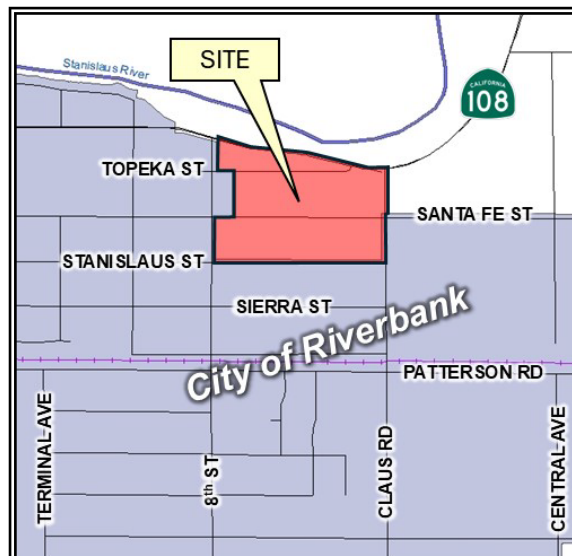
Sara Lytle-Pinhey, Executive Officer

**STANISLAUS LOCAL AGENCY FORMATION COMMISSION  
OUT-OF-BOUNDARY SERVICE APPLICATION:  
TOPEKA-SANTA FE (CITY OF RIVERBANK – SEWER & WATER SERVICE)**

**APPLICANT:** Stanislaus County

**LOCATION:** The territory is located south of Highway 108, west of Claus Road, north of Stanislaus Street and east of 8<sup>th</sup> Street in an unincorporated area of Riverbank. (See Exhibit A.)

**REQUEST:** Stanislaus County has requested that LAFCO consider approval of an area-wide out-of-boundary sewer and water service extension to the Topeka-Santa Fe Neighborhood from the City of Riverbank as service provider. (See Exhibit B.) The area consists of approximately 19.5 acres. As the territory is outside the City's limits, LAFCO review is required prior to the extension of City services. The Commission's approval of an area wide out-of-boundary application would allow existing development and future infill development in the area to be served by City sewer and water services without the need to return to LAFCO for subsequent approvals.



### **BACKGROUND**

Government Code Section 56133 specifies that a city or special district must apply for and obtain LAFCO approval prior to providing new or extended services outside its 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 public health or safety of the residents of the affected territory.

Stanislaus LAFCO has adopted its own policy to assist in the Commission's review of out-of-boundary service requests, known as Policy 15 (see Exhibit C). Policy 15 reiterates the requirements of Government Code Section 56133 and allows the Executive Officer, on behalf of the Commission, to approve service extensions in limited circumstances for existing development only. However, as the current request would provide a blanket approval for both existing and future development in the Topeka-Santa Fe Neighborhood, the Executive Officer has determined to forward the request to the Commission.

### American Rescue Plan Act (ARPA)

In 2021, Stanislaus County was awarded approximately \$1.7 million in American Rescue Plan Act (ARPA) funds. The Stanislaus County Board of Supervisors (BOS) identified various strategic priorities for use of its ARPA funds, of which \$50 million was assigned to community infrastructure. The proposed sewer and water service extension to the Topeka-Santa Fe neighborhood is part of overall infrastructure improvements prioritized by the BOS for the area.

The proposed service extension includes sewer and water; however, the larger infrastructure project will include storm drainage facilities, curb and gutter installation, ADA compliant sidewalks and ramps, driveway approaches, and streetlighting facilities. The improvements will improve health and safety in the community and make future annexation more feasible.

The water infrastructure improvements will include new 10" water mains, one-inch water connections throughout the project area, meters, and an additional three (3) fire hydrants. The sewer infrastructure improvements will include 12" sewer mains, cleanout and riser connections, one-inch service connections, and meters. Improvements will be made along Topeka Street, Santa Fe Street, and Claus Road.

The project is being installed by Stanislaus County as it is currently within the County's jurisdiction. Following completion of the improvements, the area will connect into the City of Riverbank's public sewer and water systems.

### **DISCUSSION**

State law and Commission policies generally prefer annexation to accommodate the extension of services. However, the Commission has recognized that there are situations where out-of-boundary service extensions may be timelier and more appropriate, as allowed under Government Code Section 56133. The Commission has approved similar area-wide extensions of sewer and/or water services in the past for specific unincorporated areas, including the Rouse-Colorado Neighborhood, the Spencer-Marshall Neighborhood, the Parklawn Neighborhood, the Bret Harte Neighborhood, the Robertson Road Neighborhood, the Airport Neighborhood and the Shackelford Neighborhood. (The Shackelford Neighborhood was subsequently annexed to the City of Modesto.)

In order to guide review of similar area-wide proposals, the Commission adopted a section of Policy 15 addressing these types of requests and the circumstances under which they may be approved.

#### Consistency with Commission Policy 15

The Commission's Policy 15(F) states that it will consider approval for area-wide service extensions 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.*

The Topeka-Santa Fe Neighborhood is located in an unincorporated area of Riverbank with predominantly residential parcels that currently rely on septic tanks for the treatment of sewage and wells for domestic water. The territory is zoned A-2-10 (General Agriculture)

and is designated as Urban Transition in the Stanislaus County General Plan. The site is designated as Medium-Density Residential in the City of Riverbank General Plan. The area is developed with existing homes and a small number of businesses, is within the City's Sphere of Influence, and is anticipated to become part of the City at a later time. The proposal is consistent with existing and future land use plans.

2. *The area is currently located within the agency's sphere of influence.*

The Topeka-Santa Fe Neighborhood is currently within the City's Sphere of Influence and has been since 1984.

3. *The agency is capable of providing extended services to the area without negatively impacting existing users.*

The City provided a letter stating it is able to provide sewer and water services to the area (See Exhibit B). The project's environmental documentation indicates that the project will not require the construction of new treatment facilities, and the projected wastewater will be conveyed to the existing Wastewater Treatment Plant north of the Stanislaus River. The report also adds that the project will not exceed the City's groundwater supply projections and has adequate capacity to serve the proposed water connections.

4. *The proposal meets one of the situations outlined in Section C of Policy 15, where extension of services is an appropriate alternative to annexation.*

Section C describes situations where the Commission will favorably consider service extensions. As mentioned previously, the proposed project is part of a larger infrastructure project that includes storm drainage facilities, curb and gutter installation, ADA compliant sidewalks and ramps, driveway approaches, and streetlighting facilities. The improvements will improve health and safety in the community.

Stanislaus County has been coordinating with the City of Riverbank to implement the proposed improvements in the Topeka-Santa Fe Neighborhood. The project is being funded by ARPA funds. Stanislaus County Board of Supervisors (BOS) has prioritized the funds to address infrastructure needs within unincorporated developed neighborhoods, sewer and water improvements in particular. Funds must be spent by the end of 2026 or risk losing any unspent funds.

Consistency with Applicable State Law

The Commission must also consider Government Code Section 56133, the applicable state law, which states "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 [emphasis added]."

The timeframe for "anticipation of a later change of organization" is not specifically defined. Some LAFCOs interpret this phrase as being synonymous with the property being located within a sphere of influence. The subject area has been in the City's Sphere of Influence since 1984. It is adjacent to the existing City limits along the west, south, and partly on the east side of the area, with the County line to the north. The area is considered substantially surrounded and improvements to the area are intended to make annexation more feasible.

### Landowner Consent to Annex

Whenever an affected area may ultimately be annexed to the agency, a standard condition of approval is the recordation of an agreement by the landowner consenting to annex the territory. As a condition of approval, a copy of the signed agreement will be required to be submitted to LAFCO prior to the extension of service.

### Environmental Review

Stanislaus County, as Lead Agency under the California Environmental Quality Act (CEQA), prepared an initial study and adopted a Mitigated Negative Declaration for the proposed sewer and water extensions, finding that it will not have a significant effect on the environment because of incorporated mitigations. A copy of the County's Mitigated Negative Declaration is included with the application (attached as Exhibit D).

### **CONCLUSION**

Although annexations to cities or special districts are generally the preferred method for provision of services Commission policies also recognize that out-of-boundary service extensions can be an appropriate alternative in situations where there are immediate health and safety concerns or in anticipation of a later change of organization. The proposal to provide the Topeka-Santa Fe Neighborhood with sewer and water services is consistent with Government Code Section 56133 and the Commission's Policy 15, including the criteria for area-wide approvals.

### **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:

**Option 1:** APPROVE the request, as submitted by the County.

**Option 2:** DENY the request without prejudice.

**Option 3:** 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 Stanislaus County and adopt Resolution No. 2025-08 (See Exhibit E), which finds the request to be consistent with Government Code Section 56133 and Commission Policy 15, certifies that the Commission has considered the environmental documentation prepared by Stanislaus County, and includes the following standard terms and conditions:

- A. This approval allows for the extension of sewer and water services to accommodate existing and future uses within the Topeka-Santa Fe Neighborhood only.
- B. The City shall not allow additional service connections outside the City limits and

beyond the delineated Topeka-Santa Fe Neighborhood area without first requesting and securing approval from the Commission.

- C. Prior to the provision of sewer and water services, the landowner(s) shall record an agreement consenting to annex the property to the City of Riverbank, and a copy of the agreement shall be forwarded to the LAFCO office.

Respectfully submitted,

*Javier Camarena*

Javier Camarena  
Assistant Executive Officer

Attachments:

- Exhibit A - Map of the Topeka-Santa Fe Neighborhood
- Exhibit B - Out-of-Boundary Application & City of Riverbank Will Serve Letter
- Exhibit C - LAFCO Policy 15
- Exhibit D - Initial Study with Mitigated Negative Declaration & Notice of Determination
- Exhibit E - Draft LAFCO Resolution No. 2025-08

*This page intentionally left blank.*

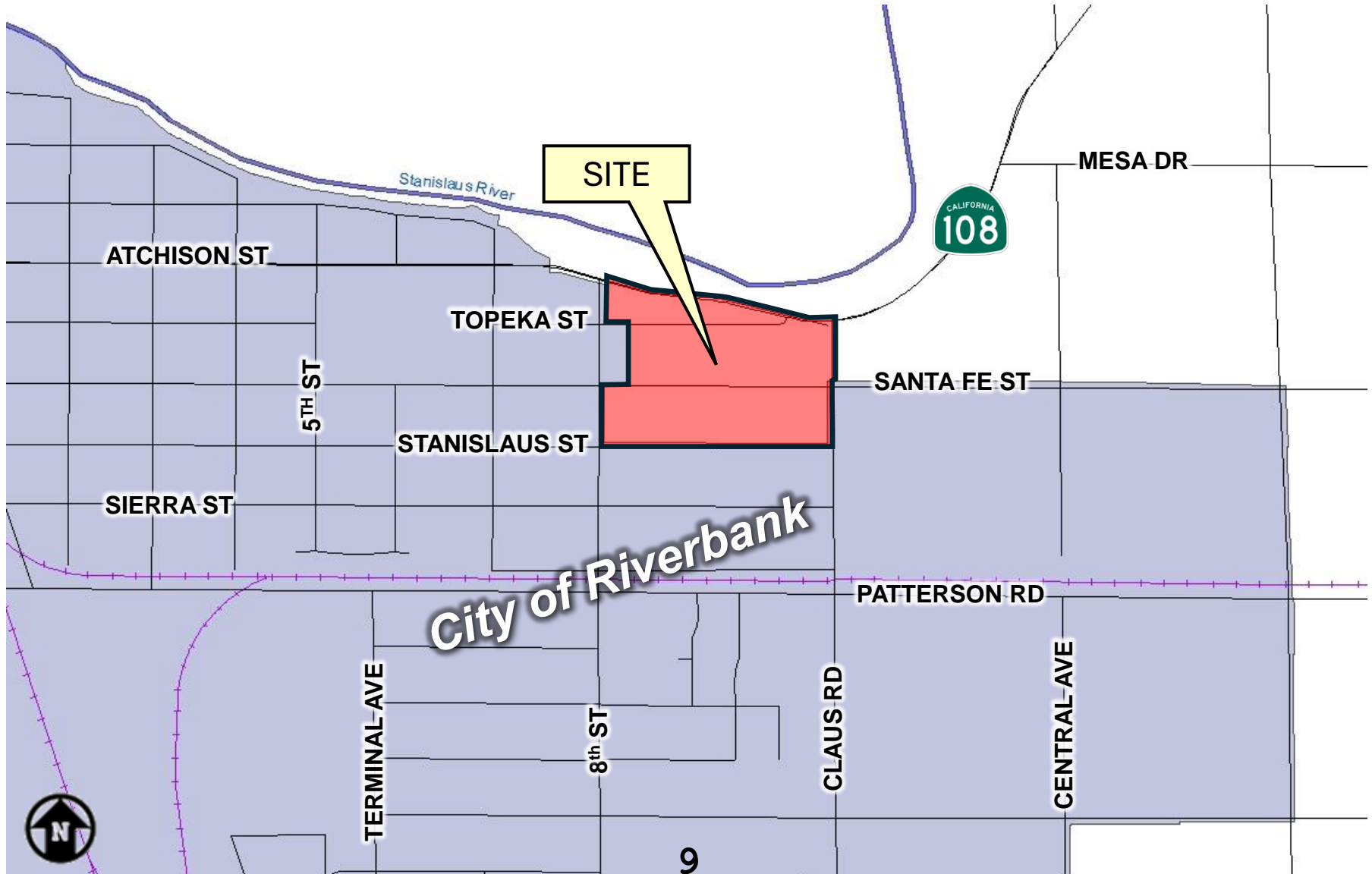
## **EXHIBIT A**

### **Area Map Topeka-Santa Fe Neighborhood**



*This page intentionally left blank.*

OUT-OF-BOUNDARY SERVICE APPLICATION  
TOPEKA-SANTA FE  
AREA MAP



*This page intentionally left blank.*

## **EXHIBIT B**

### **Out-of-Boundary Service Application & City of Riverbank Will Serve Letter**

*This page intentionally left blank.*

# 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 Riverbank

CONTACT PERSON: Cody Bridgewater

MAILING ADDRESS: 2901 High Street, Riverbank, CA 95367

PHONE: 209-869-210 E-MAIL: cbridgewater@riverbank.org

#### PROPERTY OWNER (PARTY RECEIVING SERVICE):

PROPERTY OWNER NAME: (See Attached List with Names, Addresses, and APNS)

SITE ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

ASSESSOR PARCEL NUMBER(S): \_\_\_\_\_

ACREAGE: 19.5 (If multiple properties, attach a list with names, addresses and APNs.)

#### REQUIRED ATTACHMENTS - Please provide the following:

- ☒ Completed application and fees. (See [Schedule of Fees and Deposits](#). Please consult with LAFCO staff to determine the appropriate fee.)
- ☒ Map showing existing facilities and proposed extensions. The map should include measurements detailing how services are to be extended to the property.
- ☒ Draft service agreement or contract between the service provider and property owner OR a will-serve letter from the service provider.

#### PROPOSAL-SPECIFIC ATTACHMENTS – The following may also be required:

- ☐ If the proposed extension will serve new development, a copy of the environmental determination made by the Lead Agency.
- ☐ If the proposed service extension is to remedy a health and safety situation, documentation of the health and safety issue.

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 and if necessary.

1. List type of service(s) to be extended:

(See additional page)

---

---

2. Is the service extension for new development or an existing use? Provide a complete description of the project and/or use to be served.  
(See additional page)
- 
- 
- 

3. Is this request to address a health and safety situation? ☐ Yes ☒ No  
If yes, please explain below.
- 
- 

4. Is the property to be served within the Agency's sphere of influence? ☒ Yes ☐ No

5. LAFCO policies generally prefer annexation rather than an extension of services outside the agency's boundary. Is annexation of the territory by your agency anticipated at a future time? ☒ Yes ☐ No

6. Please provide an explain of the Agency's preference for an out-of-boundary instead of annexation.  
(See additional page)
- 
- 

7. Are there any land use entitlements involved in the project or contract? ☐ Yes ☒ No  
If yes, please check the entitlements that were obtained and provide a copy of the approval:

- |   |  |
|---|--|
| <input type="checkbox"/> Tentative Map and Conditions | <input type="checkbox"/> Subdivision Map or Parcel Map |
| <input type="checkbox"/> Specific Plan                | <input type="checkbox"/> General Plan Amendment        |
| <input type="checkbox"/> Rezoning                     |  |
| <input type="checkbox"/> Other: _____                 |  |
-

## **Out of Boundary Service App. Additional Page.**

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 and if necessary.

### **1. List the type of service(s) to be extended:**

Stanislaus County is looking at extending sewer (mainlines and laterals), water (laterals), storm drainage (mainline and drain inlets) as part of the project.

### **2. Is the service extension for new development or an existing use?**

#### **Provide a complete description of the project and/or use to be served.**

For the last several years, Stanislaus County has been working to address infrastructure needs within unincorporated developed neighborhoods of the County. Where the County has taken several actions intended to guide infrastructure improvements and support the annexation of unincorporated pocket areas to incorporated cities.

In 2021, Stanislaus County received \$107 million in American Rescue Plan Act (ARPA) funds. Where \$55.8 million of the \$107 million was assigned to *Community Infrastructure – Urban Pockets/County Communities* to address infrastructure needs within unincorporated developed neighborhoods of the County. Where the funds need to be expended by December 31, 2026 or risk losing all unspent funds.

The Topeka-Santa Fe community, is an unincorporated developed neighborhood that is adjacent to and within the City of Riverbank Sphere of Influence. Where the County has assigned an investment total of \$5,622,443 in ARPA funds towards the development of this neighborhood. The County is developing an infrastructure project that would promote health and safety in the community by constructing storm drainage facilities (including curb and gutter), sidewalk (including Americans with Disabilities Act (ADA) ramps and misc. driveway approaches), sewer facilities, water, and streetlight facilities. Where the City of Riverbank would be providing the utility services, water and sewer.

This project would be providing the improvements along 8<sup>th</sup> Street (between Stanislaus St and Atchison St), Topeka Street (between 8<sup>th</sup> St and Atchison St), Santa Fe Street (between 8<sup>th</sup> St and Claus Rd), and Claus Rd (between Santa Fe St and Atchison St). The County has been coordinating with the City of Riverbank throughout the design phase of this project.

A result of the construction of these improvements and a secondary goal of the County with the funds, this area would be closer to being annexed into the City of Riverbank's city limits.

### **6. Please provide an explanation of the Agency's preference for an out-of-boundary instead of annexation.**

The Topeka-Santa Fe project is currently in the design phase and is expected to enter construction summer of 2026. This community is anticipated to annex into the City of Riverbank in the future.



## 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.

## 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.

SIGNED:

PRINTED NAME:

  
Danny Mauricio

AGENCY:

Stanislaus County - Public Works

DATE:

3/3/25

**Please forward the completed form, fees, and related information to:**

Stanislaus Local Agency Formation Commission  
1010 10<sup>th</sup> Street, 3<sup>rd</sup> Floor  
Modesto, CA 95354

<b>No.</b>	<b>APN</b>	<b>Site Address</b>	<b>Owner</b>
<b>1</b>	132-049-001	3806 Atchinson St Riverbank, 95367 6800 8th St Riverbank, 95367	Mancyga Commercial LLC
<b>2</b>	132-049-002	3820 Atchinson St Riverbank, 95367	Howe Christopher ET AL
<b>3</b>	132-049-003	3832 Atchison St Riverbank, 95367 3841 Topeka St Riverbank, 95367	Howe Christopher ET AL
<b>4</b>	132-049-004	Topeka St Riverbank, 95367	Akawi Enterprise LLC
<b>5</b>	132-049-005	3848 Atchison St Riverbank, 95367	Akawi Enterprise LLC
<b>6</b>	132-049-006	3918 Topeka St Riverbank, 95367	Suarez Jose Gomez
<b>7</b>	132-049-007	3924 Atchison St Riverbank, 95367 3932 Topeka St Riverbank 95367	Arauz George & Norma TRS
<b>8</b>	132-049-009	3818 Topeka St Riverbank, 95367	Vigil Hubertino & Maria
<b>9</b>	132-049-010	3824 Topeka St Riverbank, 95367	Reyes Juan & Beatriz Chavez TRS
<b>10</b>	132-049-011	3830 Topeka St Riverbank, 95367	Fahlenkamp Timothy & Linda J TRS
<b>11</b>	132-049-012	3836 Topeka St Riverbank, 95367	Navarro Vicente & Crow Elizabeth
<b>12</b>	132-049-013	3831 Santa Fe Street, 95367	Figueroa Luis G
<b>13</b>	132-049-014	3839 Santa Fe Street, 95367	Zavala Juan Figueroa
<b>14</b>	132-049-015	3849 Santa Fe Street, 95367	Zavala Juan Figueroa
<b>15</b>	132-049-016	Santa Fe Street, 95367	Marisoli Anita L TR
<b>16</b>	132-049-018	3927 Santa Fe St Riverbank, 95367 3926 Topeka St Riverbank, 95367 3933 Santa Fe St Riverbank, 95367	Covarrubias Roberto
<b>17</b>	132-049-019	3942 Topeka St Riverbank 95367	Albor Olivia
<b>18</b>	132-049-020	3948 Topeka St Riverbank, 95367	Albor Gabriel
<b>19</b>	132-049-021	3943 Santa Fe St Riverbank, 95367	Diltz Donald J TR
<b>20</b>	132-049-022	3957 Santa Fe St Riverbank, 95367	Lee Thomas James ET AL
<b>21</b>	132-049-023	6715 Claus Rd Riverbank, 95367 3969 Santa Fe St Riverbank, 95367 6721 Claus Rd Riverbank, 95367	Balt Brothers LLC
<b>22</b>	132-049-024	3972 Santa Fe St Riverbank, 95367	Bush Charles F III & Donna TRS
<b>23</b>	132-049-025	3962 Santa Fe St Riverbank, 95367	Arteaga Vicente P ET AL
<b>24</b>	132-049-026	3956 Santa Fe St Riverbank, 95367	Davis Robert & Deborah
<b>25</b>	132-049-027	3942 Santa Fe St Riverbank, 95367	Borba Suzy R C S
<b>26</b>	132-049-028	3928 Santa Fe St Riverbank, 95367	Cruz Mylton Villa ET AL
<b>27</b>	132-049-029	3918 Santa Fe St Riverbank, 95367	Davidson Ronald C & Gwenda
<b>28</b>	132-049-030	3872 Santa Fe St Riverbank, 95367	Morisoli Anita L TR
<b>29</b>	132-049-031	3859 Stanislaus St Riverbank, 95367 3854 Santa Fe St Riverbank, 95367	Morisoli Anita L TR
<b>30</b>	132-049-032	3824 Santa Fe St Riverbank, 95367	Jamke
<b>31</b>	132-049-033	3800 Santa Fe St Riverbank, 95367	Oliviera Egidio M TR
<b>32</b>	132-049-037	3910 Topeka St Riverbank, 95367 3901 Santa Fe St Riverbank, 95367 3916 Topeka St Riverbank, 95367	Verduzco Juan Et Al
<b>33</b>	132-049-038	3917 Santa Fe St Riverbank, 95367	Gonzales Frances H
<b>34</b>	132-049-040	3827 Santa Fe St Riverbank, 95367	Caddel Lydia



## PROJECT AREA MAP



## **CITY OF RIVERBANK**

### **Public Works Department**

2901 High Street, Riverbank, CA 95367  
Phone: 209.869.7128 - Fax: 209.869.7045

March 4, 2025

Danny Mauricio  
Stanislaus County  
mauriciod@stancounty.com

RE: Area 41, Riverbank, Will-Serve Letter

To Whom it may Concern,

Riverbank is prepared to provide potable water service and sewer service to this project in accordance with the rates, rules, tariffs, and regulations in effect and on file with the California Public Utilities Commission, or as modified in the exercise of its jurisdiction. Please see our Consumer Confidence Reports for these services on our website at <https://www.riverbank.org/171/Water-Division> and <https://www.riverbank.org/162/Sewer-Division>.

Please contact me at (209) 869-7210 if you have any questions concerning this information.

Sincerely,

Cody Bridgewater  
Director of Public Works  
City of Riverbank

*This page intentionally left blank.*

**EXHIBIT C**

**LAFCO Policy 15**

*This page intentionally left blank.*

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

*(Amended October 23, 2024)*

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 a city or district's jurisdictional boundaries but within its sphere of influence in cases where the service extension is proposed to remedy a clear health and safety concern for existing development. In addition, the Executive Officer shall have the authority to approve or conditionally approve service extensions where the services will not facilitate development or will provide water and/or sewer service to accessory dwelling units being created on lots where a single-family or multifamily dwelling unit already exists.

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 area-wide 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: Commission approval is not required for cities or districts to provide new or extended services outside their jurisdictional boundaries if any of the following exemptions apply in accordance with Government Code Section 56133(e). The Commission encourages cities and districts to verify with the Executive Officer to determine whether statutory exemptions apply or whether the proposed extension falls within a prior approval by the Commission.
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 224.3 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.

*This page intentionally left blank.*

## **EXHIBIT D**

### **Initial Study with Mitigated Negative Declaration & Notice of Determination**

*This page intentionally left blank.*

# INITIAL STUDY WITH MITIGATED NEGATIVE DECLARATION

## STANISLAUS COUNTY URBAN POCKET PROJECT

### AREA 41 – TOPEKA/SANTA FE



*Prepared by*



*Prepared for Stanislaus County*

**April 2024**

**THIS PAGE INTENTIONALLY LEFT BLANK**

## **GENERAL INFORMATION ABOUT THIS DOCUMENT**

### ***What's in this document:***

The Stanislaus County Public Works Department has prepared this Initial Study, which examines the potential environmental impacts of the Stanislaus County Urban Pocket Project in Area 41 (Project). The document explains the proposed Project details; the existing environment that could be affected by the Project; potential impacts; and proposed avoidance, minimization, and/or mitigation measures.

The Draft Initial Study was circulated to the public for comments from February 28, 2024, to March 29, 2024. All written comments received by Stanislaus County have been included in Appendix C.

### ***Project Description***

Stanislaus County is proposing to install new sanitary sewer, domestic water supply, and storm drain facilities in Area 41, an unincorporated urban pocket of Stanislaus County (County) located within the Stanislaus Local Agency Formation Commission's (LAFCO) adopted Sphere of Influence (SOI) for the City of Riverbank (City). The proposed Project would additionally install safety improvements throughout the area, including sidewalks, Americans with Disabilities Act (ADA) compliant curb ramps, crosswalks, and street lighting.



**THIS PAGE INTENTIONALLY LEFT BLANK**

## TABLE OF CONTENTS

<b>1.0</b>	<b>Introduction.....</b>	<b>1</b>
1.1	<i>Project Description .....</i>	<i>1</i>
1.4	<i>Permits and Approvals Needed .....</i>	<i>3</i>
<b>2.0</b>	<b>CEQA Initial Study Environmental Checklist Form .....</b>	<b>7</b>
2.1	<i>Aesthetics .....</i>	<i>12</i>
2.2	<i>Agriculture and Forest Resources.....</i>	<i>14</i>
2.3	<i>Air Quality.....</i>	<i>17</i>
2.4	<i>Biological Resources.....</i>	<i>21</i>
2.5	<i>Cultural Resources.....</i>	<i>39</i>
2.6	<i>Energy.....</i>	<i>43</i>
2.7	<i>Geology and Soils .....</i>	<i>44</i>
2.8	<i>Greenhouse Gas Emissions.....</i>	<i>46</i>
2.9	<i>Hazards and Hazardous Materials .....</i>	<i>48</i>
2.10	<i>Hydrology and Water Quality.....</i>	<i>51</i>
2.11	<i>Land use and Planning.....</i>	<i>55</i>
2.12	<i>Mineral Resources .....</i>	<i>56</i>
2.13	<i>Noise .....</i>	<i>57</i>
2.14	<i>Population and Housing .....</i>	<i>59</i>
2.15	<i>Public Services.....</i>	<i>60</i>
2.16	<i>Recreation.....</i>	<i>61</i>
2.17	<i>Transportation/Traffic.....</i>	<i>62</i>
2.18	<i>Tribal Cultural Resources.....</i>	<i>64</i>
2.19	<i>Utilities and Service Systems.....</i>	<i>70</i>
2.20	<i>Wildfire .....</i>	<i>72</i>
2.21	<i>Mandatory Findings of Significance.....</i>	<i>74</i>
<b>3.0</b>	<b>Comments and Coordination.....</b>	<b>76</b>
3.1	<i>Consultation and Coordination with Public Agencies .....</i>	<i>76</i>
3.2	<i>Public Participation.....</i>	<i>76</i>
<b>4.0</b>	<b>Distribution List.....</b>	<b>77</b>
<b>5.0</b>	<b>List of Preparers .....</b>	<b>78</b>
<b>6.0</b>	<b>References.....</b>	<b>79</b>

### **List of Figures**

Figure 1. Project Vicinity.....	4
Figure 2. Project Location.....	5
Figure 3. Project Area Map.....	6
Figure 4. Vegetation Communities .....	24

### **List of Tables**

Table 1. Permits and Approvals Needed.....	3
Table 2. NAAQS and CAAQS Attainment Status for San Joaquin Valley .....	18
Table 3. Species Potential Determinations .....	27

### **List of Appendices**

Appendix A. FEMA FIRM Map	
Appendix B. Special Status Species Database Query Results	
Appendix C. Responses to Public and Agency Comments	

## **LIST OF ABBREVIATIONS**

ACE	Area of Conservation Emphasis
ACHP	Advisory Council on Historic Preservation
ADU	Accessory Dwelling Unit
AIRFA	American Indian Religious Freedom Act
APE	Area of Potential Effects
ARPA	American Rescue Plan Act
BIOS	Biogeographic Information and Observation System
BMPs	Best Management Practices
BSA	Biological Study Area
CAA	Clean Air Act
CalNAGPRA	California Native American Graves Protection and Repatriation Act
Caltrans	California Department of Transportation
CCAP	Climate Change Action Plan
CARB	California Air Resources Board
CDC	California Department of Conservation
CDFW	California Department of Fish and Wildlife
CESA	California Endangered Species Act
CEQA	California Environmental Quality Act
CGP	Construction General Permit
CNDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CRHR	California Register of Historical Resources
CWA	Clean Water Act
DCP	Dust Control Plan
District	San Joaquin Valley Unified Air Pollution Control District
DWR	California Department of Water Resources
EFH	Essential Fish Habitat
EOP	Emergency Operations Plan
FEMA	Federal Emergency Management Agency
FESA	Federal Endangered Species Act
FIP	Federal Implementation Plan
FIRM	Flood Insurance Rates Maps
FMMP	Farmland Mapping and Monitoring Program
GHG	Greenhouse Gases
IPaC	Information for Planning and Consultation
IPCC	Intergovernmental Panel on Climate Change
ITA	Indian Trust Assets
LAFCO	Local Agency Formation Commission
MBTA	Migratory Bird Treaty Act
MND	Mitigated Negative Declaration
MLD	Most Likely Descendent
NAAQS	National Ambient Air Quality Standards

NAHC	Native American Heritage Commission
NHPA	National Historic Preservation Act
NOAA	National Oceanic and Atmospheric Administration
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resource Conservation Service
NRHP	National Register of Historic Places
OHP	Office of Historic Preservation
Porter-Cologne Act	Porter-Cologne Water Quality Act (Porter-Cologne Act)
RWQCB	Regional Water Quality Control Board
SIP	State Implementation Plan
SLF	Sacred Lands File
SOI	Sphere of Influence
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TCL	Traditional Cultural Landscapes
TCP	Traditional Cultural Properties
TCR	Tribal Cultural Resource
UCMP	University of California Museum of Paleontology
USACE	United States Army Corps of Engineers
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
WoS	Waters of the State
WOTUS	Waters of the United States
WWTP	Wastewater Treatment Plant

## **1.0 Introduction**

---

### **1.1 Project Description**

The Project site, identified as Area 41, is an existing residential neighborhood bounded by Highway 108 (State Route 108) to the north, Stanislaus Street to the south, 8<sup>th</sup> Street to the west, and Claus Road to the east. The site is located within the Stanislaus Local Agency Formation Commission's (LAFCO) adopted Sphere of Influence (SOI) for the City of Riverbank. The Project Area is south of State Route 108, approximately 10 miles east of State Route 99, and is improved with the following roadways:

- Approximately 1,100 linear feet of the fully paved 20-foot width of Topeka Street from 8<sup>th</sup> Street to Highway 108
- Approximately 130 linear feet of the paved southern half-width (10 feet) of Santa Fe Street, just east of the 8<sup>th</sup> Street intersection
- Approximately 1,180 linear feet of the fully paved 20-foot width of Santa Fe Street from approximately 130' east of 8<sup>th</sup> Street to Claus Street.
- Approximately 360' linear feet of the paved western half-width (20 feet) of Claus Road between Santa Fe Street and Highway 108

As stipulated by the County's General Plan Sphere of Influence Policy, Area 41 will receive infrastructure and safety improvements in accordance with City of Riverbank standards, allowing the area to be potentially eligible for future annexation into the City. All improvements will occur within the existing County right of way and no right of way acquisitions are anticipated for the Project. Temporary construction easements may be required to facilitate the construction of the proposed improvements.

Under the proposed Project, infrastructure improvements for Area 41 will include:

- Domestic Water Supply System: A new water main will be constructed in Topeka Street and Claus Road connecting to the existing 10" water main in Santa Fe Street within the Project area. Approximately 4 water services (1") with meters from the City of Riverbank water district will be provided to residences on Topeka Street, Santa Fe Street, and Claus Road. Lots that do not currently connect to the 10" water main along Santa Fe Street will also be provided with 1" services and meters. The new water main in Topeka Street and the existing line in Santa Fe will be looped via Claus Street and Highway 108. Lots that front onto Claus Street will be provided with 1" service and meters. An additional 3 fire hydrants will be constructed in Topeka Street and Claus Road.
- Sanitary Sewer System: A new sewer main will be constructed in Topeka Street and Claus Road connecting to the existing 12" sewer main in Santa Fe Street within the Project area. Approximately 43 services (4") with cleanout & riser will be provided to residences on Topeka Street, Santa Fe Street, and Claus Road. Lots that do not currently connect to the 12" sewer main in Santa Fe Street will be provided with 4" services with cleanout and riser. Lots that front onto Claus Street will be provided with 1" service and meters and a sewer main will be provided, connecting to the 12" line in Santa Fe Street to the south.
- Storm Drain System: The Project will include the installation of City Standard horizontal drains (French drains) within Santa Fe and Topeka Streets to reduce the runoff volume flowing to the

8<sup>th</sup> Street system. Depth of drain rock will maintain a minimum vertical clearance of 10' from seasonal high groundwater elevation.

Safety improvements are anticipated to include:

- Sidewalk: The Project area has not been developed with sidewalk or any other ADA path of travel equivalent. Throughout the entire Project area, approximately 5,500 linear feet of City standard curb, gutter, and 5' sidewalk will be constructed.
- ADA Curb Ramps: Curb return pedestrian ramps will be constructed at each corner within the Project area. One to two existing ramps will be modified to meet current ADA requirements and City of Riverbank improvement standards.
- Crosswalks: New crosswalk and stop bar striping will be added crossing Topeka Street and Santa Fe Street near 8<sup>th</sup> Street, Santa Fe Street near Claus Road, and at the intersection of Santa Fe Street and 8th Street. Crosswalks will be installed per City of Riverbank Standard Specifications and existing crosswalks removed during construction will be replaced in-kind.
- Lighting: Standard 25' tall streetlights will be installed along Claus Road, Topeka Street, Santa Fe Street, and 8<sup>th</sup> Street at 300' maximum spacing per City of Riverbank Standard Specifications.
- Utility Pole Relocation: With the construction of new curb, gutter & sidewalk and pedestrian curb ramps, existing utility poles for overhead utilities within the current right of way will be to be relocated outside of the pedestrian and roadway areas, as required by City standards.
- Paving: Portion of the Project site lack positive drainage resulting in pooling water within the right of way. Regrading will be required to provide a minimum street cross slope of 1% and minimum standard gutter slopes of 0.20%. The full depth of existing pavement sections will be removed and reconstructed with this regrading work. In addition, areas where utility replacement or new installation is required for the above listed infrastructure improvements will require full depth pavement replacement after trenching.
- Other / Miscellaneous: Existing mailboxes, fences, & private decorative and structural landscape features located within the right of way may need to be relocated. Fire hydrants, meter boxes, cleanouts and other utility boxes may need to be relocated to facilitate placement of sidewalk or ADA improvements.

Potholing existing utilities is required to verify locations as necessary to avoid design conflicts. Vacuum excavated potholes are standard 1' x 1'. Field exploration and testing is required for Area 41 to assess the soil and ground water conditions for pavement and street light foundation recommendations. This work involves drilling, logging, and sampling 3-5 borings. The borings will extend between 5 to 20 feet below existing grade with a truck-mounted drill rig. Borings in roadways will be backfilled with cement grout and capped with dyed black concrete. The spoils from each boring will be removed from the site by the drilling contractor.

To help determine the potential stormwater infiltration rates across the Project site, two borings will be converted to percolation tests by placing a thin layer, approximately 2 inches, of pea gravel at the bottom

of each test hole, placing a 3-inch-diameter perforated PVC pipe in the hole and then surrounding the pipe with gravel. The hole will be pre-soaked overnight prior to testing, with measurement of the percolation rate occurring the following day.

Typical equipment for roadway construction would include heavy construction earthmoving equipment, dump trucks and pavers. Construction staging can occur within the right of way, and a traffic control plan will be necessary.

Construction is expected to begin in 2024 and would require approximately 8 months to complete.

#### Project Construction Standards and Best Management Practices:

During construction activities, temporary pavement delineation will be placed, maintained, and removed for travel lanes open to public traffic. Whenever the work causes obliteration of pavement delineation, temporary pavement delineation or permanent traffic stripes will be in place prior to opening the traveled way to public traffic. In addition, traffic control measures will be implemented to maintain and control all traffic through all the construction zones and/or detour routes and will conform to the County temporary traffic control guidelines and the most current edition of the California Manual of Uniform Traffic Control Devices (CA-MUTCD) published by the U.S. Department of Transportation as amended for use in California. Minimum standards for the application of uniform traffic control devices such as traffic cones, barricades, regulatory signs, warning signs, and guide signs will be implemented during construction activities.

The County will manage temporary and intermittent construction traffic by requiring contactors to identify haul routes for Project construction vehicles in advance of initiating construction activities within the Project corridor. Changes to approved haul routes will also require County review and approval prior to implementing any revised routing.

Lastly, best management practices (BMPs) will be implemented. Residue from cutting operations will be prevented from flowing into storm drains or across lanes occupied by traffic and will be removed from the pavement surface. BMPs will be conducted to ensure minimum interference with roads, streets, walks, or other occupied areas. Where hauling routes use highways or City streets, the loads will be trimmed, and all material removed from shelf areas of the vehicles. Haul route permits will be acquired prior to hauling activities. Temporary drainage inlet protection will be maintained and BMPs followed to provide sediment holding capacity and to reduce runoff velocities into drainage inlets.

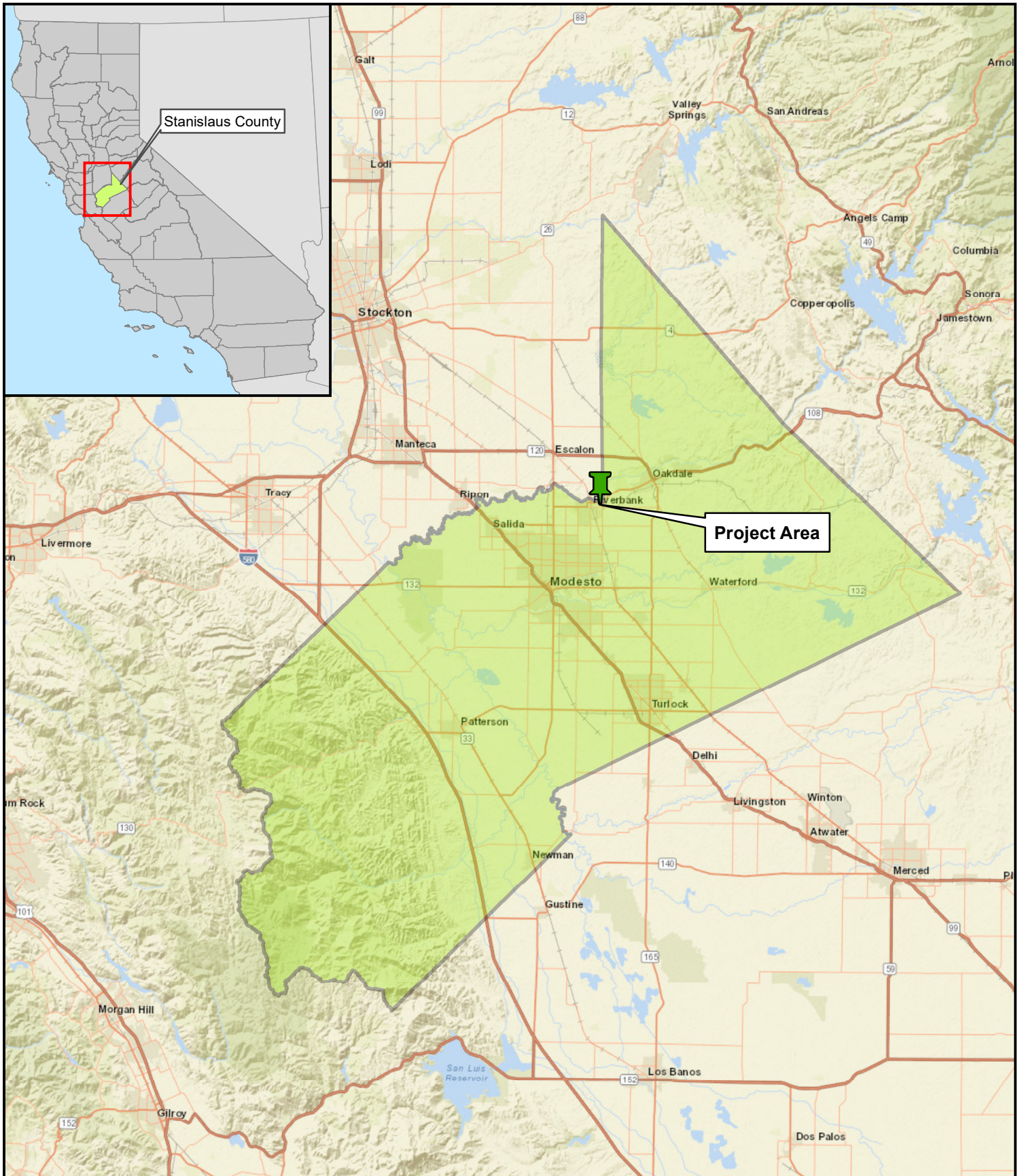
## **1.4 Permits and Approvals Needed**

The following permits, licenses, agreements, and certifications are required for Project construction:

**Table 1. Permits and Approvals Needed**

<b>Agency</b>	<b>Permit/Approval</b>	<b>Status</b>
California Department of Transportation	Encroachment Permit	To be obtained prior to construction
State Water Resources Control Board	402 Construction General Permit	To be obtained prior to construction
San Joaquin Valley Unified Air Pollution Control District	Authority to Construct Permit	To be obtained prior to construction

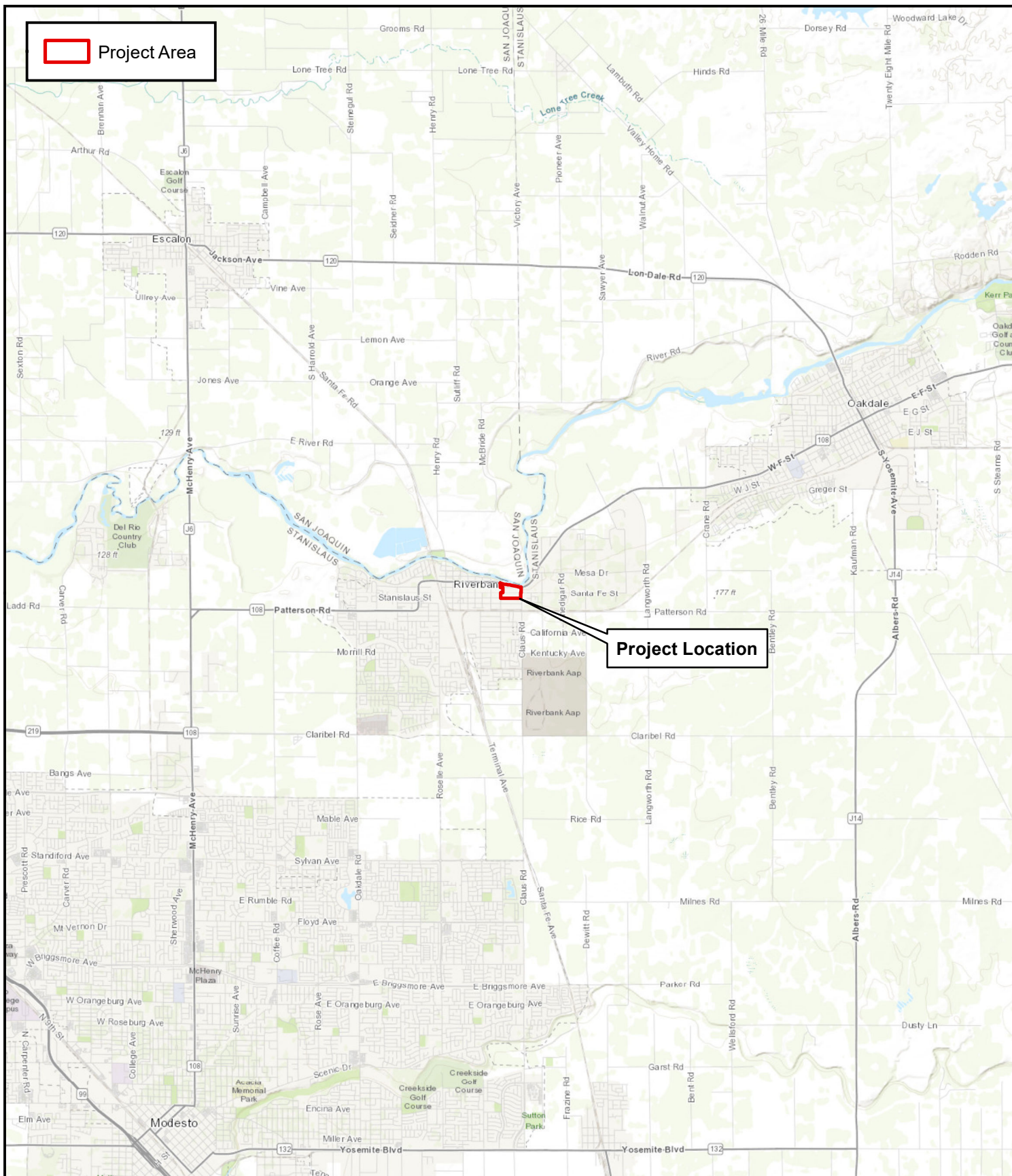




**FIGURE 1**  
**PROJECT VICINITY**  
 STANISLAUS URBAN POCKETS PROJECT  
 AREA 41 – TOPEKA/SANTA FE  
 STANISLAUS COUNTY, CALIFORNIA  
 JULY 2023







**FIGURE 2**

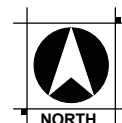
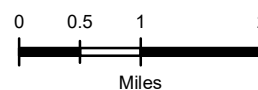
**PROJECT LOCATION**

STANISLAUS URBAN POCKETS PROJECT

AREA 41 – TOPEKA/SANTA FE

STANISLAUS COUNTY, CALIFORNIA

JULY 2023





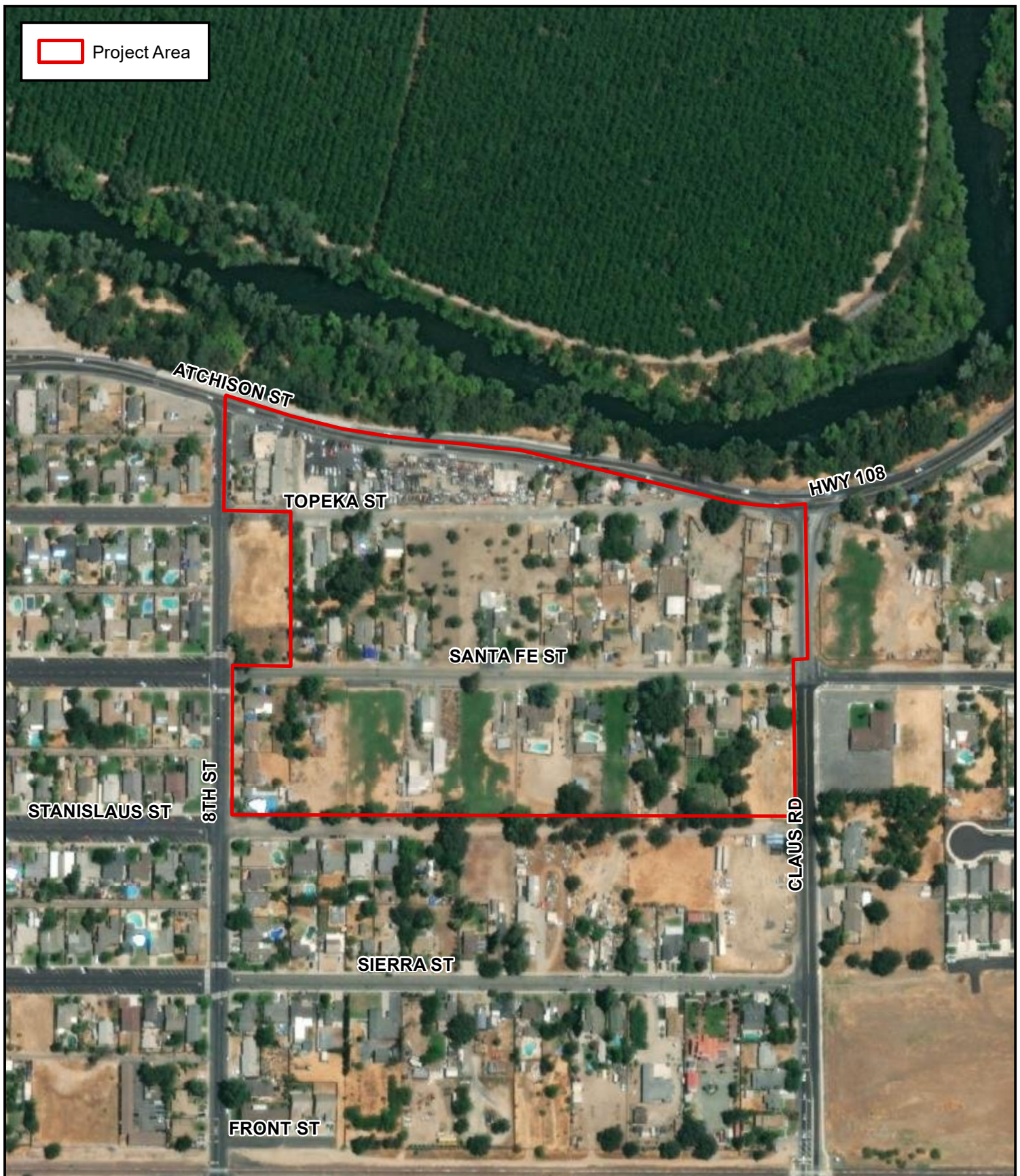


FIGURE 3

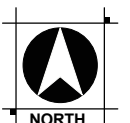
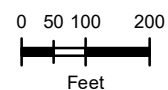
**PROJECT AREA**

STANISLAUS URBAN POCKETS PROJECT

AREA 41 – TOPEKA/SANTA FE

STANISLAUS COUNTY, CALIFORNIA

JULY 2023



 **WOOD RODGERS**

## 2.0 CEQA Initial Study Environmental Checklist Form

---

1. **PROJECT NAME:** Stanislaus County Urban Pocket Project – Area 41 Topeka/Santa Fe

2. **LEAD AGENCY / PROJECT APPLICANT**

Stanislaus County Public Works  
1010 10<sup>th</sup> Street, 4<sup>th</sup> Floor, Suite 4204  
Modesto, CA 95354

3. **LEAD AGENCY CONTACT PERSON:**

Mr. Danny Mauricio, Engineer II, (209) 525-7564, mauriciod@stancounty.com

4. **PROJECT LOCATION:** The Project site, identified as Area 41, is an existing residential neighborhood within the Stanislaus LAFCO adopted SOI for the City of Riverbank. The Project Area is directly south of State Route 108, approximately 10 miles east of State Route 99.

5. **GENERAL PLAN LAND USE DESIGNATION:** Urban Transition

6. **ZONING:** General Agriculture, (A-2-10), General Commercial (C-2)

7. **PROJECT DESCRIPTION:** Area 41 will receive infrastructure and safety improvements in accordance with City of Riverbank standards, including new domestic water, sanitary sewer, and storm drain facilities, as well as the installation of sidewalks, ADA-compliant curb ramps, crosswalks, and street lighting. See Section 1.1 for a comprehensive project description.

8. **ENVIRONMENTAL SETTING/SURROUNDING LAND USES:** The Project would occur in an area designated as “Urban Transition” in the Land Use Element of the Stanislaus County General Plan, adopted by the Board of Supervisors. The Project site is surrounded by residential development located within the City of Riverbank and a mix of rural residential development and commercial” land uses. Stanislaus County zoning designates the Project area as General Agriculture, (A-2-10) land with a General Commercial (C-2) zoning district to the north of the Project site. Further surrounding the Project site is land located within the City of Riverbank.

Area 41 is located on the northern boundary of Stanislaus County, directly south of the Stanislaus River. All roadways in the area consist of an approximately 20-foot-wide paved surface with an unpaved shoulder of varying size on each side. The terrain is generally flat throughout the Project site; however, terrain becomes steep on the northern edge of the Project area, sloping down toward the Stanislaus River. Area 41 is not incorporated into the City of Riverbank, and therefore does not receive water, sewer, and stormwater services consistent with the surrounding properties. Providing updated infrastructure and safety services in compliance with City and County ordinances would allow for the potential future annexation of Area 41 into the City of Riverbank.

9. **OTHER REQUIRED AGENCY APPROVALS (e.g., permits, financing approval, or participation agreement.):** San Joaquin Valley Unified Air Pollution Control District, State Water Resources Control Board, California Department of Transportation.

**10. CALIFORNIA NATIVE AMERICAN TRIBES CONSULTATION:**

- a. Have California Native American Tribes traditionally and culturally affiliated with the Project area requested consultation pursuant to Public Resources Code Section 21080.3.1?

☐ Yes

☒ No

- b. If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

☐ Yes

☒ No

**11. PREVIOUS ENVIRONMENTAL DOCUMENTATION:** None

**12. SUMMARY OF ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The summary of environmental factors checked below would be potentially affected by this Project, involving at least one impact that is a "Potentially Significant Impact" or a "Less-Than-Significant Impact with Mitigation Incorporated" as indicated by the checklist on the following pages.

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Aesthetics                       | <input type="checkbox"/> Greenhouse Gas Emissions    | <input type="checkbox"/> Public Services                      |
| <input type="checkbox"/> Agriculture & Forestry Resources | <input type="checkbox"/> Hazards/Hazardous Materials | <input type="checkbox"/> Recreation                           |
| <input type="checkbox"/> Air Quality                      | <input type="checkbox"/> Hydrology/Water Quality     | <input type="checkbox"/> Transportation                       |
| <input checked="" type="checkbox"/> Biological Resources  | <input type="checkbox"/> Land Use & Planning         | <input checked="" type="checkbox"/> Tribal Cultural Resources |
| <input checked="" type="checkbox"/> Cultural Resources    | <input type="checkbox"/> Mineral Resources           | <input type="checkbox"/> Utilities/Service Systems            |
| <input type="checkbox"/> Energy                           | <input type="checkbox"/> Noise                       | <input type="checkbox"/> Wildfire                             |
| <input type="checkbox"/> Geology/Soils                    | <input type="checkbox"/> Population & Housing        | <input type="checkbox"/> Mandatory Findings of Significance   |

**13. PREPARATION:** This Initial Study for the subject Project was prepared by:



Andrew Dellas, PWS, Senior Biologist / Environmental Planner  
Wood Rodgers, Inc.

2/7/2023

Date

#### 14. DETERMINATION: (TO BE COMPLETED BY THE LEAD AGENCY)

Based on the initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR of NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

A copy of the Initial Study documenting reasons to support the Mitigated Negative Declaration is on file at Stanislaus County Public Works, 1010 10<sup>th</sup> Street, 4<sup>th</sup> Floor, Suite 4204, Modesto, CA 95354.

---

Danny Mauricio  
Engineer II  
Stanislaus County Public Works

---

Date

## Evaluation of Environmental Impacts

This checklist identifies physical, biological, social, and economic factors that might be affected by the proposed project. Potential impact determinations include Potentially Significant Impact, Less Than Significant with Mitigation, Less Than Significant Impact, and No Impact. In many cases, background investigation performed in connection with a project will indicate that there are no impacts to a particular resource. A No Impact answer reflects this determination. The questions in this checklist are intended to encourage the thoughtful assessment of impacts and do not represent thresholds of significance.

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Less than Significant with Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a. Earlier Analysis Used. Identify and state where they are available for review.
  - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.



7. Supporting Information Sources: A source list should be attached, and other sources used, or individuals contacted should be cited in the discussion.
8. The explanation of each issue should identify:
  - a. The significance criteria or threshold, if any, used to evaluate each question; and
  - b. The mitigation measure identified, if any, to reduce the impact to less than significant.
9. Tribal consultation, if requested as provided in Public Resources Code Section 21080.3.1, must begin prior to release of a negative declaration, mitigated negative declaration, or environmental impact report for a project. Information provided through tribal consultation may inform the lead agency's assessment as to whether tribal cultural resources are present, and the significance of any potential impacts to such resources. Prior to beginning consultation, lead agencies may request information from the Native American Heritage Commission regarding its Sacred Lands File, per Public Resources Code sections 5097.9 and 5097.94, as well as the California Historical Resources Information System administered by the California Office of Historic Preservation.



## 2.1 AESTHETICS

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### DISCUSSION

#### a) *Would the project have a substantial adverse effect on a scenic vista?*

**No impact.** No designated scenic vistas or State Scenic Highways are located within or near to the Project site. The Stanislaus River is located approximately 115 feet north of the State Route 108; however, the river is not a designated Wild and Scenic River. The nearest river within the National Wild and Scenic Rivers System is the mainstem Tuolumne River from its source to Don Pedro Reservoir, located approximately 36.6 miles east of the Project area (Wild and Scenic Rivers 2023) in Tuolumne County. All Project construction and operations would occur within existing roadways and would not impact the river, its adjacent riparian habitat, or other regional scenic resources. Therefore, the Project would not have an adverse effect on scenic vistas and no impact would occur.

#### b) *Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*

**No impact.** The Project site is not located within a State Scenic Highway designated by Caltrans' State Scenic Highway Program, nor is the site visible from a State Scenic Highway (Caltrans 2018). The nearest officially designated State Scenic Highway is Interstate 5 within Stanislaus County, approximately 23.4 miles west of the Project area. Therefore, no impact to scenic resources within a State Scenic Highway would result from the development of the Project.

#### c) *Would the project, in nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?*

**Less Than Significant Impact.** The Project location and setting provide the context for determining the type of changes to the existing visual environment. The Project is located in an urbanized area and would consist of infrastructure and safety improvements within previously disturbed areas within county right of way. The Project would require roadwork and minor vegetation removal, and construction would temporarily change public views for drivers, pedestrians, local residents, and other people in the vicinity of the site. However, these impacts would be short-term and would cease upon Project completion. As work is proposed within existing roadways that would be returned to previous conditions or better post-

construction conditions, impacts to the visual character or quality of the site and its surroundings would be considered less than significant.

*d) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

**Less Than Significant Impact.** The Project would install 25' streetlights along roadways at 300' maximum spacing per City of Riverbank Standard Specifications. New streetlights would be distantly spaced and would not be concentrated in a particular portion of the Project area so as to adversely affect views in the vicinity. Furthermore, street lighting would be constructed consistent with City Standard Specifications to ensure lights are adequately shielded and lighting is directed down towards the roadway and not into adjacent residences. Construction lighting would be temporary, intermittent, and would be directed only into the active construction area to avoid potential light pollution to adjacent residences. Any impacts to the day or nighttime views in the area are anticipated to be less than significant.

#### ***MITIGATION MEASURES***

No mitigation is required.

#### ***FINDINGS***

The Project would not adversely affect any designated scenic resource or vista, nor substantially change the current visual environment. The Project would introduce new street lighting into the area, which would be spaced at 300' and would not impair views in the area. Therefore, the Project is anticipated to have a **Less Than Significant Impact** on aesthetics in the area.

## 2.2 AGRICULTURE AND FOREST RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
--------------------	--------------------------------------	---	------------------------------------	-----------

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment project and the Forest Legacy Assessment project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### ***AFFECTED ENVIRONMENT***

The land use within the Project area is designated by the California Department of Conservation (CDC), Division of Land Resource Protection, Farmland Mapping and Monitoring Program (FMMP) as "Urban and Built-Up Land". Urban and Built-Up Land is defined as being occupied by structures with a building density of at least 1 unit to 1.5 acres, or 6 structures to a 10-acre parcel. This can include industrial, commercial, or residential areas (CDC 2023). The Stanislaus County General Plan (2015) Land Use Element designates the land use of the area as "Urban Transition". Hanford sandy loam and Delhi loamy sand within the Project area are classified by the NRCS as "Prime Farmland if irrigated"; however, no active production farmland is present onsite (USDA 2023).

### ***DISCUSSION***

- a) *Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*

**Less Than Significant Impact.** According to the CDC FMMP Stanislaus County Farmland Map (2020), the Project site is located entirely within "Urban and Built-Up Land" areas and proposed Project activities would take place within existing county right of way. No permanent acquisition of private property will be required. Although the site is zoned as General Agriculture (A-2-10), no active production farmland is in use in the Project area. The installation of water, sewer, storm drainage, and safety improvements would further urbanize the existing residential and commercial uses and would reduce the likelihood for the area

to be returned to agriculture in the future. However, the Project area is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance by the FMMP; therefore, the Project would not convert farmland from these categories to non-agricultural use and impacts would be less than significant.

*b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?*

**Less than Significant Impact.** The Project area is zoned as General Agriculture with a 10-acre minimum (A-2-10) and General Commercial (C-2) by the County and is designated as Urban Transition and Commercial in the Land Use Element of the General Plan. No Williamson Act contracted land is located within the vicinity of the Project site. As discussed in response “a”, installation of the proposed infrastructure and safety improvements could reduce the potential for the area to be used for agriculture in the future. However, the area is currently developed with single-family dwellings and various commercial uses within private property and no current production agriculture is present onsite. Additionally, the Project would not conflict with permitted uses for parcels less than 20 acres on A-2 zoned land as outlined by the Stanislaus County Zoning Ordinance. Therefore, the project is not expected to conflict with existing zoning for agricultural use or Williamson Act contracts and impacts would be less than significant.

*c) Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?*

**No Impact.** There is no forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)) within the Project area. Therefore, the Project would have no conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned as Timberland Production, and no impact would occur.

*d) Would the project result in the loss of forest land or conversion of forest land to non-forest use?*

**No Impact.** There are no designated forest lands or forest resources located within the Project area. Therefore, the Project would not result in the loss of forest land or conversion of forest land to non-forest use, and no impact would occur.

*e) Would the project involve other changes in the existing environment which, due to their location or nature, could result in the conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?*

**Less than Significant Impact.** As the Project area is zoned primarily as General Agriculture with a 10-acre minimum, the site has the potential to be utilized for agriculture. However, the project area has already been developed with single-family residences and commercial buildings, and no production farmland is present within the Project area. The proposed infrastructure and safety improvements would reduce the potential for the site to be used for agriculture in the future; however, the Project would not directly convert active farmland to non-agricultural use. No forest land is present within the Project area. The Project would have a less than significant impact on the conversion of agricultural resources.

## **MITIGATION MEASURES**

No mitigation is required.

## ***FINDINGS***

According to the CDC FMMP Stanislaus County Farmland Map (2020), the Project would occur entirely on Urban and Built-Up Land, and would not include any protected farmland resources, forest land, or timberland. All Project construction would occur within existing County right of way and would not result in the direct conversion of farmland to non-agricultural use. The Project site is zoned as General Agriculture (A-2-10), and the construction of proposed infrastructure and safety improvements would encourage residential uses and reduce the potential for the area to be used for agriculture in the future. However, as no production farmland is present onsite, the Project would have a **Less Than Significant Impact** relating to agricultural and forest resources.

## 2.3 AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### ***REGULATORY SETTING***

#### ***Federal Regulations***

The Clean Air Act (CAA) as amended in 1990 is the federal law that governs air quality. Its counterpart in California is the California Clean Air Act of 1988. These laws set standards for the quantity of pollutants that can be found in the air. At the federal level, these standards are called National Ambient Air Quality Standards (NAAQS). Standards have been established for six criteria pollutants that have been linked to potential health concerns. These criteria pollutants are carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), ozone (O<sub>3</sub>), particulate matter (PM), lead (Pb), and sulfur dioxide (SO<sub>2</sub>).

#### ***State Regulations***

Responsibility for achieving California's air quality standards, which are more stringent than federal standards, is placed on the California Air Resources Board (CARB) and local air districts, and these standards are to be achieved through district-level air quality management plans that will be incorporated into the State Implementation Plan (SIP). In California, the United States Environmental Protection Agency (USEPA) has delegated authority to prepare SIPs to the CARB, which, in turn, has delegated that authority to individual air districts.

The CARB has traditionally established state air quality standards while maintaining oversight authority in air quality planning, developing programs for reducing emissions from motor vehicles, developing air emission inventories, collecting air quality and meteorological data, and approving state implementation plans.

The responsibilities of air districts include overseeing stationary source emissions, approving permits, maintaining emissions inventories, maintaining air quality stations, overseeing agricultural burning permits, and reviewing air quality-related sections of the environmental documents required by CEQA.

### ***AFFECTED ENVIRONMENT***

The Project, located within Stanislaus County, is situated in the San Joaquin Valley Air Basin and is subject to the San Joaquin Valley Unified Air Pollution Control District (District) requirements and regulations.

## DISCUSSION

- a) *Would the project conflict with or obstruct implementation of the applicable air quality plan?*

**No Impact.** The Project is consistent with the site land use and zoning; construction of the Project would not conflict with or obstruct implementation of any regional air quality plan, SIP, or Federal Implementation Plan (FIP). Additionally, any potential air quality impacts would be temporary and intermittent during construction and would cease upon completion of the Project. Therefore, no impact would occur.

- b) *Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?*

**Less Than Significant Impact.** The CARB is required to designate areas of the state as attainment, non-attainment, or unclassified for any state standard. An “attainment” designation for an area signifies that pollutant concentrations do not violate the standard for that pollutant in that area. A “non-attainment” designation indicates that a pollutant concentration violated the standard at least once within a calendar year. The area air quality attainment status of the San Joaquin Valley is shown below on **Table 2**.

**Table 2. NAAQS and CAAQS Attainment Status for San Joaquin Valley**

Pollutant	Designation/Classification	
	Federal Standards	State Standards
Ozone – 8-Hour	Nonattainment/Extreme	Nonattainment
PM <sub>10</sub>	Attainment	Nonattainment
PM <sub>2.5</sub>	Nonattainment	Attainment
Carbon Monoxide	Unclassified/Attainment	Attainment
Nitrogen Dioxide	Unclassified/Attainment	Attainment
Sulfur Dioxide	Unclassified/Attainment	Attainment
Sulfates	No Federal Standard	Attainment
Lead	Unclassified/Attainment	Attainment
Hydrogen Sulfide	No Federal Standard	Unclassified
Visibility Reducing Particles	No Federal Standard	Unclassified
<i>Sources: District 2012</i>		

### Operational Emissions

The completed Project would have no operational emissions. Therefore, no impact relating to air quality would occur due to operation of the completed Project. The Project is exempt from the requirement that a conformity decision be made based on 40 CFR 93.126, as the Project consists of “pavement surfacing and/or rehabilitation”, “shoulder improvements”, “lighting improvements”, and “bicycle and pedestrian facilities”.

### Construction Emissions

Construction activities associated with the Project would result in temporary incremental increases in air pollutants (such as ozone precursors and particulate matter) due to the operation of gas-powered equipment and earth-moving activities. However, as the Project does not have the potential for operational emissions and construction emissions would be short-term, emissions resulting from construction are not anticipated to exceed the Air Quality Thresholds of Significance for criteria pollutants outlined by the District, which are evaluated on a rolling 12-month period.

According to the District's Guidance for Assessing and Mitigating Air Quality Impacts (2015), for projects in which construction activities would disturb equal to or greater than 1-acre of surface area, the District recommends that an approved Dust Control Plan (DCP) or Construction Notification form be prepared before issuance of the first grading permit. These plans would be prepared in accordance with District Regulation VIII in order to reduce ambient concentrations of fine particulate matter (PM<sub>10</sub>) and fugitive dust resulting from construction activities. District Regulation VIII describes specific BMPs for controlling particulate matter, including the use of dust suppressants, and ceasing construction when winds produce visible dust emissions of 20% opacity, as well as specifying all information that must be contained in the Project's DCP. The District sets forth further BMPs to minimize air quality impacts resulting from the construction process. Construction vehicle emissions would be mitigated by utilizing construction-related equipment powered by engines meeting at least Tier II emission standards, as outlined in Section 2423 of Title 13 of the California Code of Regulations and Part 89 of Title 40 of the Code of Federal Regulations (District 2015). Vehicle operation hours would also be limited. District measures to control construction emissions, including the use of clean diesel fuel and idling limits, are compliant with emission control strategies adopted by CARB to ensure conformity with the SIP and federal NAAQS.

With incorporation of District air quality BMPs (including construction phase BMPs), and implementation of an approved DCP, Project impacts related to air quality would be considered less than significant in accordance with District Air Quality Guidelines and performance standards.

*c) Would the project expose sensitive receptors to substantial pollutant concentrations?*

**Less Than Significant Impact.** Sensitive receptors are defined by the District as people who have an increased sensitivity to air pollution or environmental contaminants. Sensitive receptor locations include schools, parks, playgrounds, day care centers, nursing homes, hospitals, and residential dwelling units. The Project would occur in an unincorporated residential area completely surrounded by single-family homes, and within 0.25 miles from other sensitive receptors including Cardozo Middle School and Adelante High School. The nearest sensitive receptors are located approximately 16 feet from the existing roadways in Area 41; however, the proposed Project would not generate any substantial pollutant concentrations and, with the implementation of BMPs, temporary incremental increases of air pollutants would be minimized and reduced in accordance with District rules and regulations. Therefore, the Project would not expose sensitive receptors to substantial pollutant concentrations and the Project would have a less than significant effect.

*d) Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?*

**Less Than Significant Impact.** While offensive odors rarely cause physical harm, they can be unpleasant, leading to considerable annoyance and distress among the public, and can generate citizen complaints to local governments and air districts. Project-related odor emissions would be limited to the times construction-related activities would require machine equipment. Emissions from equipment may be evident in the immediate surrounding area during these times; however, construction activities would be short-term and would quickly disperse after equipment utilization. Connection to the main sewer line, which is an underground, closed system, could result in temporary odors; however, it would quickly disperse following the completion of construction. Therefore, due to the short-term nature of the construction activities, impacts associated with development of the Project are considered less than significant.



### ***BEST MANAGEMENT PRACTICES***

Prior to construction, the Project proponent or Project contractor shall obtain a District approved Authority to Construct and a Permit to Operate, as well as an approved DCP, and shall implement all District construction phase BMPs where applicable.

### ***MITIGATION MEASURES***

No mitigation is required.

### ***FINDINGS***

The Project would not cause operational long-term air quality impacts; however, the Project would cause temporary incremental emissions from construction. With the implementation of District approved construction BMPs, the Project would comply with all federal, state, and District regulations, and would result in a **Less Than Significant Impact** relating to air quality.

## 2.4 BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game, U.S. Fish and Wildlife Service, or NOAA Fisheries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### ***REGULATORY SETTING***

This section describes the federal, state, and local plans, policies, and laws that are relevant to biological resources within the Biological Study Area (BSA). Applicable permits and approvals that will be required before construction of the Project are provided in Section 1.5.

#### **Federal Regulations**

##### **Federal Endangered Species Act**

The Federal Endangered Species Act (FESA) of 1973 (16 U.S.C. section 1531 et seq.) provides for the conservation of endangered and threatened species listed pursuant to Section 4 of the Act (16 U.S.C. section 1533) and the ecosystems upon which they depend. These species and resources have been identified by the United States Fish and Wildlife Services (USFWS) or the National Marine Fisheries Service.

##### **Clean Water Act**

The Clean Water Act (CWA) was enacted as an amendment to the Federal Water Pollutant Control Act of 1972, which outlined the basic structure for regulating discharges of pollutants to waters of the United States (WOTUS). The CWA serves as the primary federal law protecting the quality of the nation's surface waters, including lakes, rivers, and coastal wetlands. The CWA empowers the USEPA to set national water quality standards and effluent limitations, and it includes programs addressing both point-source and non-point-source pollution. Point-source pollution originates or enters surface waters at a single, discrete location, such as an outfall structure or an excavation or construction site. Non-point-source pollution originates over a broader area and includes urban contaminants in stormwater runoff and sediment loading from upstream areas. The CWA operates on the principle that all discharges into the nation's waters are unlawful unless they are specifically authorized by a permit. Permit review is CWA's primary regulatory tool.

The United States Army Corps of Engineers (USACE) regulates discharges of dredged or fill material into WOTUS. These waters include wetlands and non-wetland bodies of water that meet specific criteria, including a direct or indirect connection to interstate commerce. USACE regulatory jurisdiction pursuant to Section 404 of the CWA is founded on a connection, or nexus, between the water body in question and interstate commerce. This connection may be direct (through a tributary system linking a stream channel with traditional navigable waters used in interstate or foreign commerce), or it may be indirect (through a nexus identified in USACE regulations).

The Regional Water Quality Control Board (RWQCB) has jurisdiction under Section 401 of the CWA and regulates any activity that may result in a discharge to surface waters. Typically, the areas subject to jurisdiction of the RWQCB coincide with those of the USACE (i.e., WOTUS, including any wetlands). The RWQCB also asserts authority over “waters of the State” (WoS) under waste discharge requirements pursuant to the Porter-Cologne Water Quality Control Act.

### **State Regulations**

#### **California Environmental Quality Act**

California State law created the CEQA to inform governmental decision-makers and the public about the potential, significant environmental effects of proposed activities and to work to reduce these negative environmental impacts.

#### **California Endangered Species Act**

The California Endangered Species Act (CESA) (California Fish and Game (CFG) Code Section 2050 et seq.) requires the California Department of Fish and Wildlife (CDFW) to establish a list of endangered and threatened species (Section 2070) and to prohibit the incidental taking of any such listed species except as allowed by the Act (Sections 2080-2089). In addition, CESA prohibits “take” of candidate species (those species under consideration for listing).

The CESA also requires the CDFW to comply with CEQA (Pub. Resources Code Section 21000 et seq.) when evaluating incidental take permit applications (CFG Code Section 2081(b) and California Code Regulations, Title 14, section 783.0 et seq.), and the potential impacts that the project or activity for which the application was submitted may have on the environment. The CDFW’s CEQA obligations include consultation with other public agencies that have jurisdiction over the project or activity [California Code Regulations, Title 14, Section 783.5(d)(3)]. The CDFW cannot issue an incidental take permit if issuance would jeopardize the continued existence of the species [CFG Code Section 2081(c); California Code Regulations, Title 14, Section 783.4(b)].

#### **Natural Community Conservation Planning Act**

The Natural Community Conservation Planning Act (NCCP) of 1991 was intended to provide an alternative and/or a collaborative approach to FESA and CESA. It was designed to represent a new approach to conservation. Instead of focusing on individual species (e.g., FESA/CESA), the NCCA focuses on protecting intact ecosystems across an entire region or landscape. NCCP programs have become increasingly common in the development of regional plans that combine the habitat conservation plan (HCP) and NCCP processes.

#### **Section 3503 and 3503.5: Bird and Raptors**

CFG Code Section 3503 prohibits the destruction of bird nests and Section 3503.5 prohibits the killing of raptor species and destruction of raptor nests. Trees and shrubs are present in and adjacent to the BSA and could contain nesting sites.

### **Section 3513: Migratory Birds**

CFG Code Section 3513 prohibits the take or possession of any migratory non-game bird as designated in the Migratory Bird Treaty Act (MBTA) or any part of such migratory non-game bird except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA.

### **Local Regulations**

#### **Stanislaus County General Plan**

The Stanislaus County General Plan (2015) contains numerous policies that support habitat conservation and open space preservation. Primarily found in the Conservation and Open Space Element of the General Plan, these policies work together with those of other elements to form a framework for extraordinary wildlife protections.

### ***AFFECTED ENVIRONMENT***

This section describes the natural resources present within and immediately surrounding the Project area designated as the Project BSA. The Project BSA was defined as the area necessary for all Project activities, plus an additional 100-foot buffer. The Project BSA encompasses approximately 23.81 acres.

This section provides the following: 1) discussion on the special-status species and sensitive habitats that have been identified or are potentially occurring in the Project BSA; 2) an analysis of the impacts that could occur to biological resources due to implementation of the Project; and 3) appropriate avoidance and minimization and/or mitigation measures to reduce or avoid significant impacts. The analysis of biological resources presented in this section is based on a review of the current Project description, literature research, biological field survey, and aquatic resources delineation conducted by a Wood Rodgers qualified biologist.

The Project would occur in unincorporated Stanislaus County in the California Dry Steppe Province ecological subregion, Great Valley Section, and ecological subsection 262Ag (Hardpan Terraces) of California (USDA 2007). The Project area is located within the USGS *Riverbank* 7.5-Minute Quadrangle.

### **Physical Conditions**

#### **Soils**

The United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (USDA 2023) identifies soils within the BSA as:

- Hanford sandy loam, 0 to 3 percent slopes
- Madera sandy loam, 0 to 2 percent slopes
- Delhi loamy sand, 3 to 8 percent slopes
- Terrace escarpments

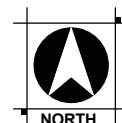
#### **Hydrological Resources**

The Project area occurs within proximity to a portion of the Stanislaus River, a tributary of the San Joaquin River. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM), the entire proposed Project site falls within FEMA Zone X, designated as an Area of Minimal Flood Hazard (see **Appendix A**). The Stanislaus River is a regulated stream under the jurisdiction of the Central Valley Flood Protection Board. However, the Project would not directly impact or encroach upon the river; therefore, no encroachment permit would be required.



**FIGURE 4**  
**COVER CLASSES AND NATURAL COMMUNITIES**  
 STANISLAUS URBAN POCKETS PROJECT  
 AREA 41 – TOPEKA/SANTA FE  
 STANISLAUS COUNTY, CALIFORNIA  
 JULY 2023

0 50 100 200  
 Feet



WOOD RODGERS

## **Vegetation Communities**

The BSA is dominated by urban land cover with a portion of the BSA including riverine and associated riparian woodland natural habitats. Land use within the Project vicinity is designated by the Stanislaus County General Plan (2015) Land Use Element as “Urban Transition”, with land use zoning of General Agriculture with a 10-Acre minimum (A-2-10) and General Commercial (C-2). Dominant land cover and vegetative communities within the BSA consist primarily of urban and barren cover classes with valley foothill riparian and riverine natural communities to the north of the Project impact area. Mapped vegetation communities within the BSA are shown in **Figure 4**.

### Urban

Urban habitats have a variety of vegetation structures and are generally categorized as five types of vegetation areas: tree grove, street strip, shade tree/lawn, lawn, and shrub cover. Urban habitats within the BSA consist of rural-residential lots composed of ornamental planting and non-native grass lawns.

### Barren

Barren habitats are man-made infrastructures and are defined by the absence of any vegetation. Any habitat with <2% total vegetation cover by herbaceous, desert, or non-wildland species and <10% cover by tree or shrub species would be considered barren habitat (CDFW 1988). Barren habitats within the BSA consists of the roadways and gravel roadside shoulders.

### Valley Foothill Riparian

Valley foothill riparian habitat is recognized as partially closed canopy or dense stands of winter-deciduous, broad-leaved species such as valley oak, cottonwood, and California sycamore along rivers and drainages throughout the Sacramento and San Joaquin Valley. Valley foothill riparian habitat within the BSA occurs surrounding the Stanislaus River.

### Riverine

Riverine habitat is defined as intermittent or continually running water within rivers and streams. These habitats require an open water zone (greater than 2 meters in depth or beyond the depth of floating rooted plants), a submerged zone between open water and shore, and <10% canopy cover in shore zones (CDFW 2013). Riverine habitats within the BSA consist of the Stanislaus River.

## **DISCUSSION**

- a) *Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, or NOAA Fisheries?*

**Less Than Significant with Mitigation.** Prior to field work, literature research was conducted through the USFWS Information for Planning and Consultation (IPaC) official species list generator, National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS) Protected Resources Application, the CDFW California Natural Diversity Database (CNDDB), and the California Native Plant Society (CNPS) Electronic Inventory of Rare and Endangered Plants. Literature and database searches (see **Appendix B**) were completed to identify habitats and special-status species that have the potential to occur in the Project vicinity.

Field surveys, habitat assessments, and analyses of special status species occurrences were conducted to determine the potential for species to occur within the BSA. Field surveys were conducted on July 12, 2023, by Wood Rodgers biologists Andrew Dellas and Eralise Spokely. Field surveys included walking meandering transects through the entire BSA, observing vegetation communities, compiling notes on



observed flora and fauna, and assessing the potential for existing habitat to support sensitive plants and wildlife.

The potential for each species to occur within the BSA was determined by analyzing the habitat requirements for each species, comparing them to available habitat within the BSA, and analyzing the regional occurrences of the species. Based on these analyses, it was determined that one special status wildlife species - Swainson's hawk (*Buteo swainsoni*) - would have the potential to occur within the BSA. The Stanislaus River does provide habitat for anadromous fish species; however, the Project would not directly or indirectly impact the river, and no take of anadromous fish species would occur as a result of the Project. Additionally, no effect to Essential Fish Habitat (EFH) would occur as a result of the Project. No special status plant species were determined to have the potential to occur within the BSA. **Table 3** contains a comprehensive list of all regional special status species as listed by USFWS, NMFS, CDFW, and CNPS, as well as rationale for the potential for occurrence.

The following is a discussion of Swainson's hawk, potential Project effects, and any avoidance, minimization and/or mitigation measures required to reduce Project impacts to a less than significant level.

### **Discussion of Swainson's Hawk**

#### Swainson's Hawk

Swainson's hawk (*Buteo swainsoni*) is state listed as threatened, but the species has no federal status. Swainson's hawks migrate annually from wintering areas in South America to breeding locations in northwestern Canada, the western U.S., and Mexico. In California, Swainson's hawks nest throughout the Sacramento and San Joaquin Valleys in large trees in riparian habitats and in isolated trees in or adjacent to agricultural fields. The breeding season extends from late March through late August, with peak activity from late May through July. Swainson's hawks forage in large, open agricultural habitats, including alfalfa and hay fields (CDFW 1994). The breeding population in California has declined by an estimated 91% since 1900; this decline is attributed to the loss of riparian nesting habitats and the conversion of native grassland and woodland habitats to agriculture and urban development (CDFW 1994).

#### Survey Results for Swainson's Hawk

The nearest recent (2003) CNDDDB occurrence of the species is located approximately 1.6 miles from the Project area, in the agricultural land directly adjacent to the north bank of the Stanislaus River. Additionally, there are numerous ebird.org occurrences of the species as recent as 2023 within 2 miles of the Project area. Therefore, the species is considered to have a moderate to high potential to occur within the BSA in proximity to the Project impact area.

#### Project Effects to Swainson's Hawk

The Project would not require the removal of any large trees or sensitive riparian vegetation during construction. Therefore, direct impacts to Swainson's hawk individuals or nest sites are not anticipated. However, Swainson's hawk is known to be sensitive to construction noise and the presence of the human form in close proximity to nesting sites. With the incorporation of mitigation measure **BIO-1**, which includes a pre-construction nesting survey for Swainson's hawk and other migratory birds and raptors, the Project is not anticipated to have direct or indirect effects to nesting sites, and no take would occur. With the absence of take of Swainson's hawk, no Incidental Take Permit for Project effects to the species is anticipated.

**Table 3. Species Potential Determinations**

Common Name	Species Name	Status	General Habitat Description	Habitat Present	Effects Determination	Potential for Occurrence/Rationale
<b>Amphibian Species</b>						
California tiger salamander - central California DPS	<i>Ambystoma californiense</i> pop. 1	FT, ST	Inhabits annual grasslands, oak savanna, mixed woodland edges, and lower elevation coniferous forest. Requires underground refuges, especially ground squirrel burrows, vernal pools, or other seasonal water sources for breeding. Breeding occurs December through February in fish-free ephemeral ponds.	A	No Effect No Take	<b>Presumed Absent:</b> The BSA does not contain vernal pools or fish-free ephemeral ponds necessary for breeding, and the project would not impact any underground refuges or burrows. The most recent CNDDDB occurrence of the species is dated to 1920, approximately 6 miles northwest of the project area. Due to the lack of suitable habitat and recent occurrences, the species is presumed absent.
<b>Bird Species</b>						
burrowing owl	<i>Athene cunicularia</i>	SSC	The species inhabits arid, open areas with sparse vegetation cover such as deserts, abandoned agricultural areas, grasslands, and disturbed open habitats. Can be associated with open shrub stages of pinyon-juniper and ponderosa pine habitats. Nests in old small mammal burrows, but may dig own burrow in soft soil. Nests are lined with excrement, pellets, debris, grass, and feathers. The species may use pipes, culverts, and nest boxes, and even buildings where burrows are scarce. Breeding occurs March through August (below 5,300 feet).	A	No Take	<b>Presumed Absent:</b> The BSA consists primarily of active roadways in a residential area, and limited riparian corridors surrounding the Stanislaus River. No suitable habitat for the species is contained within the BSA. The nearest CNDDDB occurrence of the species is from 1994, approximately 2 miles south of the project area. There no additional e-bird reports of the species in the vicinity of the BSA. Due to a lack of recent occurrences in the area and lack of suitable habitat, the species is presumed absent.
cackling (=Aleutian Canada) goose	<i>Branta hutchinsii leucopareia</i>	DL	A smaller variation of the highly variable Canada goose species. Inhabits tundra habitats in summer, and lakes, marshes, and fields in winter. Nests are usually located near water, open tundra, or cliff edges. The species feeds by grazing on stems and shoots of a wide array of grasses, sedges, and aquatic plants. Feeds in flocks by walking on land or by submerging head and neck underwater.	A	No Effect	<b>Presumed Absent:</b> The BSA does not contain suitable nesting habitat, such as tundra, lakes, marshes, fields, or cliff edges. The most recent CNDDDB occurrence of the species is from 1987, approximately 15.7 miles southwest of the project area. There has been one recent (2021) ebird.org report approximately 1.5 miles north of the project area in the ponds of the Riverbank wastewater treatment plant. However, due



Common Name	Species Name	Status	General Habitat Description	Habitat Present	Effects Determination	Potential for Occurrence/Rationale
			Individuals mate for life. Nests consist of plant material lined with down feathers. Females lay 4-6 eggs, and young are led from nest 1-2 days after hatching. The species is highly migratory, with flocks nesting in Alaska and Canada, and wintering in California and the Gulf Coast.			to the lack of suitable habitat within the BSA, the species is presumed absent.
Swainson's hawk	<i>Buteo swainsoni</i>	ST	Inhabits grasslands with scattered trees, juniper-sage flats, riparian areas, savannahs, and agricultural or ranch lands with groves or lines of trees. Requires adjacent suitable foraging areas such as grasslands, alfalfa or grain fields that support a stable rodent prey base. Breeds march to late August.	HP	No Take with implementation of Avoidance and Minimization Measures	<b>Moderate to High Potential:</b> The BSA does contain potentially suitable foraging habitat and does contain large diameter potentially suitable nesting trees. The nearest recent (2003) CNDDDB occurrence of the species is located approximately 1.6 miles from the project area, in the agricultural land directly adjacent to the north bank of the Stanislaus River. Additionally, there are numerous ebird.org occurrences of the species as recent as 2023 within 2 miles of the project area. The species is considered to have a high potential for foraging and/or nesting within the BSA based on the presence of suitable habitat and the high number of recent local occurrences.
tricolored blackbird	<i>Agelaius tricolor</i>	ST, SSC	Inhabits freshwater marsh, swamp and wetland communities, but may utilize agricultural or upland habitats that can support large colonies, often in the Central Valley area. Requires dense nesting habitat that is protected from predators, is within 3-5 miles from a suitable foraging area containing insect prey and is within 0.3 miles of open water. Suitable foraging includes wetland, pastureland, rangeland, at dairy farms, and some irrigated croplands (silage,	A	No Take	<b>Presumed Absent:</b> Potential habitat for tricolored blackbird is present within the BSA; however, no occurrences of the species have been recorded in the vicinity of the BSA. The nearest recent (2014) CNDDDB occurrence of the species is located approximately 18 miles southwest of the project area. There are several ebird.org reports of the species in the Riverbank area, with the nearest recent (2021) occurrence located approximately 2.5 miles south of the project area.

Common Name	Species Name	Status	General Habitat Description	Habitat Present	Effects Determination	Potential for Occurrence/Rationale
			alfalfa, etc.). Nests in dense cattails, tules, willow, blackberry, wild rose, or tall herbs. Nests mid-March to early August, but may extend until October or November in the Sacramento Valley region.			Tricolored blackbirds are not strongly associated with Stanislaus River riparian or urban habitats specific to the BSA; therefore, the species is presumed absent.
<b>Fish Species</b>						
steelhead - Central Valley DPS	<i>Oncorhynchus mykiss pop. 11</i>	FT	This species is known to occur along most of the California coastline and inhabits freshwater streams and tributaries in northern and central California. The preferred habitat consists of estuaries, freshwater streams and near shore habitat with productive coastal oceans. Spawning occurs in small freshwater streams and tributaries occurs from January through March and could extend into spring. Spawning occurs where cool, well oxygenated water is available year-round. Approximately 550-1,300 eggs are deposited in an area with good intergravel flow. The fry emerge from the gravel about 4-6 six weeks after hatching and remain in shallow protected areas associated with stream margin. Juveniles may remain in freshwater for the rest of their life cycle or return to the ocean. The principal remaining wild populations spawn annually in Deer and Mill Creeks in Tehama County, in the lower Yuba River, and a small population in the lower Stanislaus River.	HP	No Effect	<b>Presumed Absent:</b> Steelhead habitat is present within the Stanislaus River in the BSA. One recent (2014) occurrence of the species documented a population of juvenile steelhead in the river. No occurrences of the species have been documented within the Stanislaus River since 2014. However, the project footprint does not encroach upon the Stanislaus River, and no impacts to the river or potential steelhead habitat would result from project implementation. All project activity would be confined to the roadway. Therefore, the species is presumed absent.
green sturgeon - southern DPS	<i>Acipenser medirostris pop. 1</i>	FT	Most marine of the sturgeon species. Predominately spawns in the upper Sacramento River, with some recorded in the Rogue River, Klamath and Trinity Rivers (Klamath River basin). In the	HP	No Effect	<b>Presumed Absent:</b> Green sturgeon habitat is present within the Stanislaus River in the BSA. One recent (2017) CNDDDB occurrence of the species has been observed, which is the first green sturgeon

Common Name	Species Name	Status	General Habitat Description	Habitat Present	Effects Determination	Potential for Occurrence/Rationale
			Sacramento River, green sturgeon spawn above Hamilton City up to Keswick Dam. Known to occupy other river bodies including the lower Feather River; spawning not recorded. Large cobbles preferred for spawning, but may utilize a range of substrates from bedrock to sand. Spawning occurs March-July.			ever recorded in the Stanislaus River. There have been no occurrences of the species in the river since 2017. No portion of the Stanislaus River is located within the project footprint and no impacts to the river or potential green sturgeon habitat would result from project implementation. All project activity would be confined to the roadway. Therefore, the species is presumed absent.
hardhead	<i>Mylopharodon conocephalus</i>	SSC	Resident of Sacramento-San Joaquin and Russian River drainages in California. Inhabits low to mid-elevation lakes, reservoirs and streams, with preference to pools and runs with deep (>80 cm) clear water, slow (20-40 cm/sec) velocities and sand-gravel-boulder substrates. The species prefers water temperatures at or above 68°F and adequate flows to maintain dissolved oxygen levels. Spawning occurs in April-May in Central Valley streams and may extend into August in the foothill streams of the Sacramento-San Joaquin drainage (sometimes extending to August) in gravel or rocky substrate. Juveniles require adequate vegetative cover along stream or lake margins.	HP	No Take	<b>Presumed Absent:</b> Hardhead habitat is present within the Stanislaus River in the vicinity of the BSA. However, no occurrences of the species have been observed in the river. The nearest recent (2008) CNDDDB occurrence of the species is in the Tuolumne River, approximately 8 miles south of the project area in the City of Modesto. Additionally, no impacts to the river or any aquatic habitat would result from the project. Hardhead are presumed absent in the BSA due to the distance to known recent occurrences.
<b>Invertebrate Species</b>						
valley elderberry longhorn beetle	<i>Desmocerus californicus dimorphus</i>	FT	Species requires elderberry shrubs as host plants. Typically occurs in moist valley oak woodlands associated with riparian corridors in the lower Sacramento River and upper San Joaquin River drainages. (Sea level-3,000 feet).	HP	No Effect	<b>Presumed Absent:</b> Elderberry shrubs were identified within the BSA during a biological survey conducted on July 12 <sup>th</sup> , 2023. However, the shrubs would not be impacted during construction or operation of the project and would remain in place. Additionally, there has been only one recent (2009) CNDDDB occurrence of the species

Common Name	Species Name	Status	General Habitat Description	Habitat Present	Effects Determination	Potential for Occurrence/Rationale
						in the area, located approximately 4.8 miles from the project area. Due to the distance from recent occurrences, the species is presumed absent from the BSA.
vernal pool fairy shrimp	<i>Branchinecta lynchi</i>	FT	In California inhabits portions of Tehama county, south through the Central Valley, and scattered locations in Riverside County and the Coast Ranges. Species associated with smaller and shallower cool-water vernal pools approximately 6 inches deep and short periods of inundation. In the southernmost extremes of the range, the species occurs in large, deep cool-water pools. Inhabited pools have low to moderate levels of alkalinity and total dissolved solids. The shrimp are temperature sensitive, requiring pools below 50 F to hatch and dying within pools reaching 75 F. Young emerge during cold-weather winter storms.	A	No Effect	<b>Presumed Absent:</b> The BSA does not contain vernal pools. The nearest recent (2008) CNDDDB occurrence of the species is located approximately 11 miles from the BSA. The species is presumed absent from the BSA based on the absence of potentially suitable habitat and a low number of recent regional occurrences.
vernal pool tadpole shrimp	<i>Lepidurus packardii</i>	FE	Inhabits vernal pools and swales containing clear to highly turbid waters such as pools located in grass bottomed swales of unplowed grasslands, old alluvial soils underlain by hardpan, and mud-bottomed pools with highly turbid water.	A	No Effect	<b>Presumed Absent:</b> The BSA does not contain vernal pools. The nearest recent (2011) CNDDDB occurrence of the species is located approximately 2.3 miles south of the project area. The species is presumed absent from the BSA due to the lack of suitable habitat and distance from recent regional occurrences.
Crotch bumble bee	<i>Bombus crotchii</i>	SCE	This species is known to occur in central California, Nevada south to Baja California and into Mexico. Inhabits coastal areas, deserts and the Central Valley. The species nests underground in grassland, shrubland and chaparral habitats. The species has a short tongue and primarily feeds on the following	A	No Take	<b>Presumed Absent:</b> The BSA consists primarily of urban, barren, and disturbed land with riparian areas surrounding the Stanislaus River, and does not contain grassland, shrubland, chaparral, or desert habitats. There have been no recent CNDDDB occurrences in the vicinity of the BSA. Due to the lack of suitable habitat and

Common Name	Species Name	Status	General Habitat Description	Habitat Present	Effects Determination	Potential for Occurrence/Rationale
			plants <i>Asclepias</i> , <i>Chaenactis</i> , <i>Lupinus</i> , <i>Medicago</i> , <i>Phacelia</i> and <i>Salvia</i> .			recent occurrences, the species is presumed absent from the BSA.
Western bumble bee	<i>Bombus occidentalis</i>	SCE	The habitat for this species is described as open grassy areas, urban parks and gardens, chaparral and shrub areas, and mountain meadows. Most reports of <i>B. occidentalis</i> nests are from underground cavities such as old squirrel or other animal nests and in open west-southwest slopes bordered by trees, although a few nests have been reported from above-ground locations such as in logs among railroad ties. Elevations of known sites range from sea level to over 2,000 m asl.	A	No Take	<b>Presumed Absent:</b> The BSA does not contain any urban parks, open grassy areas, mountain meadows, or other habitat for this species. The most recent CNDDDB occurrence of the species was in 1962, approximately 11.5 miles northwest of the project area. The species is presumed absent from the BSA due to the lack of suitable habitat, and the lack of recent regional occurrences.
<b>Mammal Species</b>						
Townsend's big-eared bat	<i>Corynorhinus townsendii</i>	SSC	Species occurs throughout California in all habitats except subalpine and alpine communities. Requires caves, mines tunnels, buildings or man-made structures for day and night roosts. Rarely roosts in tree cavities, limited to males and non-reproductive females. Young born May-June (0-6,561 feet elevation).	HP	No Take	<b>Presumed Absent:</b> Small residences and man-made structures are present; However, the BSA does not contain mine tunnels or caves suitable for roosting. The nearest recent (2012) CNDDDB occurrence of the species is located approximately 8 miles south of the project area. The species is presumed absent from the BSA due to the low habitat quality in the area and lack of recent occurrences within the project vicinity.
western mastiff bat	<i>Eumops perotis californicus</i>	SSC	Inhabits many open, semi-arid to arid habitats, including conifer and deciduous woodlands, coastal scrub, grasslands, and chaparral. Prefers open, rugged, rocky areas where suitable crevices are available for day roosts. Roosts in cliff face crevices (usually granite or consolidated sandstone), high buildings, trees and tunnels. Roosting sites must have a minimum 10-foot vertical drop.	A	No Take	<b>Presumed Absent:</b> The BSA does not contain any open rocky areas, cliffs, tall buildings, or tunnels suitable for roosting. The most recent CNDDDB occurrence of the species was in 1957, approximately 5 miles east of the project area in the City of Oakdale. The species is presumed absent from the BSA due to the lack of suitable habitat, as well as the lack of recent regional occurrences.

Common Name	Species Name	Status	General Habitat Description	Habitat Present	Effects Determination	Potential for Occurrence/Rationale
			Births early April through August or September (sea level-8,475 feet).			
<b>Reptile Species</b>						
Northern California legless lizard	<i>Anniella pulchra</i>	SSC	Occurs in moist, warm, loose soil with plant cover. Moisture is essential. Requires moisture to aid in shedding skin. Occurs in sparsely vegetated areas of beach dunes, chaparral, pine-oak woodlands, desert scrub, sandy washes, and stream terraces with sycamores, cottonwoods, or oaks. Leaf litter under trees and bushes in sunny areas and dunes stabilized with bush lupine and mock heather often indicate suitable habitat. Often can be found under surface objects such as rocks, boards, driftwood, and logs. Sometimes is found in suburban gardens in Southern California. Occurs from the southern edge of the San Joaquin River in northern Contra Costa County south to the Ventura County. Probably breeds from early spring to July, and bears live young.	HP	No Take	<b>Presumed Absent:</b> Potential habitat is present in the BSA within the riparian corridor of the Stanislaus River. The nearest recent (2002) CNDDDB occurrence of the species is located approximately 0.7 miles from the project area. However, no occurrences have been reported in the area since 2002; therefore, the species is presumed absent from the BSA.
<b>Plant Species</b>						
Greene's tuctoria	<i>Tuctoria greenei</i>	FE, CRPR 1B.1	An annual grasslike herb that is native to California, and endemic to California. Prefers vernal pool habitats at elevations between 165-7480 ft. Occurs in freshwater wetland, valley grassland, and wetland-riparian communities.	A	No Impact	<b>Presumed Absent:</b> The elevation of the BSA is unsuitable for this species. Occurrences are clustered in areas of higher elevations than that of the BSA, primarily in the foothill regions of eastern Stanislaus County. The most recent occurrence is in 1973, approximately 9 miles southeast of the project area. Due to the lack of suitable habitat and recent occurrences near the BSA, the species is presumed absent.
heartscale	<i>Atriplex cordulata</i> var. <i>cordulata</i>	CRPR 1B.2	An annual herb that is native to California, and endemic to California. It is equally likely to occur in wetlands and	HP	No Impact	<b>Presumed Absent:</b> Potentially suitable habitat and soil pH are present in the BSA. However, occurrences of the species are

Common Name	Species Name	Status	General Habitat Description	Habitat Present	Effects Determination	Potential for Occurrence/Rationale
			non-wetlands, and can occur in shadscale scrub, valley grassland, and wetland-riparian communities. It is found primarily in the Central Valley and its San Joaquin Valley and prefers saline and alkaline soils.			clustered primarily around the San Joaquin River, with the nearest (1934) occurrence located approximately 17 miles south of the project area. Due to the lack of recent occurrences, the species is presumed absent.
Legenere	<i>Legenere limosa</i>	CRPR 1B.1	An annual herb that is native to California, and endemic to California. It prefers vernal pool habitats and can occur in freshwater wetland, valley grassland, and wetland-riparian communities	A	No Impact	<b>Presumed Absent:</b> The BSA does not contain vernal pools, the preferred habitat of this species. The most recent occurrence of the species is in 1935, approximately 7 miles north of the project area. Therefore, the species is presumed absent.
prairie wedge grass	<i>Sphenopholis obtusata</i>	CRPR 1B.1	A perennial grasslike herb that is native to California and found elsewhere in North America and beyond. It prefers meadow habitats and can occur in foothill woodland and wetland-riparian communities.	A	No Impact	<b>Presumed Absent:</b> The BSA does not contain meadows, the preferred habitat of the species. Additionally, there have been no occurrences of this species in Stanislaus County; therefore, it is presumed absent.
subtle orache	<i>Atriplex subtilis</i>	CRPR 1B.2	An annual herb that is native to California. It prefers grassland habitats in proximity to vernal pools.	A	No Impact	<b>Presumed Absent:</b> The BSA does not contain grasslands or vernal pools. Additionally, the most recent occurrence in Stanislaus County is in 1936, approximately 17 miles south of the project area. Therefore, it is presumed absent.

<b><u>Federal Designations (FESA, USFWS):</u></b> <b>FE:</b> Federally listed, endangered <b>FC:</b> Federal candidate <b>FT:</b> Federally listed, threatened <b>DL:</b> Federally listed, delisted	<b><u>State Designations (CESA, CDFW):</u></b> <b>SE:</b> State-listed, endangered <b>SCE:</b> Candidate Endangered <b>ST:</b> State-listed, threatened <b>SCT:</b> Candidate Threatened	<b><u>CDFW Designations</u></b> <b>SSC:</b> Species of Special Concern <b>FP:</b> Fully Protected
<b><u>California Native Plant Society (CNPS) California Rare Plant Rank (CRPR)</u></b> <i>*Note: according to CNPS (Skinner and Pavlik 1994), plants on Lists 1B and 2 meet definitions for listing as threatened or endangered under Section 1901, Chapter 10 of the California Fish and Game Code. This interpretation is inconsistent with other definitions.</i>  <b>1A:</b> Plants presumed extinct in California. <b>1B:</b> Plants rare and endangered in California and throughout their range. <b>2:</b> Plants rare, threatened, or endangered in California but more common elsewhere in their range. <b>3:</b> Plants about which need more information; a review list.  <b>Plants 1B, 2, and 3 extension meanings:</b> _1 Seriously endangered in California (over 80% of occurrences threatened / high degree and immediacy of threat) _2 Fairly endangered in California (20-80% occurrences threatened) _3 Not very endangered in California (<20% of occurrences threatened or no current threats known)		
<b><u>Habitat Potential</u></b> Absent [A] - No habitat present and no further assessment required. Habitat Present [HP] - Habitat is, or may be present. Critical Habitat [CH] – Project is within designated Critical Habitat.	<b><u>Potential for Occurrence Criteria:</u></b> <b>Present:</b> Species was observed on site during a site visit or focused survey. <b>Moderate to High:</b> Habitat strongly associated with the species occurs on site and recent (<20 years extant occurrence(s) recorded within the project vicinity. <b>Low:</b> Low-quality habitat is present and recent (<20 years) extant occurrence(s) recorded within the project vicinity. <b>Presumed Absent:</b> No habitat is present within the project area, or low-quality habitat is present but no recent (<20 years) extant occurrence(s) recorded within the project vicinity.	
<b>Sources:</b> CDFW 2021; CNDDDB 2021; CNPS 2021; Calflora 2021; Jepson, 2nd Ed. 2021; NMFS 2021; USFWS 2021		



## Migratory Birds and Raptors

### Project Effects to Migratory Birds

Native birds, protected under the MBTA and similar provisions under the CFG Code, have the potential to nest within the Project area. To mitigate potential impacts to migratory birds, measure BIO-1 will be incorporated into the Project. Therefore, no take is anticipated of migratory birds or raptors protected under the MBTA and CFG Code.

With the incorporation of avoidance, minimization, and/or mitigation measures, the Project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species. Project impacts would be considered less than significant.

- b) *Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

**No Impact.** Sensitive natural communities identified within the BSA include the Stanislaus River and associated riparian woodland habitat. These sensitive natural communities are not within the Project impact area; therefore, no direct or indirect effects would occur as part of the Project. The Project would consist of infrastructure and safety improvements within previously disturbed areas within County right of way. With the inclusion of construction BMPs regarding sediment control and handling of hazardous materials, the Project would not adversely impact the nearby riparian habitat or Stanislaus River. No impact would occur.

- c) *Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

**No Impact.** There are no state or federally protected wetlands within the Project impact area. The Project would have no substantial adverse effect on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means. No impact would occur.

- d) *Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

**No Impact.** The Project site consists primarily of urban and barren land cover in an existing residential area. Additionally, according to CDFW's Biogeographic Information and Observation System (BIOS), the Project area lies within a "Terrestrial Connectivity, Area of Conservation Emphasis (ACE) level 1 hexagon supporting "Limited Connectivity Opportunity" (CDFW 2023). The Project does not include any permanent or temporary impoundments or barriers to native wildlife migration within the Project area. Therefore, the Project would not interfere with the movement of any native resident, migratory fish, or wildlife species, and no impact would occur.

- e) *Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

**No Impact.** There are no local policies or ordinances protecting biological resources, including trees, in Stanislaus County. Furthermore, the Project is not anticipated to require the removal of trees during the construction process. Therefore, the Project would not conflict with any local policies or ordinances protecting biological resources. No impact would occur.

- f) *Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

**No Impact.** The Project is not located within the planning area of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, the Project would not conflict with any such plan and no impact would occur.

#### ***AVOIDANCE AND MINIMIZATION MEASURES***

The following construction BMPs shall be incorporated into the Project:

- Contract specifications will include the following BMPs, where applicable, to reduce erosion and conform to water quality standards during construction:
  - Implementation of the Project shall require approval of a site-specific Storm Water Pollution Prevention Plan (SWPPP) that would implement effective measures to protect water quality, which may include a hazardous spill prevention plan and additional erosion prevention techniques;
  - Existing vegetation shall be protected in place where feasible to provide an effective form of erosion and sediment control;
  - Stabilizing materials shall be applied to the soil surface to prevent the movement of dust from exposed soil surfaces on construction sites as a result of wind, traffic, and grading activities;
- Vehicle maintenance, staging and storing equipment, materials, fuels, lubricants, solvents, and other possible contaminants shall be a minimum of 100 feet from the Stanislaus River. Any necessary equipment washing shall occur where the water cannot flow into surface waters. The Project specifications shall require the contractor to operate under an approved spill prevention and clean-up plan;
  - Raw cement, concrete or concrete washings, asphalt, paint or other coating material, oil or other petroleum products, or any other substances that could be hazardous to aquatic life shall be prevented from contaminating the soil or entering surface waters;
  - Any surplus concrete rubble, asphalt, or other debris from construction shall be taken to an approved disposal site.

#### ***MITIGATION MEASURES***

**BIO-1** Vegetation removal or earthwork shall be minimized during the nesting season (February 1 – August 31). If vegetation removal and/or ground disturbance is required during the nesting season, a pre-construction nesting bird and raptor survey (to encompass all migratory birds and raptors, including the Swainson's hawk) must be conducted within three (3) days prior to commencement of construction activities.

The pre-construction nesting bird and raptor survey shall extend up to 500-feet from the Project site to ensure that nesting raptors are not indirectly affected by construction noise. If no active nests are detected during the survey, no additional mitigation is required, and construction can proceed.

If migratory birds or raptors are found to be nesting in or adjacent to the Project site, a 250-foot no-disturbance buffer shall be established around raptor nests (500-foot for Swainson's hawk) and a 50-foot buffer around non-raptor nests to avoid disturbance and/or avoid take. Contractor shall direct construction resources to perform other construction activities in other areas of the Project at no additional cost. The buffer shall be maintained around the nest until the end of the breeding season or until a qualified biologist determines that the young have fledged and are foraging on their own. The extent of these buffers shall be determined by the biologist and shall depend on the species identified, level of noise or construction disturbance, line of sight between nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers.

### ***FINDINGS***

Considering the information obtained for literature search, biological surveys, and analysis of potential impacts from Project design, and in conjunction with the implementation of Project-specific avoidance, minimization, and mitigation measures, Project effects relating to biological impacts would be considered **Less Than Significant with Mitigation.**

## 2.5 CULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### ***REGULATORY SETTING***

#### **Federal Regulations**

##### **National Historic Preservation Act**

Section 106 of the National Historic Preservation Act (NHPA) requires federal undertakings to consider the effects of the action on historic properties. Historic properties are defined by the Advisory Council on Historic Preservation (ACHP) regulations (36 Code of Federal Regulations [CFR] Part 800) and consist of any prehistoric or historical archaeological site, building, structure, historic district, or object included in, or eligible for inclusion in, the National Register of Historic Places (NRHP) maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to Native American tribes or Native Hawaiian organizations that meet the National Register criteria (36 CFR Part 800.16[1]).

To determine whether an undertaking could affect NRHP-eligible properties, cultural resources (including archaeological, historical, and architectural properties) must be inventoried and evaluated for listing in the NRHP. For a property to be considered for inclusion in the NRHP, it must be at least 50 years old and meet the criteria for evaluation set forth in 36 CFR Part 60.4.

The quality of significance in American history, architecture, archaeology, engineering, and culture must be present in districts, sites, buildings, structures, and objects that possess integrity of design, setting, materials, workmanship, feeling, and association. For inclusion on the NRHP, these properties must also meet one or more of the four criteria listed here:

1. Criterion A – They are associated with events that have made a significant contribution to the broad patterns of our history;
2. Criterion B – They are associated with the lives of persons significant in our past;
3. Criterion C – They embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
4. Criterion D – They have yielded or may be likely to yield, information important in prehistory or history.

If a cultural resources professional meeting the Secretary of Interior's Qualification Standards determines that a particular resource meets one of these criteria, it is considered as an eligible historic property for listing in the NRHP. Among other criteria considerations, a property that has achieved significance within

the last 50 years is not considered eligible for inclusion in the NRHP unless certain exceptional conditions are met.

Resources listed on the NRHP, or that are eligible to be listed on the NRHP are automatically considered historical resources for the purposes of CEQA.

**Native American Graves Protection and Repatriation Act of 1990 (PL 101-601; 25 U.S.C. 3001)**

Under the Native American Graves Protection and Repatriation Act (NAGPRA) (25 U.S.C. 3001) and implementing regulations 43 CFR Part 10, federal agencies are responsible for the protection of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony that are discovered on lands under the agency's jurisdiction. All human remains and potential human remains must be treated with respect and dignity at all times.

**State Regulations**

**California Register of Historical Resources: Public Resources Code (PRC) Section 5024**

The term "historical resource" includes, but is not limited to, any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of PRC (PRC Section 5020.1[j]).

Historical resources may be designated as such through three different processes:

1. Official designation or recognition by a local government pursuant to local ordinance or resolution (PRC Section 5020.1[k]);
2. A local survey conducted pursuant to PRC Section 5024.1(g); or
3. The property is listed in or eligible for listing in the NRHP (PRC Section 5024.1[d][1]).

The process for identifying historical resources is typically accomplished by applying the criteria for listing in the California Register of Historical Resources (CRHR), which states that a historical resource must be significant at the local, state, or national level under one or more of the four criteria listed below. It is associated with events that have made a significant contribution to the broad patterns of:

1. It is associated with California's history and cultural heritage;
2. It is associated with the lives of persons important in our past;
3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values; or
4. It has yielded, or may be likely to yield, information important in prehistory or history. (CCR 14 Section 4852).

To be considered a historical resource for the purpose of CEQA, the resource must also have integrity, which is the authenticity of a resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance. Resources, therefore, must retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association. It must also be judged with reference to the particular criteria under which a resource is eligible for listing in the CRHR (CCR 14 Section 4852[c]).

### **Unique Archeological Resources**

The PRC also requires the Lead Agency to determine whether or not a project would have a significant effect on unique archaeological resources (PRC Section 21083.2[a]).

The PRC defines a unique archaeological resource as follows.

- An archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:
  - Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information;
  - Has a special and particular quality such as being the oldest of its type or the best available example of its type; or
  - Is directly associated with a scientifically-recognized important prehistoric or historic event or person (PRC Section 21083.2).

In most situations, resources that meet the definition of a unique archaeological resource also meet the definition of a historical resource. As a result, it is current professional practice to evaluate cultural resources for significance based on their eligibility for listing in the CRHR.

### **Local Regulations**

Stanislaus County has not implemented any ordinance or regulation relating to archaeological, historical, or cultural resources. However, all federal and state regulations pertaining to cultural resources and consultations would apply to projects occurring within the County.

### **DISCUSSION**

- a) *Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?*

**No Impact.** The Project area includes public roadways and adjacent residential and commercial land uses. Improvements to roadways, streetlights, water, sewer, and storm drain facilities, sidewalks and other related infrastructure would have no potential to impact adjacent residential or commercial structures or any other potential historic resources.

- b) *Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?*

**Less Than Significant with Mitigation.** The Project area has been heavily disturbed by prior development of the roadways and residences. No evidence of archaeological resources was observed during field surveys of the Project area, and Project improvements are not expected to require deep excavation that would increase the potential for an unexpected sub-surface discovery. Measure **CR-1** will be included to handle the unlikely scenario of an unexpected discovery of subsurface archaeological material. Should such a scenario occur during Project implementation, all work would cease within 50 feet of the find and a qualified archaeologist would determine the appropriate next steps to identify the found materials.

- c) *Would the project disturb any human remains, including those interred outside of dedicated cemeteries?*

**Less Than Significant Impact.** There is no evidence of the presence of human remains in the Project area. However, this does not preclude the possibility of the existence of buried human remains. California law recognizes the need to protect historic-era and Native American human burials, skeletal remains, and items associated with Native American interments from vandalism and inadvertent destruction.

Damage to or destruction of human remains during Project construction or other Project-related activities would be considered a significant impact. However, in accordance with the California Health and Safety Code Sections 7050.5 and 7052, Public Resources Code Section 5097.98, and CEQA Section 15064.5, if human remains are uncovered during ground-disturbing activities, all such activities in the vicinity of the find would be halted immediately, and Stanislaus County's designated representative would be notified. The County's representative would immediately notify the Stanislaus County Coroner and a qualified professional archaeologist. The County Coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or State lands (Health and Safety Code Section 7050.5[b]). If the Coroner determines that the remains are those of a Native American, he or she must contact the NAHC by phone within 24 hours of making that determination (Health and Safety Code Section 7050[c]).

The County's responsibilities for acting upon notification of a discovery of Native American Human remains are identified in detail in the California Public Resources Code Section 5097.9. The County or its appointed representative and the professional archaeologist would contact the Most Likely Descendent (MLD), as determined by the NAHC, regarding the remains. The MLD, in cooperation with Stanislaus County, would determine the ultimate disposition of the remains. Since the proposed Project would be in compliance with the existing regulations of the California Health and Safety Code, the Public Resources Code, and CEQA, impacts to human remains would be less than significant and no mitigation is required.

### ***MITIGATION MEASURES***

**CR-1:** If unrecorded cultural resources are encountered during Project-related ground-disturbing activities, even in the absence of an on-site archaeological monitor, a qualified cultural resources specialist shall be contacted to assess the potential significance of the find. If an inadvertent discovery of cultural materials (e.g., unusual amounts of shell, animal bone, bottle glass, ceramics, structure/building remains) is made during Project-related construction activities and ground disturbances in the area of the find will be halted, and a qualified professional archaeologist will be notified regarding the discovery. The archaeologist will determine whether the resource is potentially significant per the CRHR and develop appropriate mitigation, such as avoidance or data recovery.

If the find is determined to be an important cultural resource, the County will make available contingency funding and a time allotment sufficient to allow recovery of an archaeological sample or to implement an avoidance measure. Construction work can continue on other parts of the Project while archaeological mitigation takes place.

### ***FINDINGS***

Project impacts relating to cultural resources would be **Less than Significant with Mitigation** incorporated.

## 2.6 ENERGY

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### DISCUSSION

- a) *Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*

**Less Than Significant Impact.** The Project would comply with standard construction BMPs and the Stanislaus County General Plan relating to the efficient use of energy resources. The installation of new street lighting within the area would result in additional energy consumption; however, all additional street lighting will utilize LED lamps to enhance energy efficiency, in compliance with City and County Standard Specifications. Therefore, the Project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during Project construction or operation, and impacts would be less than significant.

- b) *Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

**No Impact.** The Project would not conflict with or obstruct any state or local plans for renewable energy or energy efficiency. Therefore, no impact would occur.

### MITIGATION MEASURES

No mitigation is required.

### FINDINGS

The Project would have a **Less Than Significant Impact** relating to energy or energy resources.



## 2.7 GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### DISCUSSION

- a) *Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:*
- i) *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?*
  - ii) *Strong seismic ground shaking?*
  - iii) *Seismic-related ground failure, including liquefaction?*
  - iv) *Landslides?*

**No Impact.** According to the CDC Fault Activity Map of California (CDC 2015), there are no known active faults within the Project area or directly adjacent to the Project area. The nearest fault is the Vernalis Fault (undifferentiated Quaternary), located approximately 27 miles west of the Project area. The Project would consist of minor ground disturbance and would not substantially change the existing conditions in such a way that it would result in new risks for exposing people or structures to potential, substantial adverse effects (including risk of loss, injury, or death involving rupture of a known fault; strong, seismic ground shaking; seismic-related ground failure; or landslides). Stanislaus County has not yet been mapped by the California Geographic Survey Seismic Hazard Program to determine landslide potential. However, the

Project area is situated on flat or very gently sloping topography where the potential for slope failure due to seismic activity, including liquefaction, is minimal to low. As a result of the flat topography and distance from fault zones, the Project would have no impact on seismic activity.

*b) Would the project result in substantial soil erosion or the loss of topsoil?*

**No Impact.** The Project does not include the loss of topsoil, nor would it result in substantial soil erosion, as work would be conducted beneath paved roadways and previously disturbed areas in an existing rural residential area. Therefore, no impact would occur.

*c) Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?*

**No Impact.** The Project area is not located on a geologic unit or soil that is known for unstable conditions or would become unstable as a result of Project construction or operations. Therefore, no impact would occur.

*d) Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?*

**No Impact.** Natural soils within the Project area consist primarily of Hanford Series sandy loam. This soil type is not known as an expansive soil, as defined in Table 18-1-B of the Uniform Building Code, and construction within these soil types would not create substantial risks to life or property. Therefore, no impact would occur.

*e) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?*

**Less Than Significant Impact.** The Project would not utilize septic tanks or an alternative waste water disposal system on site. By providing new connections to the updated City sewer system, the Project does have potential to reduce septic system usage in Area 41, thereby reducing septic load on surrounding soil. However, septic system removal is not a component of the proposed Project. Therefore, Project impacts would be considered less than significant.

*f) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

**No Impact.** According to the University of California Museum of Paleontology (UCMP), there are no known recorded findings of fossils within the Project area (UCMP 2023). Additionally, no findings of unique paleontological resources, sites, or unique geological features were identified within the Project area during the record search and pedestrian survey. Therefore, no impact would occur.

#### **MITIGATION MEASURES**

No mitigation is required.

#### **FINDINGS**

The Project would have a **Less Than Significant Impact** relating to geology and soils.

## 2.8 GREENHOUSE GAS EMISSIONS

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### REGULATORY SETTING

While climate change has been a concern since at least 1988, as evidenced by the establishment of the United Nations and World Meteorological Organization's Intergovernmental Panel on Climate Change (IPCC), the efforts devoted to greenhouse gas (GHG) emissions reduction and climate change research and policy have increased dramatically in recent years. These efforts are primarily concerned with the emissions of GHG related to the human activities that include CO<sub>2</sub>, CH<sub>4</sub>, NO<sub>x</sub>, nitrous oxide, tetrafluoromethane, hexafluoroethane, sulfur hexafluoride, HFC-23 (fluoroform), HFC-134a (s, s, s, 2 –tetrafluoroethane), and HFC-152a (difluoroethane).

On June 1, 2005, California Governor Arnold Schwarzenegger signed Executive Order S-3-05. The goal of this Executive Order is to reduce California's GHG emissions to: 1) 2000 levels by 2010; 2) 1990 levels by 2020; and 3) 80 percent below the 1990 levels by the year 2050. In 2006, this goal was further reinforced with the passage of Assembly Bill 32 (AB 32), the Global Warming Solutions Act of 2006. AB 32 sets the same overall GHG emissions reduction goals while further mandating that CARB create a plan which includes market mechanisms, and implement rules to achieve "*real, quantifiable, cost-effective reductions of greenhouse gases.*" Executive Order S-20-06 further directs state agencies to begin implementing AB 32, including the recommendations made by the state's Climate Action Team.

With Executive Order S-01-07, Governor Schwarzenegger set forth the low carbon fuel standard for California. Under this executive order, the carbon intensity of California's transportation fuels was reduced by at least 10 percent by 2020.

Climate change and GHG reduction is also a concern at the federal level; however, at this time, no legislation or regulations have been enacted specifically addressing GHG emissions reductions and climate change. California, in conjunction with several environmental organizations and several other states, sued to force the U.S. EPA to regulate GHG as a pollutant under the Clean Air Act (Massachusetts vs. [EPA] et al., 549 U.S. 497 (2007)). The court ruled that GHG does fit within the Clean Air Act's definition of a pollutant, and that the U.S. EPA does have the authority to regulate GHG. Despite the Supreme Court ruling, there are no promulgated federal regulations to date limiting GHG emissions.<sup>[1]</sup>

According to the Association of Environmental Professionals white paper, "Alternative Approaches to Analyzing Greenhouse Gas Emissions and Global Climate Change in CEQA Documents" (June 29, 2007), an individual project does not generate enough GHG emissions to significantly influence global climate change. Rather, global climate change creates a cumulative impact. This means that a project may participate in a potential impact through its incremental contribution combined with the contributions of all other sources of GHG. In assessing cumulative impacts, it must be determined if a project's incremental effect is "cumulatively considerable." (See CEQA Guidelines sections 15064(i)(1) and 15130.) To make this determination, the incremental impacts of the project must be compared with the effects of past, current,

<sup>[1]</sup> <http://www.epa.gov/climatechange/endangerment.html>

and probable future projects. To gather sufficient information on a global scale of all past, current, and future projects in order to make this determination is a difficult if not impossible task.

As the proposed Project would have no effects on traffic capacity, any additional GHG emissions would only occur during, and result from, necessary temporary construction activities.

## ***DISCUSSION***

- a) *Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

**Less Than Significant Impact.** The Project would not generate GHG emissions through operation of the completed Project. Short-term GHG emissions would occur during construction through the use of gas-powered construction vehicles. GHG emissions generated from temporary construction activities would not exceed the District's CEQA thresholds of significance for criteria pollutants. However, the District has not yet established numerical GHG emission thresholds, instead establishing performance-based standards to assess project-specific GHG emissions impacts. According to these standards, based on AB 32, if the Project complies with an adopted statewide, regional, or local plan for GHG emissions reduction or mitigation, complies with District approved Best Performance Standards (BPS) for the specific Project type, or achieves AB 32 targeted 29% GHG Emission Reductions compared to Business As Usual (BAU), the GHG emissions associated with the Project would be considered less than significant (District 2015). The Project would comply with the performance standards established by the District and is not expected to generate GHG emissions in quantities that would individually or cumulatively contribute to a significant impact on the environment. Therefore, the Project would have a less than significant impact on the generation of greenhouse gas emissions.

- b) *Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

**Less Than Significant Impact.** The Project would generate short-term GHG emissions during construction. As indicated under section (a) above, the short-term construction GHG emissions would not exceed the District's performance-based significance thresholds which are based on AB 32 GHG reduction targets. Further, the District's Climate Change Action Plan (CCAP) does not include GHG emissions reduction measures that are applicable to the proposed Project. Therefore, the Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions. However, due to the generation of short-term construction emissions, Project impacts would be less than significant.

## ***MITIGATION MEASURES***

No mitigation is required.

## ***FINDINGS***

The Project would have a **Less Than Significant Impact** relating to GHG emissions.

## 2.9 HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### REGULATORY SETTING

Hazardous materials and hazardous wastes are regulated by many state and federal laws. These include not only specific statutes governing hazardous waste, but also a variety of laws regulating air and water quality, human health, and land use.

Hazardous waste in California is regulated primarily under the authority of the federal Resource Conservation and Recovery Act of 1976 and the California Health and Safety Code. Other California laws that affect hazardous waste are specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning.

Worker health and safety and public safety are key issues when dealing with hazardous materials that may affect human health and the environment. Proper disposal of hazardous material is vital if it is disturbed during project construction.

### DISCUSSION

- a) *Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

**Less Than Significant Impact.** The Project would involve the use of heavy equipment for hauling soils and materials handling. The use of this equipment may require the use of fuels or other common materials that have hazardous properties (e.g., fuels are flammable). These materials would be used in accordance with all applicable laws and regulations and, if used properly, would not pose a hazard to people or the environment. The use of hazardous materials would be temporary, and the Project would not include a

permanent use of source hazardous materials. Therefore, the Project would not create a significant hazard to the public or environment.

- b) *Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

**Less Than Significant Impact.** Review of the information available through Geotracker and Envirostor indicate that there are no current or historical clean-up sites or hazardous waste facilities within the Project area. The nearest occurrence is approximately 500 feet west of the Project site. There is a potential that the Project could affect yellow thermoplastic pavement markings and other types or colors of street or municipal markings containing lead-based paint. Observations made during the field investigation on July 12, 2023, indicated that the roads within the Project area are constructed with painted concrete and/or asphalt, therefore standard Best Management Practices for lead-containing structures would be implemented prior to construction.

- c) *Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

**Less Than Significant Impact.** The Project area is located within 0.25 miles from Adelante High School, Cardozo Middle School, and the Riverbank School District Office. However, construction activities would not involve handling or transportation of acutely hazardous materials that would impact the nearby schools. Furthermore, construction emissions would be temporary and intermittent, and would remain below District thresholds of significance. Therefore, impacts would be considered less than significant.

- d) *Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

**No Impact.** The proposed Project is not on a site included in the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, which is also known as the Cortese List. No sites on the Cortese List are located within the Project area; therefore, no impact would occur.

- e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?*

**No Impact.** The Project is not located within an airport land use plan or within two miles of a public airport or public use airport. Therefore, the Project would not result in a safety hazard or excessive noise for people residing near or working in the Project area, and no impact would occur.

- f) *Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

**Less Than Significant Impact.** The Project would not impair or alter any existing emergency response plan or emergency evacuation plan. However, construction of the Project may cause short-term traffic impact, which may also affect emergency response vehicles. No road closures are anticipated to occur and access to each residence would be maintained. A traffic management plan would be implemented prior to construction (see Transportation/Traffic Section). Therefore, Project impacts would be considered less than significant.

- g) *Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?*

**No Impact.** The Project would not occur within a designated wildland area, or where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. Therefore, the Project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires, and no impact would occur.

#### ***AVOIDANCE AND MINIMIZATION MEASURES***

The following construction BMPs shall be incorporated into the Project to minimize the potential impacts discussed in section (b) above:

- Where the Project would affect yellow thermoplastic pavement markings and other types or colors of street or municipal markings that may contain lead-based paints, markings would be collected, tested, and/or disposed of in accordance with applicable regulations. To avoid impacts from pavement striping during construction, it is recommended that testing and removal requirements for yellow striping and pavement markings be performed in accordance with applicable local, State, and Federal laws.

#### ***MITIGATION MEASURES***

No mitigation is required.

#### ***FINDINGS***

The Project would have a **Less Than Significant Impact** relating to hazards and hazardous materials.

## 2.10 HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
(i) result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### ***REGULATORY SETTING***

#### **Federal Regulations**

The Clean Water Act (CWA) was enacted as an amendment to the Federal Water Pollutant Control Act of 1972, which outlined the basic structure for regulating discharges of pollutants to Waters of the United States (WOTUS). The CWA serves as the primary federal law protecting the quality of the nation's surface waters, including lakes, rivers, and coastal wetlands. The CWA empowers the USEPA to set national water quality standards and effluent limitations and includes programs addressing both point-source and non-point-source pollution. Point-source pollution originates or enters surface waters at a single, discrete location, such as an outfall structure or an excavation or construction site. Non-point-source pollution originates over a broader area and includes urban contaminants in stormwater runoff and sediment loading from upstream areas. The CWA operates on the principle that all discharges into the nation's waters are unlawful unless they are specifically authorized by a permit; permit review is the CWA's primary regulatory tool.

The USACE regulates discharges of dredged or fill material into WOTUS. These waters include wetlands and non-wetland bodies of water that meet specific criteria, including a direct or indirect connection to interstate commerce. USACE regulatory jurisdiction pursuant to Section 404 of the CWA is founded on a connection, or nexus, between the water body in question and interstate commerce. This connection may be direct (through a tributary system linking a stream channel with traditional navigable waters used in interstate or foreign commerce) or may be indirect (through a nexus identified in USACE regulations).



The RWQCB has jurisdiction under Section 401 of the CWA and regulates any activity that may result in a discharge to surface waters. Typically, the areas subject to jurisdiction of the RWQCB coincide with those of USACE (i.e., WOTUS, including any wetlands). The RWQCB also asserts authority over WoS under waste discharge requirements pursuant to the Porter-Cologne Water Quality Control Act.

On April 21, 2020, the U.S. EPA and the USACE published the “Navigable Waters Protection Rule” to redefine the extent of the WOTUS, and CWA jurisdiction. Under the final rule, four categories of water are federally regulated under: 1) the territorial seas and traditional navigable waters; 2) the perennial and intermittent tributaries to those waters; 3) certain lakes, ponds, and impoundments; and 4) wetlands adjacent to jurisdictional waters. The final rule also detailed 12 categories of exclusions or features that are not considered “waters of the United States” that include features that only contain water in direct response to rainfall (e.g., ephemeral features), groundwater, many ditches, prior converted cropland, and waste treatment systems.

### **Porter-Cologne Water Quality Act**

Also known as the California Water Code, the Porter-Cologne Water Quality Act (Porter-Cologne Act), was created in 1969 to govern water quality regulation in California and protect water quality as well as beneficial uses of water. The Porter-Cologne Act applies to all WoS, including surface water, groundwater, and wetlands at both point and non-point sources of pollution. The act established the overarching California State Water Resources Control Board and nine semiautonomous Regional Water Boards. The Porter-Cologne Act requires the adoption of water quality control plans that give direction to managing water pollution in California. Usually, basin plans get adopted by the Regional Water Boards and are updated when needed. The plans incorporate the beneficial uses of the WoS and then provide objectives that should be met in order to maintain and protect these uses.

### ***DISCUSSION***

- a) *Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*

**Less Than Significant Impact.** The Project would disturb greater than 1 linear acre of land as a result of construction, therefore a Construction General Permit (CGP) is required, consistent with Water Quality Order No. 2022-0057-DWQ, issued by the State Water Resources Control Board under the National Pollutant Discharge Elimination System (NPDES) to address storm water runoff. The CGP would require the County and/or the contractor to prepare and implement a SWPPP with the intent of keeping all products of erosion from moving off-site into receiving waters. The SWPPP includes BMPs to prevent construction pollutants from entering stormwater runoff. Further, the Project would be required to comply with Stanislaus County Improvement Standards Chapter 4 “Storm Drainage”, which would include design standards as well as construction BMPs for erosion and sediment control. Therefore, construction and operation of the Project would not violate any water quality standards or waste discharge requirements established by the Central Valley RWQCB in its Basin Plan for the Sacramento River and San Joaquin River Basins. Impacts would be considered less than significant.

- b) *Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such the project may impede sustainable groundwater management of the basin?*

**Less Than Significant Impact.** New water supply infrastructure would use existing water supply resources in conjunction with the City of Riverbank water supply. Groundwater is the sole source of potable water in the City, which is drawn from the Forebay Aquifer of the Modesto subbasin and distributed through nine wells, two storage tanks with booster stations, and over 68 miles of pipelines. According to the City’s Water

Master Plan (2007), projected groundwater supplies were modeled for a period of 20 years, including normal, dry, and multiple dry years. The Forebay Aquifer is anticipated to meet the projected groundwater demand during this 20-year period, even during multi-year drought scenarios. The City of Riverbank provided concurrence on January 12, 2024, that the City has adequate capacity to accommodate the required four new water connections; therefore, the Project would not substantially decrease groundwater supplies or interfere with groundwater recharge. Furthermore, the Project would not be constructed immediately above a pre-existing well, as the nearest City-operated well is Well No. 2, approximately 0.16 miles south of the Project site. Project impacts would be less than significant relating to groundwater supplies and recharge.

- c) *Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*
  - (i) *result in substantial erosion or siltation on- or off-site;*
  - (ii) *substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;*
  - (iii) *create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff;*  
*or*
  - (iv) *impede or redirect flood flows?*

**Less Than Significant Impact.** The Stanislaus River is located approximately 115 feet north of the Project area; therefore, construction BMPs would be included within the Project SWPPP to avoid potential impacts to the river and control erosion and siltation on- and offsite. The includes the construction of safety improvements, such as sidewalks and ADA-compliant curbs, which would contribute to new impervious surfaces within the Project area. However, the increases in impervious surface would be considered nominal in the current landscape within the Project area, as the majority of the site consists of previously paved surfaces. Therefore, the implementation of planned safety improvements is not anticipated to substantially increase the rate or amount of surface runoff in a manner which would result in on- or offsite flooding. Additionally, the Project would install storm drains in Santa Fe and Topeka Streets, which would minimize potential runoff impacts resulting from new impervious surfaces. Construction activity would adhere to federal, state, and local regulations, as well as the Project's SWPPP, and County Improvement Standards. Therefore, the Project is anticipated to have a less than significant impact on erosion, runoff, or flood flows.

- d) *Would the project, in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?*

**No Impact.** The Project area is located within a FEMA Area of Minimal Flood Hazard (Zone X) (Appendix A) and is not anticipated to risk release of pollutants due to Project inundation. Therefore, no impact would occur.

- e) *Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

**No Impact.** The Project would not conflict with or obstruct a water quality control plan or sustainable groundwater management plan. Therefore, no impact would occur.

### ***AVOIDANCE AND MINIMIZATION MEASURES***

The following construction BMPs shall be incorporated into the Project:

- The County shall secure a Construction General Permit for the Project, and ensure the contractor prepares a SWPPP, and implements all construction BMPs to keep products of erosion from moving offsite into receiving waters.
- All erosion control and stormwater control measures shall be properly maintained until the site has returned to pre-construction conditions.
- All disturbed areas shall be returned to pre-construction contours.
- All construction materials shall be hauled offsite after completion of construction.

### ***MITIGATION MEASURES***

No mitigation is required.

### ***FINDINGS***

With compliance of the Stanislaus County Improvement Standards and all required regulatory permitting, the Project will have a **Less Than Significant Impact** relating to hydrology and water quality.

## 2.11 LAND USE AND PLANNING

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### ***DISCUSSION***

#### *a) Would the project physically divide an established community?*

**No Impact.** The Project would install infrastructure and safety improvements within an unincorporated area of Stanislaus County. The Project would not physically divide an established community. Therefore, no impact would occur.

#### *b) Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

**No Impact.** The Project would be consistent with the Stanislaus County General Plan, Stanislaus County Improvements Standards, and applicable Stanislaus County Ordinances. Therefore, the Project would not conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, no impact would occur.

### ***MITIGATION MEASURES***

No mitigation is required.

### ***FINDINGS***

The Project would not physically divide an established community or conflict with any land plan, policy or regulation. Therefore, the Project would have **No Impact** relating to land use and planning.

## 2.12 MINERAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### ***DISCUSSION***

- a) *Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*

**No Impact.** The Project area does not have any known mineral resources that would be of value to the region and the residents of the state; therefore, no impact would occur.

- b) *Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

**No Impact.** The Project area does not contain any areas that are listed as locally-important mineral resource recovery sites according to the Stanislaus County General Plan (2015); therefore, no impact would occur.

### ***MITIGATION MEASURES***

No mitigation is required.

### ***FINDINGS***

The Project would have **No Impact** relating to mineral resources.

## 2.13 NOISE

Would the project result in:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### ***AFFECTED ENVIRONMENT***

Noise-sensitive land uses generally include those uses where exposure to noise would result in adverse effects, as well as uses where quiet is an essential element of their intended purpose. The Stanislaus County General Plan (2015) defines noise-sensitive land uses as: Schools, hospitals, convalescent homes, churches, sensitive wildlife habitat, and other uses deemed noise sensitive by local jurisdiction. The Project is located within a rural residential area with limited commercial development, predominately surrounded by single-family homes, and within 0.25 miles of other sensitive receptors including Cardozo Middle School and Adelante High School.

### ***DISCUSSION***

- a) *Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

**Less Than Significant Impact.** Anticipated construction equipment used for the Project includes heavy earthmoving and pavement-breaking equipment, dump trucks, and paving equipment; the loudest of which would be jackhammers. According to the Construction Noise Handbook (2018) published by the Federal Highway Administration, the average actual measured noise level emitted by jackhammers is 89 dBA at a distance of 50 feet.

The overall noise goal for the County is to limit the exposure of the community to excessive noise levels. The Stanislaus County General Plan (2015) and the Stanislaus County Code Chapter 10.46 establishes noise standards for maximum allowable noise exposure due to transportation sources and performance standards for fixed noise sources. Transportation noise standards (60 dBA) are applied at the outdoor activity area of noise sensitive land use (residential) where it is not possible to reduce noise in outdoor activity areas to 60 dBA or less using a practical application of the best-available noise reduction measures. Fixed noise sources are not to exceed 55 dBA and 75 dBA during daytime hours (7:00 A.M. to 10:00 P.M.) and 45 dBA and 65 dBA during nighttime hours (10:00 P.M. to 7:00 A.M.) as measured at the property line of noise sensitive land uses. Construction equipment noise cannot exceed 75 dBA between the hours of 7:00 P.M. to 7:00 A.M. However, County Code Section 10.46.080 indicates that construction activities performed by or at the direction of any public entity are exempt from Noise Control standards provided in County Code Chapter 10.46. No long-term, operational noise impacts would occur as a result of the Project. Short-term, temporary, construction-related noise would occur intermittently from the use of construction equipment

and vehicles; however, ambient construction noise would only occur during permissible hours and would cease upon completion of the Project. The Project is anticipated to comply with all local and regional regulations and includes construction BMPs to minimize the potential for excessive construction noise impacts. Therefore, impacts would be considered less than significant.

- b) *Would the project result in the generation of excessive ground borne vibration or ground borne noise levels?*

**Less Than Significant Impact.** The Project would occur within an existing residential neighborhood. The Project would not require pile driving or sources of excessive ground borne vibration. The temporary construction activities within the Project area are anticipated to create ground borne noise; however, this would occur during permissible times per County noise ordinance requirements. Therefore, any ground borne noise and vibration impacts within the County noise standards would be considered less than significant.

- c) *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

**No Impact.** The Project is not located within the vicinity of a private airstrip or an airport land use plan and is not within two miles of a public airport or public use airport. Therefore, the Project would not expose people residing or working in these areas to excessive noise levels, and no impact would occur.

#### ***AVOIDANCE AND MINIMIZATION MEASURES***

The following construction BMPs shall be incorporated into the Project:

- Do not operate construction equipment or run the equipment engines from 7:00 P.M. to 7:00 A.M. or on Sundays, with the exception that you may operate equipment within the Project limits during these hours to:
  - Service traffic control facilities
  - Service construction equipment
  - Equip an internal combustion engine with the manufacturer recommended muffler.
  - Do not operate an internal combustion engine on the job site without the appropriate muffler.

#### ***MITIGATION MEASURES***

No mitigation is required.

#### ***FINDINGS***

The Project would cause temporary construction-related noise; however, the Project would be required to be compliant with noise regulations provided in Stanislaus County Code Section 10.46.060. Therefore, the Project would have a **Less Than Significant Impact** relating to Noise.

## 2.14 POPULATION AND HOUSING

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### DISCUSSION

- a) *Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

**Less Than Significant Impact.** The Project is located within Area 41 which is zoned General Agriculture (A-2-10) and General Commercial (C-2) and is designated as Urban Transition in the Land Use Element of the General Plan. The purpose of the Project is to install a new domestic water supply system, sanitary sewer system, and a storm drain system within existing roadways in Area 41 in Stanislaus County, along with various safety improvements. The installation of infrastructure and safety improvements in Area 41 would allow the area to be eligible for future annexation into the City; however, because Area 41 is already an urbanized neighborhood, these infrastructure improvements are not expected to induce substantial unplanned population growth. Additionally, Accessory Dwelling Units (ADUs) are allowed by Stanislaus County within unincorporated General Agriculture (A-2) zoning districts; therefore, new water and sewer connections in the area have the potential to result in an incremental increase in allowable ADUs. However, population growth generated by potential future ADUs would not be substantial and would not result in a strain on public services or facilities. The Project would not include the construction of new residential or commercial areas that would directly contribute to population growth in the area. Therefore, Project impacts would be considered less than significant.

- b) *Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

**No Impact.** Implementation of the Project is not anticipated to require right-of-way acquisition and would not displace any existing housing or necessitate the construction of replacement housing elsewhere. Therefore, no impact would occur.

### MITIGATION MEASURES

No mitigation is required.

### FINDINGS

The Project would have a **Less Than Significant Impact** relating to population or housing.



## 2.15 PUBLIC SERVICES

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### DISCUSSION

- a) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: fire protection, police protection, schools, parks, and/or other public facilities?*

**Less Than Significant Impact.** The Project would not create an unplanned increase in demand for fire or police services, schools, or recreation facilities, nor would it necessitate new or physically altered governmental facilities. However, response times could potentially be temporarily altered during construction. A traffic management plan would be implemented prior to construction to ensure that one lane traveling in each direction would be maintained in affected roadways, which will be addressed as best management practices in Section 2.17 - *Transportation*. Therefore, impacts would be considered less than significant.

### MITIGATION MEASURES

No mitigation is required.

### FINDINGS

The Project would have **Less Than Significant Impact** relating to public services.

## 2.16 RECREATION

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### DISCUSSION

- a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

**No Impact.** The construction and/or operation of the completed Project would not increase the use of existing parks or other recreational facilities due to the location and nature of the Project, and no impact would occur.

- b) *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

**No Impact.** The Project does not include recreational facilities, nor does it require the construction or expansion of other recreational facilities, and no impact would occur.

### MITIGATION MEASURES

No mitigation is required.

### FINDINGS

The Project would have **No Impact** relating to recreation.

## 2.17 TRANSPORTATION/TRAFFIC

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### DISCUSSION

- a) *Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?*

**Less Than Significant Impact.** The Project would not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system. This takes into account all elements and modes of transportation, including intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit. No road closures are anticipated to occur and access to each residence would be maintained. Traffic control measures would be implemented to maintain and control traffic throughout construction zones and/or detour routes and would conform to the County temporary traffic control guidelines. A traffic management plan would additionally be implemented prior to construction to ensure that one lane traveling in each direction remains open in affected roadways. Area 41 is located directly south of State Route 108 (SR-108). Should the County determine during the final design process that work within the California Department of Transportation (Caltrans) right of way on SR-108 is necessary, a Caltrans Encroachment Permit would be obtained prior to construction. Therefore, Project impacts would be considered less than significant.

- b) *Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?*

**No Impact.** The Project is not a transportation project that would increase or alter vehicle miles traveled (VMT) within the circulation system and would not conflict with CEQA Guidelines section 15064.3. In addition, with the implementation of the traffic management plan prepared as part of the Project, no increase to VMT is anticipated due to construction-related detours. Therefore, no impact would occur.

- c) *Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

**No Impact.** The Project would not substantially increase hazards due to a geometric design feature or incompatible uses. Design features would comply with Stanislaus County standards as appropriate. Therefore, no impact would occur.

d) *Would the project result in inadequate emergency access?*

**Less Than Significant Impact.** The Project would temporarily result in one-lane closures within Area 41, which could potentially impact the response time of emergency services. However, a transportation management plan would be implemented prior to construction and at least one lane of traffic would remain open in each direction in affected roadways. Therefore, impacts would be less than significant.

#### ***AVOIDANCE AND MINIMIZATION MEASURES***

The following construction BMPs shall be incorporated into the Project:

- Prior to the start of construction, the County or it's contractor shall prepare a Traffic Management Plan to minimize temporary disruption to traffic flow as a result of Project construction.

#### ***MITIGATION MEASURES***

No mitigation is required.

#### ***FINDINGS***

The Project would have a **Less Than Significant Impact** relating to transportation/traffic.

## 2.18 TRIBAL CULTURAL RESOURCES

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### ***REGULATORY SETTING***

#### **Federal Regulations**

##### **Indian Trust Assets**

Indian Trust Assets (ITAs) are legal interests in property that is held in trust by the United States for Native American tribes or individuals. Examples of potential ITAs are lands, minerals, fishing rights, and water rights. Management of ITAs is based on the following orders, agreements, and regulations:

- Executive Order 13175, Consultation and Coordination with Indian Tribal Governments 65 FR 67249
- Memorandum on Government-to-Government Relations With Native American Tribal Governments (FR Volume 59, Number 85, signed April 29, 1994)
- Secretarial Order No. 3175 – Departmental Responsibilities for Indian Trust Resources
- Secretarial Order No. 3206 – American Indian Tribal Rights, Federal -Tribal Trust Responsibilities, and the Federal Endangered Species Act (ESA)
- Secretarial Order No. 3215 – Principles for the Discharge of the Secretary’s Trust Responsibility
- Secretarial Order No. 3342 – Identifying Opportunities for Cooperative and Collaborative Partnerships with Federally Recognized Indian Tribes in the Management of Federal Lands and Resources
- Secretarial Order No. 3335 – Reaffirmation of the Federal Trust Responsibility to Federally Recognized Tribes and Individual Indian Beneficiaries

##### **American Indian Religious Freedom Act of 1978**

The American Indian Religious Freedom Act of 1978 (AIRFA; 42 U.S.C. § 1996) protects the rights of Native Americans to exercise their traditional religions by ensuring access to sites, the use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites.

### **Historic Sites Act of 1935**

The Historic Sites Act of 1935 (54 U.S.C. 320101–320106, formerly 16 U.S.C. 461–467) declares “...that it is a national policy to preserve for public use historic sites, buildings, and objects of national significance...,” asserting historic preservation as a government duty under jurisdiction of the United States Secretary of the Interior.

### **National Historic Preservation Act**

As discussed and defined in Section 2.5, Cultural Resources, Section 106 of the NHPA requires federal agencies to take into account the effects of their undertakings on historic properties. For purposes of the discussion regarding tribal cultural resources, it is important to underscore that historic properties include properties of traditional religious and cultural importance to a Native American tribe or Native Hawaiian organization that meet the National Register criteria (36 C.F.R. § 800.16[1]).[1]

### **Traditional Cultural Properties and Traditional Cultural Landscapes**

Traditional Cultural Properties (TCPs) are properties associated with cultural practices or beliefs of a living community that are: 1) rooted in that community's history; and 2) important in maintaining the continuing cultural identity of a community. TCPs can refer to properties of importance to any community, including Indigenous communities. The appropriate terminology for sites of importance to Native American/Indian tribes is *‘historic property of religious and cultural significance to an Indian tribe [and Native Hawaiian organization]’* (ACHP 2008:19; ACHP 2011:14). Traditional cultural landscapes (TCL) encompass the same meaning and utility, as well as inclusivity of Indigenous communities. The Secretary of the Interior’s Guidelines for the treatment of cultural landscapes define a cultural landscape as *“a geographic area (including both cultural and natural resources and the wildlife or domestic animals therein), associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values”* (Birnbaum and Peters 1996:4). Historic vernacular landscapes *“evolved through use by the people whose activities or occupancy shaped them”* and ethnographic landscapes *“contain a variety of natural and cultural resources that associated people define as heritage resource”* (Birnbaum and Peter 1996:4; Ball et al. 2015:7).

National Register Bulletin 38 provides examples of TCPs and TCLs that fit the definition in the guidelines (Parker and King 1998:1):

- A location associated with the traditional beliefs of a Native American group about its origins, its cultural history, or the nature of the world;
- A rural community whose organization, buildings and structures, or patterns of land use reflect the cultural traditions valued by its long-term residents;
- An urban neighborhood that is the traditional home of a particular cultural group, and that reflects its beliefs and practices;
- A location where Native American religious practitioners have historically gone, and are known or thought to go today, to perform ceremonial activities in accordance with their traditional cultural rules of practice; and
- A location where a community has traditionally carried out economic, artistic, or other cultural practices important in maintaining its historic identity.

TCPs and TCLs are eligible for inclusion on the NRHP if they meet the criteria set forth in 36 C.F.R. § 60.4, National Register Criteria for Evaluation. The steps in the identification and evaluation of TCPs are the following (abbreviated from Parker and King 1998:11-14):

1. Potential Traditional Cultural Properties must be identified through consultation with the affected community or Tribe.
2. The investigation must consider the beliefs and practices associated with a potential Traditional Cultural Properties from the perspective of the community or Tribe.
3. The potential Traditional Cultural Properties must be a property, that is, a tangible place on the landscape, rather than an intangible belief or practice.
4. The property must retain integrity of relationship with the beliefs and practices that give it meaning to the community or Tribe.
5. The property must retain integrity of condition, such that the elements of the property associated with the beliefs and practices that give it significance are present.
6. The property must meet one or more of the four criteria for eligibility on the National Register (see Section 2.5.1.1 Cultural Resources – Regulatory Setting – Federal).

Cultural resources routinely not considered for eligibility for inclusion in the NRHP are religious properties, moved properties, birthplaces and graves, cemeteries, reconstructed properties, commemorative properties, and properties achieving significance within the past 50 years. However, these resources, can be evaluated as eligible if they meet one or more of the NRHP eligibility criteria for evaluation, retain integrity, and meet special criteria requirements called criteria considerations. The most notable of the seven considerations (A through G) is Criteria Consideration G, which specifies that a property that has achieved significance within the last 50 years can qualify for the NRHP only if it is of exceptional importance. As noted by Parker and King (1998:17–18), *“a significance ascribed to a property only in the past 50 years cannot be considered traditional.”* However, they also note: *“The fact that a property may have gone unused for a lengthy period of time, with use beginning again only recently, does not make the property ineligible for the [National] Register”* (Parker and King 1998:14).

If a property is determined to be a TCP, it becomes the responsibility of the lead agency to assess whether the proposed project would have an effect on the property, and should the effect be adverse, would it alter or destroy the elements that make the property significant and eligible. If a proposed project is determined to have an adverse effect, the lead agency is responsible for seeking measures that would mitigate the adverse effects to TCPs.

### **State Regulations**

#### **Tribal Cultural Resources**

As defined at PRC § 21074, a tribal cultural resource (TCR) is a site, feature, place, cultural landscape, sacred place or object that is of cultural value to a California Native American tribe and is either: 1) on or eligible for the CRHR or a local historic register; or 2) the lead agency, at its discretion, chooses to treat the resource as a TCR. TCRs are similar to TCPs in terms of their characteristics, identification, and treatment, and may include a cultural landscape to the extent that the landscape is geographically defined in terms of the size and scope of the landscape. Additionally, as defined at PRC § 21074(c), a historical resource, a unique archaeological resource, or a non-unique archaeological resource may also be a TCR if it conforms to the criteria of a TCR in PRC § 21074(a). CEQA mandates that lead agencies determine whether a project will have a significant impact on TCRs that are eligible for listing on the CRHR (i.e., a historical resource), or are determined to be significant by the lead agency in order to appropriately mitigate any such impacts.

Under the CEQA Guidelines, even if a resource is not included on any local, state, or federal register, or identified in a qualifying historical resources survey, a lead agency may still determine that any resource is a historical resource (i.e., TCR) for the purposes of CEQA if there is substantial evidence supporting such a determination (CEQA Guidelines § 15064.5[a]). A lead agency must consider a resource to be historically significant if it finds that the resource meets the criteria for listing in the CRHR. A resource may be eligible for inclusion in the CRHR if it:

- Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage (Criterion 1);
- Is associated with the lives of persons important in our past (Criterion 2);
- Embodies the distinctive characteristics of a type, period, region, or method of construction or represents the work of an important creative individual or possesses high artistic values (Criterion 3); and
- Has yielded, or may be likely to yield, information important in prehistory or history (Criterion 4).

In accordance with CEQA Guidelines, cultural resources investigations are necessary to identify TCRs that may have significant impacts as a result of a project (14 CCR §15064.5). The following steps are routinely implemented in a cultural resources investigation for CEQA compliance:

1. Identify cultural resources in the proposed project area.
2. Evaluate against the CRHR criteria of significance (listed below).
3. Evaluate the impacts of the proposed project on all cultural/tribal resources.
4. Develop and implement measures to mitigate proposed project impacts on historical resources or resources deemed significant by the lead agency.

As TCRs hold cultural value to a California Native American tribe, consultation with local Native American tribes is an integral component of each of the cultural resources investigation steps described above.

### **Assembly Bill 52 and Consultation**

The lead agency for CEQA is responsible for consultation with Native American tribes regarding the potential for a project to impact TCRs, pursuant to Assembly Bill 52 and PRC §§ 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, 21084.3, and 5097.94(m). Assembly Bill 52 recognizes that “...tribes may have expertise with regard to their tribal history and practices, which concern the tribal cultural resources with which they are traditionally and culturally affiliated...” and that consultation will occur between a lead agency and Native American tribes for covered projects.

PRC §21080.3.1 (a) and Government Code §65352.4 define consultation as “*the meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, seeking agreement. Consultation between government agencies and Native American tribes shall be conducted in a way that is mutually respectful of each party's sovereignty. Consultation shall also recognize the tribes' potential needs for confidentiality with respect to places that have traditional tribal cultural significance.*”

As described in Section 2.5, Cultural Resources, a proposed project may induce a significant impact to a historical resource, unique archaeological resource, or a TCR if it causes a substantial adverse change



(i.e., physical demolition, destruction, relocation, or alteration) to the resource or immediate surroundings (14 CCR 15064.5[b]), thereby demolishing or significantly altering the physical characteristics that qualify it for listing on the CRHR or local registers (PRC §§ 5020.01[k] and 5024.1[g]). A project that may cause a substantial adverse change in the significance of a TCR is a project that may have a significant effect on the environment (PRC § 21084.2). A lead agency shall establish measures to avoid impacts that would alter significant characteristics of a TCR, when feasible (PRC § 21084.3).

### **Native American Historical, Cultural, and Sacred Sites**

Pursuant to PRC 5097.94 the NAHC has authority and duty to “*identify and catalog places of special religious or social significance to Native Americans, and known graves and cemeteries of Native Americans on private lands*” and has the power and duty to make recommendations for acquisition by the state or other public agencies regarding Native American sacred places that are located on private lands, are inaccessible to Native Americans, and have cultural significance to Native Americans.

### **California Native American Graves Protection and Repatriation Act of 2001**

The California Native American Graves Protection and Repatriation Act of 2001 (CalNAGPRA) requires all state agencies and museums that receive state funding and that have possession or control over collections of human remains or cultural items to provide a process for the identification and repatriation of these items to the appropriate tribes.

### **Local Regulations**

Stanislaus County has not implemented any ordinance or regulation relating to archaeological, historical, or tribal cultural resources. However, all federal and state regulations pertaining to cultural resources and consultations would apply to projects occurring within the County.

### ***AFFECTED ENVIRONMENT***

The APE is located within the territory of native Northern Valley Yokuts speakers. Their territory extended from north of the Calaveras River south to the source of the San Joaquin River. The western limit is recorded as the eastern side of the Coast Range, while the eastern limit is the foothills of the Sierra Nevada Mountains. Two studies identified the Project area and the Tuolumne River region as belonging to Taulamni or Tauhalames Northern Yokuts (Duke Cultural Resources Management, LLC, 2022). Tribal Cultural Resources could include, but are not limited to, Native American human remains, funerary objects, items or artifacts, sites, features, places, landscapes, or objects with cultural values to the tribe.

### ***NATIVE AMERICAN CONSULTATION***

Within Stanislaus County, there are no California Native American tribes traditionally or culturally affiliated with the Project area who have requested in writing that they be consulted for the purposes of AB 52, pursuant to PRC Section 21080.3.1.

### ***DISCUSSION***

If a lead agency determines that a project may cause a substantial adverse change to a TCR, the lead agency must consider measures to mitigate that impact. Consultation concludes when either: 1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a TCR; or 2) a party, acting in good faith, and after reasonable effort, concludes that mutual agreement cannot be reached (PRC § 21080.3.2). Under existing law, environmental documents must not include information about the locations of an archaeological site or sacred lands or any other information that is exempt from public disclosure pursuant to the Public Records act.

- a) *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)*

**Less Than Significant with Mitigation.** Thus far, there has been no indication that the Project area is sensitive for subsurface archaeology of any kind, including tribal resources. Construction would involve shallow ground disturbance that could impact tribal resources should they be present; however, the Project will include mitigation measure **CR-1** as well as a protocol should human remains be discovered (see Section 2.5 Cultural Resources) that would engage with the appropriate tribal groups should an unlikely/unexpected discovery occur.

- b) *Would the project cause a substantial adverse change in the significance of a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.*

**No Impact.** No tribal cultural resources have been identified in the Project area. The proposed Project would not cause a substantial adverse change in the significance of any cultural or tribal resources.

#### ***MITIGATION MEASURES***

The Project would include measure CR-1, discussed in Section 2.5, *Cultural Resources*, to mitigate potential impacts in the event of unexpected subsurface archaeological discovery.

#### ***FINDINGS***

The Project impacts to tribal cultural resources would be **Less than Significant with Mitigation** incorporated.

## 2.19 UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Discussion

- a) *Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*

**Less Than Significant Impact.** The Project would result in the installation of new sewer and water mains in Topeka Street and Claus Road, with the new water and sewer lines being looped into the existing lines under Santa Fe Street. Additional wastewater would consequently need to be treated. However, the Project would not require the construction of new treatment facilities, as the City's Sewer Master Plan (2007) indicates that projected wastewater will continue to be conveyed to the existing Wastewater Treatment Plant (WWTP) north of the Stanislaus River. Wastewater treatment requirements of the Central Valley Regional Water Quality Control Board requirements and thresholds are additionally not anticipated to be exceeded.

Additionally, the Project would result in the construction of a new storm drain system in Area 41, if necessary. This would consist of the installation of Riverbank City Standard horizontal drains in Santa Fe and Topeka Street in order to reduce runoff volume to the existing storm drain system in 8<sup>th</sup> Street, which currently discharges storm water from the entirety of Area 41. The total volume of storm water entering the River would not be significantly affected. However, to avoid any significant environmental effects, standard BMPs would be included in the Project to avoid or minimize the release of pollutants into the Stanislaus River, as per State Water Resources Control Board (SWRCB) and City of Riverbank Storm Drain System Master Plan (2008) standards. Therefore, impacts would be less than significant.

- b) *Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?*

**Less Than Significant Impact.** The new water mains installed by the Project would be connected to the City's existing water system, which exclusively utilizes groundwater. According to the City's Water Master

Plan (2007), groundwater supply balance numeric models were developed for projected buildout during a single normal year, a single dry year, and a multiple dry year for a 20-year assessment period. The models indicate that projected demand can be met by the groundwater source, including during dry and multiple dry years (City of Riverbank 2007). The City of Riverbank provided concurrence on January 12, 2024 that the City has adequate capacity to accommodate the required four new water connections. Project implementation would not exceed the City's groundwater supply projections, and impacts would be less than significant.

- c) *Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

**Less Than Significant Impact.** The Project would require the treatment of additional wastewater by offering up to 43 new wastewater connections to private properties within the Project area. Wastewater would be conveyed to the City's existing WWTP operated by the City of Riverbank Public Works Department. The Project received confirmation from the City of Riverbank on January 12, 2024 that capacity for the requested 43 new sanitary sewer connections is available. Therefore, the Project would not exceed the capacity of the existing wastewater treatment infrastructure of the City and impacts would be considered less than significant.

- d) *Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*

**Less Than Significant Impact.** The Project would not generate substantial solid waste during operation. Solid waste may be generated during construction; however, the quantity would not exceed local landfill capacities. Additionally, any generation of solid waste would be temporary and would only occur during the construction period. Therefore, impacts associated with the development of solid waste would be considered less than significant.

- e) *Would the project comply with federal, state, and local statutes and regulations related to solid waste?*

**Less Than Significant Impact.** The Project would comply with federal, state, and local statutes and regulations related to solid waste; therefore, impacts associated with compliance with statutes and regulations pertaining to solid waste would be considered less than significant.

#### ***MITIGATION MEASURES***

No mitigation is required.

#### ***FINDINGS***

The Project would have a **Less Than Significant Impact** to utilities and service systems.

## 2.20 WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### DISCUSSION

- a) *Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?*

**No Impact.** The Stanislaus County Emergency Operations Plan (EOP), developed in 2021, addresses the planned response to extraordinary emergency situations associated with natural disasters or human-caused emergencies in or affecting Stanislaus County. Project construction or operation would not impair the adopted EOP, and no impact would occur.

- b) *Would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*

**No Impact.** According to the Stanislaus County CAL FIRE, Fire Hazard Severity Zone Map (CAL FIRE 2022), the Project area is not within a State-Responsibility or Local-Responsibility Area listed as having a high or moderate potential for wildfire. Therefore, the Project is not anticipated to exacerbate wildfire risks due to slope, prevailing winds, or other factors. No impact would occur.

- c) *Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*

**No Impact.** Project construction would involve the installation of utilities such as water and sewer lines and a storm drain system which may require maintenance in the future; however, maintenance activities would not be part of the Project, and the Project would not exacerbate fire risk, or result in temporary or ongoing impacts to the environment. No impact would occur.

- d) *Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

**No Impact.** The Project would consist of infrastructure and safety improvements within an existing residential area that is not within a post-fire area. Project construction and operation would not expose people or structures to significant risks within a post-fire area. No impact would occur.

***MITIGATION MEASURES***

No mitigation is required.

***FINDINGS***

The Project would have **No Impact** relating to wildfire.

## 2.21 MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### DISCUSSION

- a) *Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

**Less Than Significant Impact.** Based upon the review and analysis of potential adverse effects to the environment provided in this Initial Study (including the Project-specific avoidance and minimization measures), the proposed Project would not substantially degrade the overall quality of the environment within the Project area.

Any potentially significant impacts to biological, historical or cultural resources would be reduced to a less-than-significant level with the incorporation of Project-specific avoidance, minimization, and mitigation measures for Swainson's hawk, cultural resources, and tribal cultural resources, as discussed previously in Sections 2.4, 2.5, and 2.18 respectively. Therefore, the Project impacts would be considered less than significant.

- b) *Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

**Less Than Significant Impact.** The planned North County Corridor project, which would result in an 18-mile realignment of SR-108, would run approximately 1.8 miles south of the Project area along Claribel Road. North County Corridor construction would occur concurrently with the proposed Project. However, the projects are separated by distance and project type, and both projects contain measures to avoid potentially significant impacts to the surrounding environment.

Area 41 is additionally a component of a series of county-wide infrastructure projects funded by the American Rescue Plan Act (ARPA) intended to address the public health and safety needs of unincorporated pocket areas within adopted spheres of influence of incorporated cities. A total of 42

unincorporated urban pockets are located throughout the County: 3 urban pockets are contained within the SOI of the City of Riverbank, 6 are within the SOI of the City of Turlock, and 33 are within the SOIs of the cities of Modesto and Ceres. Although each urban pocket is adjacent to, or surrounded by an incorporated city, these areas are lacking key services that would typically be expected of urbanized neighborhoods. Therefore, the purpose of each ARPA project is to provide infrastructure and safety improvements, including water, sewer, and storm drainage advancements, to these communities.

Area 41 was recommended as the priority community toward which the County Board of Supervisors will invest ARPA funds allocated to Supervisorial District 1; therefore, ARPA infrastructure improvements to Area 41 will not be implemented concurrently with those of other unincorporated communities in District 1. Other Supervisorial Districts within the County recommended priority communities in the SOIs of Modesto, Turlock, and Ceres which will be implemented concurrently, the nearest of which is the Herndon Community (Area 40) within the SOI of the City of Ceres, approximately 8.5 miles south of Area 41. Each ARPA project would have minimal environmental impacts since they all occur in areas that have already been developed into urban neighborhoods. Furthermore, each ARPA project that does have a potential for environmental impacts will include a project level environmental analysis similar to this Initial Study to identify measures to avoid potentially significant impacts to the environment; therefore, the Project would not be expected to result in cumulatively considerable impacts when viewed in connection with all ARPA infrastructure improvement projects or other past, current, or planned projects within the County. Cumulative Project impacts would be less than significant.

- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

**Less Than Significant Impact.** The Project would not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. With respect to the analysis provided in this Initial Study, potential effects of the Project on human beings would be temporary and related to Project construction. Specifically, any Project impacts on human beings would be considered less-than-significant relating to air, noise, hazards and hazardous materials, transportation/traffic, and utilities and service systems. No significant adverse effects to human beings would occur, and Project effects are considered less than significant.

#### ***MITIGATION MEASURES***

No mitigation is required.

#### ***FINDINGS***

Through compliance with applicable Stanislaus County codes, regulations, and regulatory permitting, along with the Project-specific avoidance and minimization measures noted previously, the Project will not have a significant impact relating to degradation of the quality of the environment, nor have impacts that are individually limited, but cumulatively considerable; nor have environmental effects which would cause substantial adverse effects, either directly or indirectly, on human beings. Therefore, there are no potentially significant determinations for mandatory findings of significance.

<https://www.stanislauslafco.org/PDF/Notices/Riverbank.Topeka.SantaFe.IS.pdf>



*This page intentionally left blank.*

**EXHIBIT E**

**Draft LAFCO Resolution No. 2025-08**

*This page intentionally left blank.*

**STANISLAUS COUNTY LOCAL AGENCY  
FORMATION COMMISSION**

**RESOLUTION**

**DATE:** April 23, 2025

**NO.** 2025-08

**SUBJECT: OUT-OF-BOUNDARY SERVICE APPLICATION FOR THE TOPEKA-SANTA FE  
NEIGHBORHOOD (CITY OF RIVERBANK – SEWER & 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**, Stanislaus County has submitted an out-of-boundary service application requesting approval to extend sewer and water services from the City of Riverbank to the Topeka-Santa Fe Neighborhood;

**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 but within its sphere of influence in anticipation of a later change of organization;

**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**, in accordance with adopted Commission Policy 15, the current proposal has been forwarded to the Commission for its consideration as it includes an area-wide approval for sewer and water services that would accommodate existing and future development;

**WHEREAS**, the Topeka-Santa Fe Neighborhood is located outside the current city limits of Riverbank, but within the City's Sphere of Influence;

**WHEREAS**, Stanislaus County has completed plans for the construction of sanitary sewer and water systems to address health and safety concerns as part of a larger ARPA-funded infrastructure project in the Topeka-Santa Fe Neighborhood;

**WHEREAS**, the City of Riverbank has indicated that capacity is available to serve the Topeka-Santa Fe Neighborhood's sewer and water requirements;

**WHEREAS**, Stanislaus County, as Lead Agency, has prepared an initial study for the project, pursuant to the California Environmental Quality Act (CEQA) and the State CEQA guidelines and adopted a Mitigated Negative Declaration;

**WHEREAS**, the Commission, as a Responsible Agency, has reviewed the environmental documents prepared by Stanislaus County as Lead Agency; 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 April 23, 2025.

**NOW, THEREFORE, BE IT RESOLVED** that this Commission:

1. Finds that the proposed extension of sewer and water services 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 documentation prepared by Stanislaus County.
3. Authorizes the City of Riverbank to provide the requested sewer and water services to the Topeka-Santa Fe Neighborhood, subject to the following terms and conditions:
  - A. This approval allows for the extension of sewer and water services to accommodate existing and future uses within the Topeka-Santa Fe Neighborhood only, as delineated on the attached map.
  - B. The City shall not allow additional service connections outside the City limits and beyond the delineated Topeka-Santa Fe Neighborhood area or any other area without first requesting and securing approval from the Commission.
  - C. Prior to the provision of services, the landowner(s) shall record an agreement consenting to annex the property to the City of Riverbank, and a copy of the agreement shall be forwarded to the LAFCO office.
4. Directs the Executive Officer to forward a copy of this resolution to the City of Riverbank and Stanislaus County.

**DRAFT**

**ATTEST:**

Sara Lytle-Pinhey, Executive Officer

Attachment: Topeka-Santa Fe Neighborhood Map

**EXECUTIVE OFFICER'S AGENDA REPORT  
APRIL 23, 2025**

DATE: April 23, 2025

TO: LAFCO Commissioners

FROM: Sara Lytle-Pinhey, Executive Officer *SLP*

**SUBJECT: APPOINTMENT OF A REGULAR PUBLIC MEMBER AND ALTERNATE  
PUBLIC MEMBER TO THE COMMISSION**

---

**RECOMMENDATION**

Staff recommends that the Commission review the attached applications and appoint a Public Member and Alternate Public Member to LAFCO. The candidates have been invited to attend the meeting and will be available if there are questions from the Commission.

**BACKGROUND**

The current four-year terms of office for the Public Member (Commissioner Lane) and Alternate Public Member (Commissioner Berryhill) will end on May 5, 2025. A notice of these upcoming expiring terms was provided at the Commission's February meeting, along with a timeline for the recruitment process. A subcommittee of the Chair and Vice Chair was also appointed, in the event that there were a large number of applications needing screening.

**RECRUITMENT PROCESS & CANDIDATES**

The process for recruitment of public members on the Commission is outlined in Government Code section 56325(d) and the Commission's policies. Whenever a vacancy occurs in the public member or alternate public member position, a notice of vacancy must be posted and distributed to the clerk or secretary of the legislative body of each local agency within the county. On February 27, 2025, LAFCO Staff initiated the recruitment process by:

- Distributing a "Notice of Vacancy" to each city, the clerk of the board and special districts.
- Publishing an 1/8<sup>th</sup>-page advertisement in the Modesto Bee, posting the recruitment notice on the 10<sup>th</sup> Street Place bulletin board, on the LAFCO website and LAFCO's Twitter feed.
- Emailing the notice to a list of interested parties (70+ individuals) subscribed to LAFCO's mailing list.

In response to the above recruitment efforts, twelve applications were received within the application period (Feb. 27<sup>th</sup> – Mar. 28<sup>th</sup>). The candidates are:

- Annabel Gammon
- Brad Johnson
- Devon Shelley
- James Reape
- Jami Aggers

**EXECUTIVE OFFICER'S AGENDA REPORT**  
**APRIL 23, 2025**  
**PAGE 2**

- Jeani Ferrari
- Ken Buehner
- Ken Lane (*only eligible for Alternate Public Member*)
- Milton Trieweler
- Robert DeMont
- Stanley Peery Jr.
- William M. O'Brien

Each of the candidate's applications are attached to this report for the Commission's review. As noted, although Commissioner Lane's term of office as the Public Member is ending, he is eligible to apply for the Alternate Public Member position.

**APPOINTMENT**

According to State law, the regular public member and alternate public member positions are appointed by the other members of the Commission (City and County voting members). Any of the City and County voting members may nominate a candidate. Selection of the regular public member and alternate public member positions must receive a majority affirmation by the voting members, including an affirmative vote from at least one County Member, and one City Member for appointment to that position. In the event of a tie, the motion would fail and a new nomination could be made. Should new public members fail to be appointed, this item will be continued to the Commission's May 28, 2025, meeting. During the interim, the existing public members may continue to serve until the appointment of their successors.

*Attachments:*

- Exhibit A: Candidate Applications
- Exhibit B: Government Code & Commission Policies & Procedures Excerpts
- Exhibit C: Draft LAFCO Resolutions 2025-05 and 2025-06

## **EXHIBIT A**

### **Candidate Applications**



*This page intentionally left blank.*

**Application for Appointment  
Public Member or Alternate Public Member**

<b>NAME</b> (First, MI, Last)	Annabel D. GAMMON
<b>ADDRESS</b>	Residence: [REDACTED] Riverbank, CA 95367
	Business: [REDACTED]
<b>TELEPHONE</b>	Residence: [REDACTED]
	Business: [REDACTED]
<b>E-MAIL ADDRESS</b>	[REDACTED]

(Attach separate sheet(s), if needed)

<b>EDUCATIONAL BACKGROUND</b> (Note: There is no specific education requirement.)	Bachelor of Science, Biology and Chemistry Pre-Med Medical School, University of the Philippines Epidemiology, Special Studies, Johns Hopkins Public School
<b>EMPLOYMENT</b> (Attach resume, if desired)	Business Administrator for J. Allen Gammon, H.D.
List all other boards, commissions, or committees you are now a member or have been in the past, including dates of service. Stanislaus County Planning Commission - 2005-2012 Stanislaus County LAFCO - 2013-2017	
Please list community interests/activities. Civic activities involving neighborhood and community activities.	

Applications are due by: Friday, March 28, 2025 at 4:30 p.m.

Please summarize the qualifications you feel are related to service on the Commission as a representative of the public.

Stanislaus LAFCO - Alternate Public Member, 2013-2017  
Stanislaus Planning Commissioner, 2005-2012

What is your understanding of the roles and responsibilities of the Commission?

Lafco's roles is to encourage orderly formation of local government agencies, to preserve agricultural and open space lands and to discourage urban sprawl. This commission creates Municipal Service Reviews and update Sphere of Influence for each independent governmental jurisdiction.

Why do you wish to serve on the Commission? The roles and responsibilities of this commission is important, and has never been so important as the present time. The housing landscape has changed since the 1960's and we are facing a housing shortage and affordability crisis. Balancing growth & conservation of agricultural & open spaces becomes a serious study and decision making. I would like to participate with the Commission to help find solutions.

Have you attended any meetings of the Commission?

Yes.

I hereby certify that I am a registered voter in the State of California, County of Stanislaus, and a citizen of the United States and will be at least 18 years of age by the time of the next election. I am not imprisoned or on parole for the conviction of a felony. I certify under penalty of perjury under the laws of the State of California, that the information on this application is true and correct.

I understand that no person appointed as a public member or alternate public member to Stanislaus LAFCO may be an officer or employee of the County or any city or district with territory in the County (Government Code Section 56331). I also understand that if appointed to Stanislaus LAFCO I will be required to comply with FPPC disclosure regulations and file annual statements of financial interests.




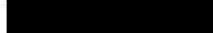

Signature: Arnab D. Gannon

Date: March 24, 2025

Return To:  
Stanislaus Local Agency Formation Commission (LAFCO)  
1010 Tenth Street, Suite 3600  
Modesto, CA 95354

Thank you for your interest in the Stanislaus Local Agency Formation Commission. Applications will be kept on file for one year.

## Application for Appointment Public Member or Alternate Public Member

<b>NAME</b> ( <i>First, MI, Last</i> )	William M O'Brien
<b>ADDRESS</b>	<i>Residence:</i>  Modesto, CA 95350
	<i>Business:</i> 
<b>TELEPHONE</b>	<i>Residence:</i> 
	<i>Business:</i> 
<b>E-MAIL ADDRESS</b>	

(Attach separate sheet(s), if needed)

<b>EDUCATIONAL BACKGROUND</b> ( <i>Note: There is no specific education requirement.</i> )	Cal Poly, San Luis Obispo Ca BS - Business administration, Concentration in Financial Management
<b>EMPLOYMENT</b> ( <i>Attach resume, if desired</i> )	Resume Attached
<b>List all other boards, commissions, or committees you are now a member or have been in the past, including dates of service.</b> Stanislaus County Workforce Development Board 2008-current Regional Early Action Planning Committee 2019-current Stanislaus County LAFCO 2005-2016 San Joaquin Valley Air Pollution Control District Governing Board 2006-2016 Modesto Regional Fire Authority 2012-2016 Stanislaus County General Plan Update Committee 2005-2016	
<b>Please list community interests/activities.</b> I enjoy gardening, golf, football, and spending time with my family. I have been involved with fundraising of various organizations, including Children's Crisis Center, Knight's of Columbus, Rotary, etc....	

**Applications are due by: Friday, March 28, 2025 at 4:30 p.m.**

**Please summarize the qualifications you feel are related to service on the Commission as a representative of the public.**

I served on Stanislaus Lafco for 12 years, in both primary and alternate roles. I have extensive knowledge in the rules and regulations of the Cortese-Knox act.

**What is your understanding of the roles and responsibilities of the Commission?**

Primary role of lafco's are to protect the agriculture lands within in a county. However I view the role of lafco in a much broader sense. Logical and efficient land use has to be a top priority of Lafco. As a public member, my role would be to ensure the public's interest is protected. MSR's are an important tool Lafco has to ensure the public's interets as served.

**Why do you wish to serve on the Commission?**

I still feel that I have something to give back to the community. Lafco is a great way to still be involved, and serve the public of Stanislaus County.

**Have you attended any meetings of the Commission?**

Yes, 12 years worth of meetings

I hereby certify that I am a registered voter in the State of California, County of Stanislaus, and a citizen of the United States and will be at least 18 years of age by the time of the next election. I am not imprisoned or on parole for the conviction of a felony. I certify under penalty of perjury under the laws of the State of California, that the information on this application is true and correct.

I understand that no person appointed as a public member or alternate public member to Stanislaus LAFCO may be an officer or employee of the County or any city or district with territory in the County (Government Code Section 56331). I also understand that if appointed to Stanislaus LAFCO I will be required to comply with FPPC disclosure regulations and file annual statements of financial interests.

Signature: \_\_\_\_\_



Date: \_\_\_\_\_

3/3/25

**Return To:**  
**Stanislaus Local Agency Formation Commission (LAFCO)**  
**1010 Tenth Street, Suite 3600**  
**Modesto, CA 95354**

***Thank you for your interest in the Stanislaus Local Agency Formation Commission. Applications will be kept on file for one year.***

# BILL O'BRIEN



## BUSINESS EXPERIENCE

1994 TO PRESENT

**OWNER / VICE PRESIDENT / CHIEF FINANCIAL OFFICER, O'BRIEN'S MARKET INC.**

Owner and operator of a successful independent chain of 3 upscale grocery stores. Responsible for all operations of 3 locations, including Human Resources for 220 employees, Purchasing, Accounting, Marketing, Information Technology, & Facility Management.

## GOVERNMENT EXPERIENCE

2005 TO 2017

**COUNTY SUPERVISOR, STANISLAUS COUNTY, CALIFORNIA**

Elected and Served 3 terms as a county supervisor responsible for a \$1.1B budget, serving on 25 different committees including San Joaquin Valley Air Pollution Control District, LAFCO, STANCOG, Workforce Development, Public Safety, Capital Facilities, Modesto Regional Fire Authority, CALCOG, Stanislaus Partners in Education, and many more

2000 TO 2004

**MAYOR, CITY OF RIVERBANK, CA**

Elected Mayor of Riverbank and served for 2 terms, responsible for leading the city through financial crisis, and developing an economic turnaround for the city.

1998 TO 2000

**COUNCILMEMBER, CITY OF RIVERBANK, CA**

Elected City Councilmember

## EDUCATION

**JUNE 1994, CAL POLY, SAN LUIS OBISPO**

Bachelor of Science, Business Administration  
Concentration in Financial Management







## **GOVERNMENT COMMITTEE EXPERIENCE**

- Chair, Stanislaus County Workforce Development (Current)
- REAP – Regional Early Action Planning Committee (Current)
- Local Area Formation Committee (LAFCO)
- Stanislaus County General Plan Update Committee
- Stanislaus Partners in Education
- San Joaquin Valley Air Pollution Control District
- Valley Voice (8 Counties of Valley)
- Modesto Regional Fire Authority
- Children's & Families Commission
- California Council of Governments (CALCOG)
- North County Corridor Transportation Expressway Authority
- StanCOG Executive Committee
- Riverbank Oakdale Transportation Agency (ROTA)
- Stanislaus County Employee Safety Board
- Riverbank Chamber of Commerce, President
- San Joaquin Regional Policy Council
- Stanislaus County Family Justice Center Commission
- Stanislaus County Children's Council
- Visioning Process Committee
- Stanislaus County Project Review Committee
- Stanislaus County Council of Governments (STANCOG)
- Public Safety Committee – Stanislaus County
- Stanislaus County Capital Facilities Committee
- City County 10<sup>th</sup> Street JPA Commission
- Community Corrections Partnership (CCP)
- Stanislaus County Community Development Committee
- General Plan Update Committee
- Stanislaus County Health Executive Committee
- Juvenile Justice Coordinating Council of Stanislaus County
- Commission of the California County Tobacco Securitization Agency
- Consolidated Stanislaus Regional 911 Emergency Dispatch
- Stanislaus Economic Development & Workforce Alliance
- City of Modesto-County Liaison Committee
- City of Riverbank Successor Redevelopment Agency
- City of Oakdale Successor Redevelopment Agency

## **REFERENCES AVAILABLE UPON REQUEST**

## Application for Appointment Public Member or Alternate Public Member

<b>NAME</b> <i>(First, MI, Last)</i>	brad J Johnson
<b>ADDRESS</b>	<i>Residence:</i>  Salida CA
	<i>Business:</i>
<b>TELEPHONE</b>	<i>Residence:</i> 
	<i>Business:</i> 
<b>E-MAIL ADDRESS</b>	

*(Attach separate sheet(s), if needed)*

<b>EDUCATIONAL BACKGROUND</b> <i>(Note: There is no specific education requirement.)</i>	MJC
<b>EMPLOYMENT</b> <i>(Attach resume, if desired)</i>	AG Electronics
<b>List all other boards, commissions, or committees you are now a member or have been in the past, including dates of service.</b> Salida MAC about 20 years Salida Sewer 2nd term.	
<b>Please list community interests/activities.</b> I helped build most of the boardcast stations around this area and was a TV host at Modesto TV channel 14	

Applications are due by: Friday, March 28, 2025 at 4:30 p.m.



**Please summarize the qualifications you feel are related to service on the Commission as a representative of the public.**

Plenty of time at many public meetings in the area as well as a member of the Federal Grand Jury in Fresno for about 2 years.

**What is your understanding of the roles and responsibilities of the Commission?**  
separation of districts between Towns,city,county,state

**Why do you wish to serve on the Commission?**  
often not happy with politically appointed members.

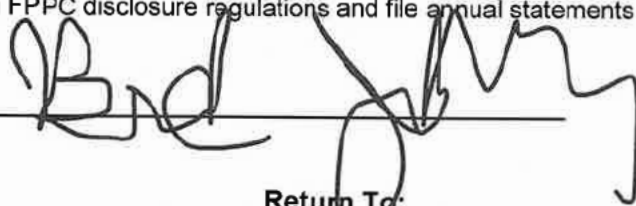
**Have you attended any meetings of the Commission?**

not in a long time.

I hereby certify that I am a registered voter in the State of California, County of Stanislaus, and a citizen of the United States and will be at least 18 years of age by the time of the next election. I am not imprisoned or on parole for the conviction of a felony. I certify under penalty of perjury under the laws of the State of California, that the information on this application is true and correct.

I understand that no person appointed as a public member or alternate public member to Stanislaus LAFCO may be an officer or employee of the County or any city or district with territory in the County (Government Code Section 56331). I also understand that if appointed to Stanislaus LAFCO I will be required to comply with FPPC disclosure regulations and file annual statements of financial interests.

Signature: \_\_\_\_\_



Date: 3-21-2025

Return To:  
**Stanislaus Local Agency Formation Commission (LAFCO)**  
1010 Tenth Street, Suite 3600  
Modesto, CA 95354

***Thank you for your interest in the Stanislaus Local Agency Formation Commission. Applications will be kept on file for one year.***

## Application for Appointment Public Member or Alternate Public Member

<b>NAME</b> (First, MI, Last)	Devon J. Shelley
<b>ADDRESS</b>	Residence: [REDACTED] Riverbank, CA 95367 Business:
<b>TELEPHONE</b>	Residence: [REDACTED] Business: [REDACTED]
<b>E-MAIL ADDRESS</b>	devonshelley09@gmail.com

(Attach separate sheet(s), if needed)

<b>EDUCATIONAL BACKGROUND</b> (Note: There is no specific education requirement.)	- High School Diploma - FCC License - Cert. Accounting 1 & 2
<b>EMPLOYMENT</b> (Attach resume, if desired)	- company AT&T - 2013 to Present - outside Plant Tech.
<b>List all other boards, commissions, or committees you are now a member or have been in the past, including dates of service.</b> - current member of crossroads SSC. - current CWA member.	
<b>Please list community interests/activities.</b> - parks & Rec. - community development. - childrens Education	

Applications are due by: Friday, March 28, 2025 at 4:30 p.m.

**Please summarize the qualifications you feel are related to service on the Commission as a representative of the public.**

I am a self starter with great attention to detail. My background in construction and engineering would make me a great fit for the commission.

**What is your understanding of the roles and responsibilities of the Commission?**

My understanding is that this commission over sees the boundaries of the cities and special districts.

**Why do you wish to serve on the Commission?**

I want to have a positive impact on my community.

**Have you attended any meetings of the Commission?**

Yes

I hereby certify that I am a registered voter in the State of California, County of Stanislaus, and a citizen of the United States and will be at least 18 years of age by the time of the next election. I am not imprisoned or on parole for the conviction of a felony. I certify under penalty of perjury under the laws of the State of California, that the information on this application is true and correct.

I understand that no person appointed as a public member or alternate public member to Stanislaus LAFCO may be an officer or employee of the County or any city or district with territory in the County (Government Code Section 56331). I also understand that if appointed to Stanislaus LAFCO I will be required to comply with FPPC disclosure regulations and file annual statements of financial interests.

Signature: \_\_\_\_\_

Date: 3-28-25

**Return To:**  
**Stanislaus Local Agency Formation Commission (LAFCO)**  
**1010 Tenth Street, Suite 3600**  
**Modesto, CA 95354**

**Thank you for your interest in the Stanislaus Local Agency Formation Commission. Applications will be kept on file for one year.**

## Application for Appointment Public Member or Alternate Public Member

<b>NAME</b> (First, MI, Last)	James L. Reape
<b>ADDRESS</b>	<i>Residence:</i> [REDACTED] Turlock CA 95380 <i>Business:</i> [REDACTED]
<b>TELEPHONE</b>	<i>Residence:</i> [REDACTED] <i>Business:</i> [REDACTED]
<b>E-MAIL ADDRESS</b>	[REDACTED]

(Attach separate sheet(s), if needed)

<b>EDUCATIONAL BACKGROUND</b> (Note: There is no specific education requirement.)	UCDavis Family Nurse Practitioner program 2001 Modesto Junior College Nursing program 1995
<b>EMPLOYMENT</b> (Attach resume, if desired)	Family Medical Group FNP/PA 2001 - current Emanuel Medical Center nursing supervisor 1999-2001 Emanuel Medical Center RN progressive care unit 1995-1999 Emanuel Medical Center lab assistant/phlebotomist 1992-1999 Doctors Medical Center lab assistant/phlebotomist 1993-1995
<b>List all other boards, commissions, or committees you are now a member or have been in the past, including dates of service.</b> Turlock Planning Commission 2016 - current Turlock Cannabis ad-hoc committee 2024 Mayor's economic development committee 2015 Turlock active transport plan development committee 2014	
<b>Please list community interests/activities.</b> Assist with community events sponsored by Salvation Army Participate in community events sponsored by other fund raising groups Attend local events with kids and grandkids Hobbies: Running, hiking, skiing, cycling, woodworking, home improvement projects	

Applications are due by: Friday, March 28, 2025 at 4:30 p.m.

**Please summarize the qualifications you feel are related to service on the Commission as a representative of the public.**

My background in planning gives me an appreciation for well thought out long term plans. I am skilled at promoting good working relationships between stakeholders and helping those involved see the big picture.

**What is your understanding of the roles and responsibilities of the Commission?**

Oversees relationships and establishes areas of responsibility for municipal services. Establishes spheres of influence and evaluates plans for boundary changes for local agencies and municipalities.  
Promotes responsible growth and works to preserve farm land.

**Why do you wish to serve on the Commission?**

Activities of this commission impact health and safety of Stanislaus County residents for decades to come. I am excited to serve our community in this role and learn more about getting big things done to improve life for our residents.

**Have you attended any meetings of the Commission?**

I have observed meetings online.

I hereby certify that I am a registered voter in the State of California, County of Stanislaus, and a citizen of the United States and will be at least 18 years of age by the time of the next election. I am not imprisoned or on parole for the conviction of a felony. I certify under penalty of perjury under the laws of the State of California, that the information on this application is true and correct.

I understand that no person appointed as a public member or alternate public member to Stanislaus LAFCO may be an officer or employee of the County or any city or district with territory in the County (Government Code Section 56331). I also understand that if appointed to Stanislaus LAFCO I will be required to comply with FPPC disclosure regulations and file annual statements of financial interests.

Signature: 

Date: 3-3-25

**Return To:**  
**Stanislaus Local Agency Formation Commission (LAFCO)**  
**1010 Tenth Street, Suite 3600**  
**Modesto, CA 95354**

***Thank you for your interest in the Stanislaus Local Agency Formation Commission. Applications will be kept on file for one year.***



## Application for Appointment Public Member or Alternate Public Member

<b>NAME</b> (First, MI, Last)	Jami A. Aggers
<b>ADDRESS</b>	Residence: [REDACTED] Modesto (56)
	Business: N/A (Retired) <span style="font-size: small;">Note: I have a business license for "Jami Aggers Consulting" but I did no work in 2024, or so far in 2025.</span>
<b>TELEPHONE</b>	Residence: [REDACTED]
	Business: [REDACTED]
<b>E-MAIL ADDRESS</b>	[REDACTED]

(Attach separate sheet(s), if needed)

<b>EDUCATIONAL BACKGROUND</b> (Note: There is no specific education requirement.)	Associate Degree: Modesto Jr. College BS, Biology/Minor, Chemistry: CSU, Stanislaus MA, Organizational Mgmt: Ashford University
<b>EMPLOYMENT</b> (Attach resume, if desired)	See attached resume

**List all other boards, commissions, or committees you are now a member or have been in the past, including dates of service.**

Memberships: Sierra Club: Since 2022  
League of Women Voters: Since 2024  
Blue Diamond Almond Growers: Since 1984  
Nat'l Environmental Health Assn.: Since 2022  
CA " " : Since 2022  
Solid Waste Assn. of No. America: Since 1995  
Modesto Garden Club: Since 2024  
Del Rio Property Owners Assn.: Since approx. 1990 - Past President  
Big Trees Village Property Owners Assn.: Since 1992 (Calaveras County)  
Stanislaus Farm Bureau: Since 2023 \* Past Board Member & Officer

**Please list community interests/activities.**

- Stanislaus County's Environmental Representative to the San Joaquin Valley  
Air Pollution Control District's Citizen's Advisory Ctee: Since 2022  
(Non-officer position)  
- Voters For Farmland, Board Member.

Applications are due by: Friday, March 28, 2025 at 4:30 p.m.

**Please summarize the qualifications you feel are related to service on the Commission as a representative of the public.**

I'm a Registered Environmental Health Specialist in CA. I've lived in Stanislaus County my entire life. I come from a long-term farming background. I worked for local government for over 36 years representing and serving the public. With my environmental science, water, land use and wastewater work experience and educational background, I feel I am well qualified to represent the public as a LAFCO member.

**What is your understanding of the roles and responsibilities of the Commission?**

- To encourage the orderly formation of local Gov't Organizations by reviewing proposals for the formation of new LGO's and for changes in the organization of existing agencies such as out-of-area services.
- To preserve agricultural land resources.
- To discourage urban sprawl.

**Why do you wish to serve on the Commission?**

To help preserve agricultural resources to discourage urban sprawl and encourage smart growth.

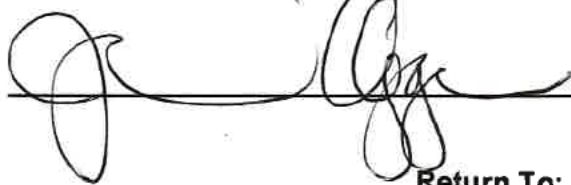
**Have you attended any meetings of the Commission?**

Yes, several

I hereby certify that I am a registered voter in the State of California, County of Stanislaus, and a citizen of the United States and will be at least 18 years of age by the time of the next election. I am not imprisoned or on parole for the conviction of a felony. I certify under penalty of perjury under the laws of the State of California, that the information on this application is true and correct.

I understand that no person appointed as a public member or alternate public member to Stanislaus LAFCO may be an officer or employee of the County or any city or district with territory in the County (Government Code Section 56331). I also understand that if appointed to Stanislaus LAFCO I will be required to comply with FPPC disclosure regulations and file annual statements of financial interests.

Signature: \_\_\_\_\_



Date: 3/4/25

**Return To:**

**Stanislaus Local Agency Formation Commission (LAFCO)  
1010 Tenth Street, Suite 3600  
Modesto, CA 95354**

**Thank you for your interest in the Stanislaus Local Agency Formation Commission. Applications will be kept on file for one year.**

## **WORK EXPERIENCE**

### **Director of Environmental Resources, Stanislaus County, Modesto, CA.**

June 2012, until retirement in March 2021.

Responsible for all aspects of Department management and administration for over 100 staff members in the following areas: Landfill, Solid Waste Management, Hazardous Materials, Code Enforcement, Groundwater Management, Milk & Dairy, Environmental Health and Administration. Plan, staff, direct and control expenses for a combined operating budget of over \$35 million.

### **Assistant Director, Environmental Resources, Stanislaus County, Modesto, CA.**

July 2007 to June 2012.

Direct oversight for the Landfill, Solid Waste and Hazardous Materials Divisions including a regional Household Hazardous Waste facility and an after-hours emergency response team.

### **Northern Region Compliance Manager, San Joaquin Valley Air Pollution Control District, Modesto, CA.**

August 2001 to July 2007.

Direct oversight for all aspects of the Compliance Division for the tri-county Northern Region office including gasoline dispensing facilities, asbestos control, air emissions, illegal burning, and more.

### **Program Manager, Solid Waste and Environmental Health Divisions, Stanislaus County, Modesto, CA.**

1996 to 2001.

In Solid Waste: Responsible for regulating the franchise refuse haulers, administration of the local refuse ordinance and the waste-to-energy contract, refuse collection rate setting fiscal, local enforcement agency for solid waste facilities, oversight of recycling facilities, planning for recycling programs, and public education and outreach.



Jami Aggers, Page 2.

In Environmental Health, oversight of inspection staff in the following regulatory areas: retail food facilities, public swimming pools, water well construction, housing complaints, onsite septic system construction, public water systems, tattoo facilities and nuisance complaints.

**Registered Environmental Health Specialist and Sr. Environmental Health Specialist,  
Stanislaus County, Modesto, CA.  
1984 to 1996.**

At the entry level, responsible for all inspection aspects within an assigned geographic area. At the Senior Environmental Health Specialist level: responsible for preparing the County's Integrated Waste Management Plan, monitoring proposed legislation and regulations, served as staff to the County's Local Task Force on Solid Waste, coordinated the County's regional integrated waste planning and reporting, revised the County's refuse ordinance to require subscription to weekly refuse collection, grant applications and recycling program administration.

#### **EDUCATION**

Master of Arts, Organizational Management, Ashford University, 2009  
Bachelor of Science, Biology; Minor, Chemistry, California State University Stanislaus, 1981  
Associate of Arts, General Education, Modesto Junior College, 1979

#### **CREDENTIALS/AFFILIATIONS**

Registered Environmental Health Specialist #5082, State of California  
SWANA Certified Manager of Landfill Operations  
SWANA Gold Rush Chapter Member/Officer 1995 to 2021

#### **REFERENCES**

Merry Mayhew, (Retired) City Manager, City of Hughson, CA.  
[REDACTED]

Angela Freitas, Director of Planning & Community Development, Stanislaus County  
[REDACTED]

Lillie Farriester, (Retired) Business Manager, Dept. of Environmental Resources, Stanislaus County, [REDACTED]

## Application for Appointment Public Member or Alternate Public Member

<b>NAME</b> <i>(First, MI, Last)</i>	Jeani M. Ferrari
<b>ADDRESS</b>	<i>Residence:</i> [REDACTED] Turlock, CA 95380
	<i>Business:</i>
<b>TELEPHONE</b>	<i>Residence:</i> [REDACTED]
	<i>Business:</i>
<b>E-MAIL ADDRESS</b>	[REDACTED]

*(Attach separate sheet(s), if needed)*

<b>EDUCATIONAL BACKGROUND</b> <i>(Note: There is no specific education requirement.)</i>	Attended Modesto Junior College, California State University, Stanislaus
<b>EMPLOYMENT</b> <i>(Attach resume, if desired)</i>	<i>RETIRED</i> <i>Jeani Ferrari Design / 40 years</i>
<b>List all other boards, commissions, or committees you are now a member or have been in the past, including dates of service.</b> Page attached --	
<b>Please list community interests/activities.</b> Page attached --	

Applications are due by: Friday, March 28, 2025 at 4:30 p.m.

**Please summarize the qualifications you feel are related to service on the Commission as a representative of the public.**

I've had a long interest in urban planning. In our county/region, urban planning, in the broadest sense, is a balance between sustainable, healthy communities and the preservation of productive farmland. I stay involved with my community and hear the hopes and concerns of many in my community. I see myself as a voice for my community. Importantly, I'm aware of the history and purpose of LAFCO and see myself as a good candidate for the position of commissioner.

**What is your understanding of the roles and responsibilities of the Commission?**

The Commission deals with local land-use issues, specific to boundary changes/spheres of influence. It is important to have the time to read and understand materials pertaining to upcoming discussions/votes; it is important to faithfully attend meetings. I fully understand the long-term impact of LAFCO decisions. I see that as a significant responsibility. I know and understand the history and purpose of California's LAFCOs.

**Why do you wish to serve on the Commission?**

I'd like to think that I would be an asset to the Commission. I'd like to think, at the end of the day, I would be a positive influence on the Commission as well as the broader public.

**Have you attended any meetings of the Commission?**

Yes

I hereby certify that I am a registered voter in the State of California, County of Stanislaus, and a citizen of the United States and will be at least 18 years of age by the time of the next election. I am not imprisoned or on parole for the conviction of a felony. I certify under penalty of perjury under the laws of the State of California, that the information on this application is true and correct.

I understand that no person appointed as a public member or alternate public member to Stanislaus LAFCO may be an officer or employee of the County or any city or district with territory in the County (Government Code Section 56331). I also understand that if appointed to Stanislaus LAFCO I will be required to comply with FPPC disclosure regulations and file annual statements of financial interests.

Signature: \_\_\_\_\_

*Jeanie Ferreri*

Date: \_\_\_\_\_

*3/20/2025*

**Return To:  
Stanislaus Local Agency Formation Commission (LAFCO)  
1010 Tenth Street, Suite 3600  
Modesto, CA 95354**

***Thank you for your interest in the Stanislaus Local Agency Formation Commission. Applications will be kept on file for one year.***

List other boards, commissions

1. Measure M Citizens Committee – ballot initiative to build Pitman High School 1997
2. Gate (Gifted and Talented Education) Organizing Committee, Turlock Elementary School District 1998
3. Farmland Working Group – founding board member 1999
4. Farmland Working Group, board member 1999-2025
5. Stanislaus Farmland Trust – founding board member 2003
6. Central Valley Farmland Trust – founding board member 2004
7. Central Valley Farmland Trust, board member 2004-2015
8. Yosemite Fund Council 2003-6
9. Yosemite Association, board member 2004-5
10. StanCOG – Citizens Advisory Committee (?)
11. Turlock Downtown Association Design Committee 1999-2000
12. Campaign for the Carnegie, chairperson – Carnegie Art Center, Turlock, CA 2009 -2010
13. Turlock Certified Farmers Market – founding board member 2010
14. Turlock Certified Farmers Market, board member 2010-2020
15. Carnegie Arts Center Foundation, chairperson/board member 2010-2025
16. Turlock Gospel Mission – Hope Lives Here Campaign, co-chair 2016-2017
17. Friends of the Turlock Library – 2020/Focusing on the Future of the Turlock Library Campaign, co-chair 2020-2021
18. Stan State, Vasche Library – The Next Chapter Campaign, co-chair 2021-2022

Please list community interests/activities

I have an interest in our public schools. I volunteered in our children's schools (Julien Elementary School, Turlock Junior High School and Turlock High School) for eighteen years. I was active in Julien's PTSA. I organized Julien's first Earth Week activities. My husband and I support our public libraries. We support the Arts and are committed to Modesto Symphony Orchestra, Central West Ballet, Pitman High Marching Band, LightBox Theatre Company and Carnegie Arts Center.

I've had an interest in urban planning for several years and keep up with current trends and statistics as much as possible. I participate in local community meetings that deal with issues of growth, homeless in our city, city/county voting measures. I am committed to a vibrant Turlock downtown; I was a proud member of the Design Committee in designing Turlock's renovated downtown and helped launch Turlock's farmers' market.

*This page intentionally left blank.*



**Application for Appointment  
Public Member or Alternate Public Member**

<b>NAME</b> (First, MI, Last)	Ken A Buehner
<b>ADDRESS</b>	Residence: [REDACTED] Patterson, CA 95363 Business: [REDACTED]
<b>TELEPHONE</b>	Residence: [REDACTED] Business: [REDACTED]
<b>E-MAIL ADDRESS</b>	Kenbuehner@gmail.com

(Attach separate sheet(s), if needed)

<b>EDUCATIONAL BACKGROUND</b> (Note: There is no specific education requirement.)	Modesto Junior College
<b>EMPLOYMENT</b> (Attach resume, if desired)	Owner of a commercial/residential Property Management Company
<b>List all other boards, commissions, or committees you are now a member or have been in the past, including dates of service.</b> Current: Patterson Economic Commission, Rotary Board member, HOA Board member - Diablo Grande Past: Greater Yosemite Boy Scout Council Board member 2001-2011 & Vice President of Properties 2005-2012, Stanislaus County Planning Commission 2011-2019 (chair in 2016), Patterson Rotary President 2002-2003 & 2011-2012	
<b>Please list community interests/activities.</b> • Patterson Rotary Club	

Applications are due by: Friday, March 28, 2025 at 4:30 p.m.

**Please summarize the qualifications you feel are related to service on the Commission as a representative of the public.**

I have 50+ years of property management and construction/real estate/business park development experience. I was on planning commission for 10 years and as a member of the Patterson economic board I have attended many conventions to attract new business to Patterson. I am also a current member of D.G. HOA working to improve our Diablo Grande Community.

**What is your understanding of the roles and responsibilities of the Commission?**

The roles and responsibilities are to coordinate with governmental boundaries and promote a more efficient system. Also to review proposals and to discourage the misuse of resources.

**Why do you wish to serve on the Commission?**

To help our county to develop and move forward in a sensible and balanced manner to bring new sustainable amenities to our county.

**Have you attended any meetings of the Commission?**

Yes

I hereby certify that I am a registered voter in the State of California, County of Stanislaus, and a citizen of the United States and will be at least 18 years of age by the time of the next election. I am not imprisoned or on parole for the conviction of a felony. I certify under penalty of perjury under the laws of the State of California, that the information on this application is true and correct.

I understand that no person appointed as a public member or alternate public member to Stanislaus LAFCO may be an officer or employee of the County or any city or district with territory in the County (Government Code Section 56331). I also understand that if appointed to Stanislaus LAFCO I will be required to comply with FPPC disclosure regulations and file annual statements of financial interests.

Signature: \_\_\_\_\_



Date: \_\_\_\_\_

3-12-25

**Return To:**  
**Stanislaus Local Agency Formation Commission (LAFCO)**  
**1010 Tenth Street, Suite 3600**  
**Modesto, CA 95354**

**Thank you for your interest in the Stanislaus Local Agency Formation Commission. Applications will be kept on file for one year.**

See attached application from past

Stanislaus

**LAFCO**



1010 TENTH STREET, 3<sup>RD</sup> FLOOR  
MODESTO, CA 95354

LOCAL AGENCY FORMATION COMMISSION

PHONE: (209) 525-7660  
FAX: (209) 525-7643  
www.stanislauslafco.org

## Application for Appointment Public Member or Alternate Public Member

<b>NAME</b> (First, MI, Last)	KEN L LANE
<b>ADDRESS</b>	Residence: [REDACTED] Modesto CA, 95358
	Business:
<b>TELEPHONE</b>	Residence: [REDACTED]
	Business:
<b>E-MAIL ADDRESS</b>	[REDACTED]

(Attach separate sheet(s), if needed)

<b>EDUCATIONAL BACKGROUND</b> (Note: There is no specific education requirement.)	
<b>EMPLOYMENT</b> (Attach resume, if desired)	
<b>List all other boards, commissions, or committees you are now a member or have been in the past, including dates of service.</b>	
<b>Please list community interests/activities.</b>	

Applications are due by: Friday, March 28, 2025 at 4:30 p.m.



**Please summarize the qualifications you feel are related to service on the Commission as a representative of the public.**

**What is your understanding of the roles and responsibilities of the Commission?**

**Why do you wish to serve on the Commission?**

**Have you attended any meetings of the Commission?**

I hereby certify that I am a registered voter in the State of California, County of Stanislaus, and a citizen of the United States and will be at least 18 years of age by the time of the next election. I am not imprisoned or on parole for the conviction of a felony. I certify under penalty of perjury under the laws of the State of California, that the information on this application is true and correct.

I understand that no person appointed as a public member or alternate public member to Stanislaus LAFCO may be an officer or employee of the County or any city or district with territory in the County (Government Code Section 56331). I also understand that if appointed to Stanislaus LAFCO I will be required to comply with FPPC disclosure regulations and file annual statements of financial interests.

Signature: \_\_\_\_\_

Date: 3-26-2028

**Return To:  
Stanislaus Local Agency Formation Commission (LAFCO)  
1010 Tenth Street, Suite 3600  
Modesto, CA 95354**

***Thank you for your interest in the Stanislaus Local Agency Formation Commission. Applications will be kept on file for one year.***

**Application for Appointment  
Public Member or Alternate Public Member**

<b>NAME</b> (First, MI, Last)	Ken L. Lane
<b>ADDRESS</b>	<i>Residence:</i> [REDACTED]
	<i>Business:</i> same
<b>TELEPHONE</b>	<i>Residence:</i> [REDACTED]
	<i>Business:</i> [REDACTED]
<b>E-MAIL ADDRESS</b>	[REDACTED]

(Attach separate sheet(s), if needed)

<b>EDUCATIONAL BACKGROUND</b> (Note: There is no specific education requirement.)	Ceres High School class of 78.
<b>EMPLOYMENT</b> (Attach resume, if desired)	Mo-Cal office solutions 2002-present.
<b>List all other boards, commissions, or committees you are now a member or have been in the past, including dates of service.</b> Ceres Planning Commission 1998-2005, Ceres City Council 2005-2018, League of California Cities board of Director 2011-2018, LAFCO City Member January 2007-May 2010 and Alternate Member May 2010-September 2011.	
<b>Please list community interests/activities.</b> Ceres Lions Club and Director of Old Fisherman's Club	

Applications are due by: Monday, March 29, 2021 at 4:00 p.m.

**Please summarize the qualifications you feel are related to service on the Commission as a representative of the public.**

As a former Ceres Planning Commissioner, Council member and serving on LAFCO, as well as being a life long resident of Stanislaus County, I believe I meet all the qualifications to serve on the LAFCO commission.

**What is your understanding of the roles and responsibilities of the Commission?**

To make land use policy decisions for Stanislaus County.

**Why do you wish to serve on the Commission?**

I was asked to serve on the commission. I have been out of government for two years and with my previous experiences I have the knowledge and time to serve on the LAFCO commission.

**Have you attended any meetings of the Commission?**

Yes as a previous LAFCO commissioner.

I hereby certify that I am a registered voter in the State of California, County of Stanislaus, and a citizen of the United States and will be at least 18 years of age by the time of the next election. I am not imprisoned or on parole for the conviction of a felony. I certify under penalty of perjury under the laws of the State of California, that the information on this application is true and correct.

I understand that no person appointed as a public member or alternate public member to Stanislaus LAFCO may be an officer or employee of the County or any city or district with territory in the County (Government Code Section 56331). I also understand that if appointed to Stanislaus LAFCO I will be required to comply with FPPC disclosure regulations and file annual statements of financial interests.

Signature: \_\_\_\_\_



Date: 03/16/2021

**Return To:**

**Stanislaus Local Agency Formation Commission (LAFCO)  
1010 Tenth Street, Suite 3600  
Modesto, CA 95354**

***Thank you for your interest in the Stanislaus Local Agency Formation Commission. Applications will be kept on file for one year.***

## Application for Appointment Public Member or Alternate Public Member

<b>NAME</b> (First, MI, Last)	Milton L. Trieweler
<b>ADDRESS</b>	Residence: [Redacted] Turlock, CA 95380
	Business: N/A
<b>TELEPHONE</b>	Residence: [Redacted]
	Business: N/A
<b>E-MAIL ADDRESS</b>	[Redacted]

(Attach separate sheet(s), if needed)

<b>EDUCATIONAL BACKGROUND</b> (Note: There is no specific education requirement.)	California State University, Fresno; Bachelor of Science Degree Modesto Junior College, Modesto; Associate of Science Degree
<b>EMPLOYMENT</b> (Attach resume, if desired)	Modesto City Schools, 1971 - 1973; Electronics Technician. Yosemite Junior College Dist. 1973 - July 1975 Electronics Tech. Central Valley Electronics; August 1975 - June 2016 Owner and Manager.
<b>List all other boards, commissions, or committees you are now a member or have been in the past, including dates of service.</b> Turlock Senior Citizens Board Member; 2022 to present.  Turlock City Council Candidate - District 2, November, 2024. I lost by only 75 votes out of a total of 4,015 votes.	
<b>Please list community interests/activities.</b> I am very active in the City of Turlock Council Meetings and have attended them on a regular basis for 13 years. I attend Stanislaus County Board Meetings on a regular basis. I attend Stanislaus County LAFCO meetings on a regular basis. I am an active member of the Turlock Senior Citizens Group.	

Applications are due by: Friday, March 28, 2025 at 4:30 p.m.

**Please summarize the qualifications you feel are related to service on the Commission as a representative of the public.**

I have attended hundreds of City and County meetings in Stanislaus County over the past 13 years. I was born in Stanislaus County and have lived here all my life. My father and Grandfather farmed in the Turlock area in the 1900s. I have witnessed the population growth of Stanislaus County go from 157,000 in 1960 to 565,400 in 2023. I would like to help see that Stanislaus County grows in a sustainable manner.

**What is your understanding of the roles and responsibilities of the Commission?**

LAFCO is an independent regulatory commission. LAFCO's two main purposes are to discourage sprawl and encourage orderly government. LAFCO is responsible for coordinating logical and timely changes in governmental boundaries, conducting special studies and establishing sphere of influence for each city, community and special district in Stanislaus County.

**Why do you wish to serve on the Commission?**

I wish to serve on the Commission because I have lived here all my life, and I have an interest in the welfare of all the residents in our county. I understand the importance of the Commission and will research and examine each action and issue that comes before the Commission with an unbiased and open mind. I will make decisions that are based on the facts and reality, and their long-term effects on the future

**Have you attended any meetings of the Commission?**

I have attended twelve LAFCO meetings since April 2023.

I hereby certify that I am a registered voter in the State of California, County of Stanislaus, and a citizen of the United States and will be at least 18 years of age by the time of the next election. I am not imprisoned or on parole for the conviction of a felony. I certify under penalty of perjury under the laws of the State of California, that the information on this application is true and correct.

I understand that no person appointed as a public member or alternate public member to Stanislaus LAFCO may be an officer or employee of the County or any city or district with territory in the County (Government Code Section 56331). I also understand that if appointed to Stanislaus LAFCO I will be required to comply with FPPC disclosure regulations and file annual statements of financial interests.

Signature: Milton Triewiesler

Date: Mar 28, 2025

**Return To:**  
**Stanislaus Local Agency Formation Commission (LAFCO)**  
**1010 Tenth Street, Suite 3600**  
**Modesto, CA 95354**

***Thank you for your interest in the Stanislaus Local Agency Formation Commission. Applications will be kept on file for one year.***

## Application for Appointment Public Member or Alternate Public Member

<b>NAME</b> (First, MI, Last)	Robert L DeMont
<b>ADDRESS</b>	<i>Residence:</i> [REDACTED] Riverbank, CA 95367
	<i>Business:</i> [REDACTED]
<b>TELEPHONE</b>	<i>Residence:</i> [REDACTED]
	<i>Business:</i>
<b>E-MAIL ADDRESS</b>	[REDACTED]

(Attach separate sheet(s), if needed)

<b>EDUCATIONAL BACKGROUND</b> (Note: There is no specific education requirement.)	Attached
<b>EMPLOYMENT</b> (Attach resume, if desired)	Attached
<b>List all other boards, commissions, or committees you are now a member or have been in the past, including dates of service.</b>  Prior Stanislaus County Fire board President during the recovery in the early 2000's	
<b>Please list community interests/activities.</b>  Various charity events. Previously involved in our childrens' school and sports activities.	



**Please summarize the qualifications you feel are related to service on the Commission as a representative of the public.**

As an Army officer I continued 5 generations of service to the nation. Later as Stanislaus Consolidated Fire Board President I led the district through a financial recovery period in the early 2000's where I was well versed in various board activities and requirement including processes, procedures and Brown Act compliance.

**What is your understanding of the roles and responsibilities of the Commission?**

The roles and responsibilities of a CA Local Agency Formation Commission (LAFCO) commission include overseeing the organization and development of local governmental entities and services within a county. The primary purpose of a LAFCO commission is to promote the efficient delivery of public services, encourage orderly growth, and ensure that local government boundaries are logical and conducive to serving the community

**Why do you wish to serve on the Commission?**

I'd like to continue my history of public service in role helping to guide orderly growth in this beautiful state that operates not only as a tech hub of the world but also as the fruitbowl of America.

**Have you attended any meetings of the Commission?**

Yes.

I hereby certify that I am a registered voter in the State of California, County of Stanislaus, and a citizen of the United States and will be at least 18 years of age by the time of the next election. I am not imprisoned or on parole for the conviction of a felony. I certify under penalty of perjury under the laws of the State of California, that the information on this application is true and correct.

I understand that no person appointed as a public member or alternate public member to Stanislaus LAFCO may be an officer or employee of the County or any city or district with territory in the County (Government Code Section 56331). I also understand that if appointed to Stanislaus LAFCO I will be required to comply with FPDC disclosure regulations and file annual statements of financial interests.

Signature: \_\_\_\_\_

Date: 3/25/2025

**Return To:**  
**Stanislaus Local Agency Formation Commission (LAFCO)**  
**1010 Tenth Street, Suite 3600**  
**Modesto, CA 95354**

***Thank you for your interest in the Stanislaus Local Agency Formation Commission. Applications will be kept on file for one year.***

## Robert DeMont

### Overview

An experienced private equity CEO, I am a resourceful, detail-oriented leader with demonstrated success across a broad range of industries including CPG/alcohol beverage, Defense-Aerospace, injection molded plastics, apparel and Equipment Manufacturing.

- Corporate leadership
- Acquisition integration
- Supply Chain planning and Forecasting
- Marketing/ Brand Management
- ERP implementation and reporting
- Black belt certified Lean Six Sigma Deployment Champion
- Financial Reporting

### Education

Master of Science, Robotics Engineering	Worcester Polytechnic Institute, 2024
Master of Science, Engineering Management	Stanford University, 1986
Master of Science, Operations Research	Stanford University, 1986
Bachelor of Science, Engineering: #11 academically of 936	United States Military Academy, 1984

### Career History

#### **Graham Partners (1/25 - )**

Graham Partners is a privately held investment firm, based in suburban Philadelphia with over \$3.4B in equity capital, which focuses on acquiring and investing in middle-market industrial companies with exceptional growth potential.

##### **Operating Consultant**

- Various operating engagements to assist portfolio companies in acquisition integration and their growth and revenue enhancement initiatives

#### **First Tactical (11/24 - )**

First Tactical is a \$100MM, Private Equity owned designer and distributor of uniforms and accessories for first responders.

##### **Interim COO**

- Warehouse pick slotting optimization
- AMR evaluation and install to improve warehouse operations and enable scaling for growth.
- ERP improvements to eliminate split ERP/Quickbooks operations
- Conduct evaluation for ERP replacement
- Conduct evaluation of RFID tagging and processes as a revenue multiplier in retail operations

#### **Jackrabbitt (4/13 - 11/24)**

Jackrabbitt is a \$30MM, Private Equity and Management-owned designer, fabricator and manufacturer of agricultural equipment for permanent crop industries.

##### **President and CEO**

- Grew EBITDA 27% from \$3.7MM to \$4.7MM; maintained EBITDA through 2 industry downturn seasons
- Implemented SAGE 100 enterprise system
- Delivered the first GAAP financials in the company's history with flawless audits for following 12 years
- Introduced and implemented Lean manufacturing practices
- Introduced four new products and filled new product pipeline for future growth
- Designed and received first patents in company's history
- Integrated product line acquisitions
- Successfully recapitalized with new Private Equity partners.

#### **Graham Partners (8/11 - 4/13)**

Graham Partners is a privately held investment firm, based in suburban Philadelphia with over \$3.4B in equity capital, which focuses on acquiring and investing in middle-market industrial companies with exceptional growth potential.

##### **Senior Operating Partner**

- Advised senior management teams of portfolio companies on operational issues with a focus on acquisition integration



- Led consolidation of acquisitions by portfolio companies in the electronics, glass technologies and injection molding industries
- Facilitated design and implementation of a Sales and Operation Planning process for a portfolio company
- Led integration of an electronics company acquisition with Enterprise System cutover in 2 days

#### **SupremeCORQ LLC (8/08 – 7/11)**

SupremeCORQ is an injection molding plastics company that compounds its own resin and manufactures synthetic closures for the alcohol beverage and fancy foods industries.

##### **Chief Executive Officer**

- Led turnaround of \$15M plastics manufacturing company, part of a private equity portfolio
- \$750K improvement in monthly EBITDA in a declining market
- Led major customer strategy shift from high volume accounts to lower volume/higher margin accounts
- Doubled the number of active accounts
- Reduced scrap rates from \$90k to \$7k per month
- Reduced finished goods and WIP inventory from 90M to 14M units
- Improved quality to reduce customer returns 66% and customer complaints 40%
- Managed three plants in two countries
- Improved EBITDA of EU subsidiary from -€480k to +€500

#### **Aero Precision Industries Inc. (10/06 –8/08)**

Aero Precision is a defense-aerospace company inventorying and selling military aircraft repair parts and services to foreign militaries.

##### **Chief Operating Officer**

- Led \$40M privately-held defense-aerospace company in a 50% increase in EBITDA
- Revised compensation plan from commission to salary/bonus
- Designed and implemented a performance management and development program
- Restructured company to include supply chain for scalable growth
- Diversified sales base and signed new exclusive distributorship agreements
- Prepped book and managed sale to larger privately-held defense company

#### **5.11 Tactical Inc. (01/06 – 07/06)**

5.11 Tactical makes apparel, uniforms and equipment for the law enforcement and special operations communities.

##### **Chief Operating Officer**

- Wrote and installed planning system for \$45M privately-held apparel company
- Supervised construction of 25,000 sf warehouse addition.
- Designed, specified and directed installation of automated pick module including ERP interfaces
- Installed Warehouse Management System, planning system and labor-saving ERP modules
- Reduced order cycle time from 15 to 3 days and increased order fill rate from 77% to 91%.
- Enabled a personnel reduction from 48 to 17 despite 3-fold volume increase
- Enabled operations for sale to private equity firm

#### **E&J Gallo Winery (7/90-12/05)**

E&J Gallo Winery is the largest wine-producing company in the world with 6 production wineries, 9 distribution centers and 3 bottling facilities.

##### **Sr Director, Lean Six Sigma-Deployment Champion**

**(01/05 - 12/05)**

- Delivered in excess of \$20MM in annual savings
- Black Belt Certified
- Led Deployment of a Lean Six Sigma program throughout the organization

##### **Sr Director, Operations Strategy**

**(03/03 - 12/04)**

- Facilities master plan to enable strategies and guide over \$200MM capital investment
- Created plan for in-place replacement of 17 bottling lines while maintaining production
- Modeled and recommended brandy production process to achieve 96% utilization

##### **Sr Director/Director/Sr Manager Supply Chain**

**(06/96 - 03/03)**

- Raised customer service case fill rates from 88 to 99.6%
- Reduced inventories from 9.8MMcs to 6.2MMcs in the face of 40% increase in SKUs
- Designed process and algorithms and led custom software development of planning systems to replace i2 Technologies and to save upwards of \$80MM in inventory
- Led process mapping and reengineering of production planning and scheduling.

**Senior Marketing Manager- New Products****(08/94 - 05/96)**

- Conceived of and developed product concept to establish new US alcohol beverage category. Personally developed the winning product prototype.
- Generated an incremental \$15 million in revenue in the first year of limited distribution.
- Hornsby's was selected to represent the US at the SIAL D'or international competition as the most innovative and successful new alcohol beverage and was named one of Impact's Hot 50 brands and Marketwatch's "Hot Brands" of 1996 and 1997.
- Led first ever Gallo integrated new products team that included Production, Creative Services, Sales/Marketing and Winemaking

**Senior Marketing Manager /Marketing Mgr/Assoc Mgr/Asst Mgr****(07/90 - 08/94)**

- Engineered new package design justifying Gallo's entry into the box wine segment and generating an annual, incremental \$50 million revenue stream.
- Grew Boone's 26% (Approx \$8.4 MM) year 1 and 28% (approximately \$11.4MM) year 2
- Grew Eden Roc Champagne volume +65% and Ballatore Spumante +11%.
- Introduced 5 line extensions. Developed name, package, point-of-sale and advertising.

**US Army (5/84-7/90)****Captain, Aviation Squadron Logistics Officer****(09/89 - 07/90)****1st LT/Captain, Cavalry Troop Commander****(06/88 - 08/89)****1st Lieutenant/ Squadron Adjutant****(10/87 - 06/88)****1st Lieutenant/ Cavalry Troop Executive officer****(06/87 - 10/89)****1st Lieutenant/Scout Platoon Leader****(08/86 - 05/87)****Other****Adjunct Faculty Member, CSU Stanislaus****(02-05)**

Business Management, Operations Research

**Faculty Member, Embry-Riddle Aeronautical University, Fulda Germany****(86-90)**

Math, Trig and Functions, Calculus, Probability and Statistics

**US Patent. US 10,111,385 B2 NUT HARVESTER WITH SEPARATING DISKS, Oct 30, 2018****US Patent. US 11,432,463 NUT HARVESTER WITH A REMOVABLE ASSEMBLY AND A METHOD OF REPLACING A REMOVAL ASSEMBLY OF A NUT HARVESTER**

*This page intentionally left blank.*

## Application for Appointment Public Member or Alternate Public Member

<b>NAME</b> (First, MI, Last)	Stanley R. Peery Jr
<b>ADDRESS</b>	<i>Residence:</i> [Redacted] Riverbank 95367
	<i>Business:</i> [Redacted]
<b>TELEPHONE</b>	<i>Residence:</i> [Redacted]
	<i>Business:</i> [Redacted]
<b>E-MAIL ADDRESS</b>	[Redacted]

(Attach separate sheet(s), if needed)

<b>EDUCATIONAL BACKGROUND</b> (Note: There is no specific education requirement.)	See attached
<b>EMPLOYMENT</b> (Attach resume, if desired)	See attached
<b>List all other boards, commissions, or committees you are now a member or have been in the past, including dates of service.</b> No government service yet  BigLots Foundation West Coast philanthropy committee - 5 years Quiktrip United Way Charity Golf Tournament committe - 4 years	
<b>Please list community interests/activities.</b>  Support of local Sheriff's community outreach events Reducing food waste through food rescue programs particularly in business settings Interest in creating local community garden tied into future park location	

Applications are due by: Friday, March 28, 2025 at 4:30 p.m.

**Please summarize the qualifications you feel are related to service on the Commission as a representative of the public.**

I am a Stanislaus resident and homeowner with a vested interest in the controlled growth of our communities to provide housing and services while protecting our natural resources.

I have business experience in expansion, new construction, and processes involved in city planning and licensing from a business perspective.

**What is your understanding of the roles and responsibilities of the Commission?**

Attending and participating in LAFCO meetings, read and review information provided for consideration of the commission, be available for fact finding in the community when requested by the commission.

**Why do you wish to serve on the Commission?**

I am interested in helping my neighbors and local citizens have a voice and knowledge of how the planning of growth in our communities is decided

**Have you attended any meetings of the Commission?**

No

I hereby certify that I am a registered voter in the State of California, County of Stanislaus, and a citizen of the United States and will be at least 18 years of age by the time of the next election. I am not imprisoned or on parole for the conviction of a felony. I certify under penalty of perjury under the laws of the State of California, that the information on this application is true and correct.

I understand that no person appointed as a public member or alternate public member to Stanislaus LAFCO may be an officer or employee of the County or any city or district with territory in the County (Government Code Section 56331). I also understand that if appointed to Stanislaus LAFCO I will be required to comply with FPPC disclosure regulations and file annual statements of financial interests.

Signature: \_\_\_\_\_

*Stanley R Peery Jr.*

Date: 3/25/25

**Return To:**

**Stanislaus Local Agency Formation Commission (LAFCO)  
1010 Tenth Street, Suite 3600  
Modesto, CA 95354**

***Thank you for your interest in the Stanislaus Local Agency Formation Commission. Applications will be kept on file for one year.***

# Stan Peery

## Contact



## Education

*University of Missouri/Kansas  
City*

1986 – 1990

Business administration – Bloch

School of Business

Computer Science minor

*Shawnee Mission South High  
School*

1982 – 1986 – High school diploma

4.12 GPA, Who's Who American

High School students

## Key Skills

Leader Development

Philanthropy programs

Training process development

Planning and organization

Creative Thinking

Problem Solving

Customer service/care

Multi-store management

Performance management

MS Office 365

## Objective

Apply my expertise in a team-oriented organization where I can help build leaders and develop talented teams to help grow their careers and the organization.

## Leadership

Leading by example and utilizing servant and situational leadership tools, I create high performing teams that develop ownership level commitment in their businesses to achieve goals and exceed expectations.

## Achievements

Small business owner

Mentored and trained multiple store leaders into field leader roles

Developed national food rescue program for Big Lots

Redesigned new hire onboarding and initial training with QuikTrip team

Grew Los Angeles Big Lots market to #1 in nation

Reorganized and stabilized Central Valley 99 store market

## Experience

*7-Eleven Inc., Irving, TX | Area Leader Franchise CA*

July 2024–Present

Consult franchise owners in geographic area

*Merry Go Round LLC Riverbank, CA | Co-Owner*

July 2019–Present

Vintage and Collectibles reselling business

*The 99 Cent Store Central Valley, CA | Market Director*

September 2022–November 2023

Full leadership and business operation responsibility for Central Valley market

*Big Lots Inc Los Angeles | District Manager*

2003–2022

Full leadership and business operation responsibility for 14 stores in Los Angeles, CA along with additional duties with philanthropy and food rescue

*Pearson Classic Real Estate Leawood, KS | Real Estate Agent*

2001–2003

Family brokerage – normal real estate agent duties

*QuikTrip Inc. Shawnee, KS | Regional Hiring/Training Coordinator*

1991–2001

Onsite/offsite recruiting activities for PT and FT for 63 stores

Supervisory activities for training staff across region

*This page intentionally left blank.*

## **EXHIBIT B**

### **Government Code & Commission Policies & Procedures Excerpts**



*This page intentionally left blank.*

## **EXHIBIT B**

### **Government Code Excerpts**

#### **Public Member**

**56325(d).** One representing the general public appointed by the other members of the commission. The other members of the commission may also appoint one alternate member who shall serve pursuant to Section 56331. Appointment of the public member and alternate public member shall be subject to the affirmative vote of at least one of the members appointed by each of the other appointing authorities. Whenever a vacancy occurs in the public member or alternate public member position, the commission shall cause a notice of vacancy to be posted as provided in Section 56158. A copy of this notice shall be sent to the clerk or secretary of the legislative body of each local agency within the county. Final appointment to fill the vacancy may not be made for at least 21 days after the posting of the notice.

#### **Alternate Public Member; appointment, duties**

**56331.** When appointing a public member pursuant to Sections 56325, 56326, 56326.5, 56327, 56328, 56328.5, and 56329, the commission may also appoint one alternate public member who may serve and vote in place of a regular public member who is absent or who disqualifies himself or herself from participating in a meeting of the commission. The public member and the alternate public member shall be residents of the county of the appointing commission.

If the office of a regular public member becomes vacant, the alternate member may serve and vote in place of the former regular public member until the appointment and qualification of a regular public member to fill the vacancy.

#### **Public Member restrictions**

**56331 (cont).** No person appointed as a public member or alternate public member pursuant to this chapter shall be an officer or employee of the county or any city or district with territory in the county, provided, however, that any officer or employee serving on January 1, 1994, may complete the term for which he or she was appointed.

#### **Terms of Commissioners**

**56334.** The term of office of each member shall be four years and until the appointment and qualification of his or her successor... The body which originally appointed a member whose term has expired shall appoint his or her successor for a full term of four years. Any member may be removed at any time and without cause by the body appointing that member. The expiration date of the term of office of each member shall be the first Monday in May in the year in which the term of the member expires, unless procedures adopted by the commission specify an alternate date to apply uniformly to all members. However, the length of a term of office shall not be extended more than once. Any vacancy in the membership of the commission shall be filled for the unexpired term by appointment by the body which originally appointed the member whose office has become vacant.

## **Commission Policies & Procedures Excerpts**

### **SECTION 1: LAFCO STRUCTURE AND ORGANIZATION**

The Stanislaus Local Agency Formation Commission consists of the following members, as per Government Code Section 56325:

- Two members of the County Board of Supervisors and one alternate, appointed by the Board from its own members;
- Two City Council members and one alternate, appointed by the City Selection Committee composed of the mayors of each of Stanislaus County's nine (9) cities;
- One Public Member and one alternate, appointed by the other four Commission members after review of applications.

### **RULE 9: TERMS OF OFFICE - PUBLIC MEMBER**

The public member shall be limited to one full four-year term of office. An appointment to fill an unexpired term of office may not be applied to the one full term of office.

### **RULE 10: TERMS OF OFFICE - ALTERNATE PUBLIC MEMBER**

The alternate public member shall be limited to one full four-year term of office. An appointment to fill an unexpired term of office may not be applied to the one full term of office.

### **RULE 32: TIE VOTES OF COMMISSION**

Three votes are necessary to approve a proposal or a motion. A proposal which receives a tie vote shall automatically be continued to the next Commission hearing. A subsequent tie vote at the next hearing of the proposal indicates automatic denial without prejudice.

### **RULE 43: REPLACEMENT OF VACATED POSITION**

Upon the vacancy of an office pursuant to Rule 40, the Chairperson shall, in writing, request that the appropriate appointing authority appoint a new commissioner to the vacant position.  
(Government Code Section 56336)

- A. Appointing authority for county members is the Stanislaus County Board of Supervisors.
- B. Appointing authority for the city members is the City Selection Committee.
- C. Appointing authority for the public members is the Commission. The Commission shall, pursuant to Section 56325 of the California Government Code, appoint a public member. An alternate public member shall also be appointed to be eligible to vote on any proposal or matter before the Commission in the absence or disqualification of the public member. Selection of the public and alternate public members shall be subject to the affirmative vote of at least one of the members selected by each of the other appointing authorities.

#### **RULE 44: NOTICE OF VACANCY FOR PUBLIC MEMBER**

Upon announcement that a vacancy for the public member or alternate public member will exist, the Executive Officer shall:

- A. Post a vacancy notice inviting all interested citizens of Stanislaus County to apply within thirty (30) days of posting. The Notice shall be posted at the following locations:
  - 1. LAFCO staff office;
  - 2. LAFCO official bulletin board for posting notices and/or LAFCO website;
  - 3. Any other location directed by the Commission;
  - 4. Provide a Notice of Vacancy to the clerk or secretary of the legislative body of each local agency within the County;
  - 5. Issue a press release for the purpose of further advertising the vacancy.
- B. The Executive Officer shall forward all applications to the members of the Commission. Only applications received by the Executive Officer may be considered for appointment. Final appointment to fill the vacancy may not be made for at least 21 days after the posting of the notice.
- C. The Commission may select a personnel committee from among its membership for the purpose of reviewing applications and bringing its recommendation to the full Commission.
- D. The Commission may interview the recommended candidates, either privately or in public. Upon conclusion of the interviews, the Commission shall publicly make the selection by appointing a candidate as the Public or Alternate Public Member.
- E. The nominee receiving a majority of the votes cast by eligible Commission members will be appointed to the vacant position for either the unexpired or full term and/or until appointment and qualification of a successor.
- F. Effective January 1, 2001, Government Code Section 56325 requires that the Public and Alternate Public Member candidate must receive an affirmative vote from at least one County Member and one City Member for appointment to that position.

*This page intentionally left blank.*

## **EXHIBIT C**

**Draft LAFCO Resolutions  
2025-05 and 2025-06**

*This page intentionally left blank.*

**STANISLAUS COUNTY LOCAL AGENCY  
FORMATION COMMISSION**

**RESOLUTION**

**DATE:** April 23, 2025

**NO.** 2025-05

**SUBJECT:** Appointment of Regular Public Member

On the motion of Commissioner\_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and approved by the following vote:

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

**THE FOLLOWING RESOLUTION WAS ADOPTED:**

**WHEREAS**, pursuant to Government Code Section 56334, the term of office for each member shall be four years until appointment of their successor and the expiration date of the term of office for a public member shall be the first Monday in May in the year in which the term of the member expires;

**WHEREAS**, Commissioner Ken Lane's term of office as the Public Member is set to expire on May 5, 2025;

**WHEREAS**, pursuant to Government Code Section 56325(d), the Commission has caused notice for candidates for appointment to the position of Public Member; and,

**WHEREAS**, the Commission has received and reviewed the applications submitted by the recruitment deadline.

**NOW, THEREFORE, BE IT RESOLVED** that the Commission:

1. Appoints \_\_\_\_\_ as the Regular Public Member, to a full four-year term beginning on May 5, 2025, and ending on the first Monday in May 2029, or until appointment of a successor.

**DRAFT**

**ATTEST:**

\_\_\_\_\_  
Sara Lytle-Pinhey  
Executive Officer



**DRAFT**

**STANISLAUS COUNTY LOCAL AGENCY  
FORMATION COMMISSION**

**RESOLUTION**

**DATE:** April 23, 2025

**NO.** 2025-06

**SUBJECT:** Appointment of Alternate Public Member

On the motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and approved by the following vote:

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

**THE FOLLOWING RESOLUTION WAS ADOPTED:**

**WHEREAS**, pursuant to Government Code Section 56334, the term of office for each member shall be four years until appointment of their successor and the expiration date of the term of office for a public member shall be the first Monday in May in the year in which the term of the member expires;

**WHEREAS**, Commissioner Bill Berryhill's term of office as the Alternate Public Member is set to expire on May 5, 2025;

**WHEREAS**, pursuant to Government Code Section 56325(d), the Commission has caused notice for candidates for appointment to the position of the Alternate Public Member; and,

**WHEREAS**, the Commission has received and reviewed the applications submitted by the recruitment deadline.

**NOW, THEREFORE, BE IT RESOLVED** that the Commission:

1. Appoints \_\_\_\_\_ as the Alternate Public Member, to a full four-year term beginning on May 5, 2025, and ending on the first Monday in May 2029, or until appointment of a successor.

**DRAFT**

**ATTEST:**

\_\_\_\_\_  
Sara Lytle-Pinhey  
Executive Officer

TO: LAFCO Commissioners

FROM: Sara Lytle-Pinhey, Executive Officer *SLP*

SUBJECT: PROPOSED LAFCO BUDGET FOR FISCAL YEAR 2025-2026

### **RECOMMENDATION**

It is recommended that the Commission:

1. Receive the Executive Officer's report and accept public testimony regarding the Proposed LAFCO Budget.
2. Adopt Resolution No. 2025-07, approving the Proposed LAFCO Budget for Fiscal Year 2025-2026.
3. Schedule a public hearing for May 28, 2025, to consider adoption of the Final LAFCO Budget for Fiscal Year 2025-2026.

### **EXECUTIVE SUMMARY**

The Proposed Fiscal Year (FY) 2025-2026 Budget includes operating expenses totaling \$751,000 and reflects an 4% increase as compared to the FY 2024-2025 budget. This is attributable to increases in Salaries & Benefits, including increases to the County's health insurance costs and anticipated retirement cost increases. The table below summarizes the Proposed Budget and includes a comparison to the current year's budget.

*Table 1: LAFCO Proposed Budget Summary*

<b>Expenses</b>	<b>Current Budget FY 2024-2025</b>	<b>Proposed Budget FY 2025-2026</b>	<b>% Change (Proposed v. Current)</b>
Salaries & Benefits	\$610,695	\$633,180	4%
Services & Supplies	111,775	116,620	4%
Other Charges	1,200	1,200	0%
<b>Total Expenses</b>	<b>\$723,670</b>	<b>\$751,000</b>	<b>4%</b>
<b>Revenues</b>			
Agency Contributions	\$693,670	\$711,000	2%
Application & Other Revenues	20,000	20,000	0%
<b>Total Revenues</b>	<b>\$713,670</b>	<b>\$731,000</b>	<b>2%</b>
<i>Anticipated Use of Undesignated Fund Balance</i>	<i>\$10,000</i>	<i>\$20,000</i>	<i>100%</i>

An analysis of the Commission's estimated year-end fund balance is also included in this report. Following allocations of reserve funds, Staff recommends the use of \$20,000 in undesignated fund balance to offset agency contributions. A chart depicting individual accounts for the

Proposed Fiscal Year 2025-2026 Budget is attached to this report.

## **BACKGROUND**

LAFCO is an independent commission established in each county by the State legislature. The Cortese-Knox-Hertzberg Local Government Reorganization Act establishes the specific funding methods and process for the annual LAFCO budget.

The Commission is funded by the County and its nine cities. Adopting the LAFCO budget is solely the responsibility of the Commission. The statutes governing LAFCO and directing its operations do not require separate approval of the financial program by the County, the nine cities, the independent special districts, nor any other local governmental agency. Section 56381(a) of the Government Code specifies that:

- The Commission shall adopt annually, following noticed public hearings, a proposed budget by May 1, and final budget by June 15. At a minimum, the proposed and final budget shall be equal to the budget adopted for the previous fiscal year unless the Commission finds that reduced staffing or program costs will nevertheless allow the Commission to fulfill the purposes and programs of this chapter.
- The Commission shall transmit its proposed and final budgets to the board of supervisors, to each city, and to each independent special district.

Following adoption of a final budget, the County Auditor will allocate and charge LAFCO's final net budget to the County and nine cities as required by Government Code Section 56381(b).

## **EXPENSES**

The expense portion of the Proposed Budget is divided into three main categories: Salaries and Benefits, Services and Supplies, and Other Charges. The following are highlights from various accounts in the Proposed Budget.

### ***SALARIES AND BENEFITS (Accounts 50000+)***

Expenses in the salaries and benefits category are projected to increase by 4% overall during Fiscal Year 2025-2026. LAFCO's employee benefits mirror the County's benefits, including health insurance and retirement (through StanCERA), pursuant to a Memorandum of Understanding between the County and the Commission. Similarly, LAFCO Staff receives increases to base salaries (e.g. cost-of-living increases) concurrently with respective County positions. Estimates for salaries and benefits are typically provided by the County during each budget cycle and are incorporated into the LAFCO Budget.

### ***SERVICES AND SUPPLIES (Accounts 60000+)***

The proposed expenditures in the Services and Supplies category have increased by \$4,845 as compared to the current year's budget. The services and supplies category also includes items associated with the County's Cost Allocation Plan (CAP) charges. CAP charges reimburse the County for various services provided by agreement to LAFCO, including County payroll, information technology, accounts payable/receivable, mailroom services, building services, legal services and overhead charges. The following are highlights for various line items in the Services and Supplies category.

**EXECUTIVE OFFICER'S AGENDA REPORT**  
**APRIL 23, 2025**  
**PAGE 3**

Insurance – SDRMA (Account #61000)

Like many other LAFCOs, the Commission uses the Special District Risk Management Authority (SDRMA) for its general liability insurance. SDRMA's rates had remained relatively stable over the last decade, with an increase in the current year based on overall rate increases in the insurance market. LAFCO will continue to take advantage of safety discounts and longevity credits to diminish impacts of increases in future years.

Memberships – CALAFCO (Account #62200)

Stanislaus LAFCO currently contributes a \$10,174 membership fee to the California Association of LAFCOs (CALAFCO). This amount is increasing to \$10,510 for Fiscal Year 2025-2026 based on a 3.1% Consumer Price Index increase. CALAFCO is a non-profit organization dedicated to supporting LAFCOs with educational and legislative resources. An informational report was provided at the Commission's March meeting describing the current state of the association following controversy related to the legislative committee, resignation of its Executive Director and LAFCOs from multiple counties choosing not to renew their memberships. Since that meeting, the CALAFCO Board has met and is continuing to make progress towards stabilizing the association and continuing to provide services to its membership. Staff believes that CALAFCO still provides value and will continue to monitor the progress of the association during its transition.

Professional & Special Services (Account #63000)

This account includes costs for office space, utilities, as well as overhead charges from the County for human resources, risk management, and purchasing. Charges for building maintenance services and utilities are billed on a pass-through basis and have increased based on inflation. Account #63000 previously included a one-time increase of \$7,200 for County IT staff to assist in updating LAFCO's electronic file management system. This task was successfully completed in the current fiscal year and no additional funding is needed for the Proposed Budget.

Auditing & Accounting – Biennial Audit (Account #63090)

This account typically includes costs for County Auditor services, including payroll and accounting services. For the Proposed Budget, an additional amount of \$12,000 has been included for the Commission's biennial audit.

*OTHER CHARGES (Accounts #70000+)*

This category includes one account (#73024) for copy costs and a shared portion of the copier lease with the County Planning Department. While copy costs trended lower in the current fiscal year, it is recommended to maintain the item at \$1,200.

**REVENUES**

The primary revenue source for LAFCO is contributions from the County and nine cities. Government Code Section 56381(b)(2) requires that the county and its cities each provide a one-half share of the Commission's operational costs. By statute, the cities share is apportioned by the County Auditor relative to each city's total revenues, as reported in the most

recent edition of the Cities Annual Report published by the State Controller.

Application revenues, although charged at actual cost, represent a very small percentage of LAFCO revenues (roughly 3%). The majority of Staff's duties are considered unfunded State mandates, including preparation of municipal service review updates, informational reports, responses to inquiries, and coordination with local and state agencies. For FY 2025-26, Staff proposes maintaining application fee revenue estimates of \$20,000. Application fees that are received in any given year can vary widely, so this item is estimated conservatively. Any additional revenue received above this amount will be factored in during the Commission's next budget cycle.

### **FUND BALANCE & RESERVES**

Government Code Section 56381(c) provides that "if at the end of the fiscal year, the Commission has funds in excess of what it needs, the Commission may retain those funds and calculate them into the following fiscal year's budget."

Table 2 outlines the changes to the fund balance based on projected operating revenues and expenses in the current fiscal year. The actual amount of fund balance will be calculated at year's end (typically by September). However, based on the beginning year fund balance and projected revenues and expenses, Staff has estimated a year-end fund balance of \$428,165 for the current fiscal year.

*Table 2: LAFCO Fund Balance*

<b>Fund Balance July 1, 2024</b>		<b>\$ 388,685</b>	
<b>Revenues</b>	<b>Estimated Year-End</b>	<b>Budgeted FY 24-25</b>	<i>Variance with Budget Over / (Under)</i>
City/County Contributions	\$ 693,670	\$ 693,670	\$ -
Application Revenue	14,500	20,000	(5,500)
Interest	21,000	-	21,000
<b>Total Revenues</b>	<b>\$ 729,170</b>	<b>\$ 713,670</b>	<b>\$ 15,500</b>
<b>Expenses</b>	<b>Estimated Year-End</b>	<b>Budgeted FY 24-25</b>	<i>Difference</i>
Salaries and Benefits	\$ 608,715	\$ 610,695	\$ (1,980)
Services and Supplies	80,175	111,775	(31,600)
Other Charges (Copier)	800	1,200	(400)
<b>Total Expenses</b>	<b>\$ 689,690</b>	<b>\$ 723,670</b>	<b>\$ (33,980)</b>
<b>Revenue Less Expenditures</b>	<b>\$ 39,480</b>	<b>\$ (10,000)</b>	<b>\$ 49,480</b>
<b>Estimated Fund Balance June 30, 2025</b>		<b>\$ 428,165</b>	

### **Reserve Funds & Long-Term Pension Liability**

The Commission's Reserve Fund Policy identifies two reserve categories to be calculated annually and allocated during the annual budget process: an Accrued Leave Fund (based on accumulated cash-out liability) and a General Fund Reserve (15% of operating expenses). The

Commission also requested a reserve fund be included to represent long-term liabilities. Proposed reserve funds for FY 2025-2026 are shown in the following table.

*Table 3: Proposed Reserve Funds*

<b>General Fund Reserve (15%)</b>	<b>\$ 112,500</b>
<b>Accrued Leave Fund (Cash-Out Liability)</b>	<b>140,000</b>
<b>Long-Term Liability Reserve</b>	<b>150,000</b>
<i>Total Reserves</i>	<i>\$ 402,500</i>

The Commission's addition of a Long-Term Liability Reserve was in response to an accounting requirement known as GASB 68. GASB 68 requires employers to report long-term unfunded pension liabilities on their balance sheets. The estimated unfunded portion of the pension can vary significantly each year based on investment returns and contribution rates. It can be viewed as an indicator of the overall health of the StanCERA retirement system from year to year. Accounting and budgeting for retirement costs are based on retirement contribution rates that are updated annually using actuarial analysis and adopted by the StanCERA Board. The rates are subsequently approved by the County Board of Supervisors.

Long-term pension liability is no longer reported directly on the Commission's balance sheet and is instead reported on the County's overall pension liability. This is based on LAFCO's employees being classified by the County Auditor as "contract employees," with the Commission reimbursing benefits costs to the County. The estimated net pension liability as of June 30, 2024 is \$742,848. Staff from the County Auditor's office identified that there are many uncertainties with regards to the exact amount and timing of the long-term pension liability.

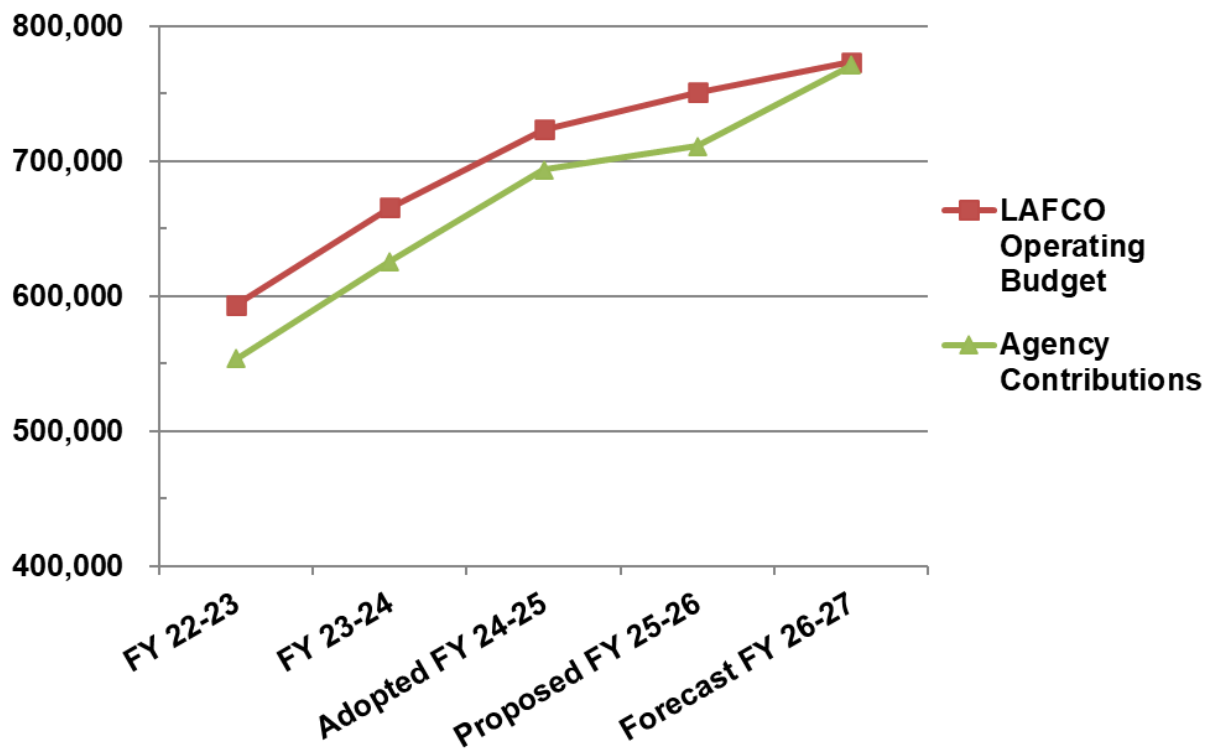
#### Fund Balance Status – Use of Undesignated Funds

It is the Commission's policy that undesignated fund balance is used in the following budget year to offset agency contributions. On average, the combination of budget savings from the prior year and estimated application revenues has offset agency contributions by about \$40,000 each year. In years where there are no budget savings to contribute to undesignated fund balance, agency contributions will see a corresponding increase in their allocation amounts. For the Proposed Budget, an estimated \$25,665 in undesignated fund balance is available to offset agency contributions. The majority of this amount (\$20,000), in addition to \$20,000 in estimated application revenues will help to offset contributions; however, it should be acknowledged that in future years, agency contributions may rise to meet the Commission's actual operating expenses. A forecast of the following year's budget, for example, shows that if the Commission fully expends its budget as proposed and continues to fund reserves at existing levels, agency contributions may soon align with the Commission's operating expenses (see Table 4 and Figure 1 on the next page).

*Table 4: Total Budget & Agency Contributions*

	Proposed FY 25-26	Forecasted FY 26-27
<b>Total Budget</b>	\$ 751,000	\$ 773,000
<b>Agency Contributions</b>	711,000	771,530
<b>Fund Balance Beg. (Estimated)</b>	428,165	408,165
<b>Drawdown</b> (Projected Use of Fund Balance to Reduce Agency Contributions)	(20,000)	(2,000)
<b>Fund Balance End (Year End Est.)</b>	408,165	406,165
<b>Designated Reserves: 15% Reserve</b>	112,500	116,030
<i>Accrued Leave (Cash-Out Liability)</i>	140,000	140,000
<i>Long-Term Liability Reserve</i>	150,000	150,000
<i>Total Reserves</i>	402,500	406,030
<b>Estimated Undesignated Fund Balance for Use in <u>Following</u> Year</b>	<b>\$ 5,665</b>	<b>\$ 136</b>

*Figure 1: Forecast of Agency Contributions*



Agency Contributions

LAFCO is funded by contributions from the County and nine cities. By statute, the County is apportioned a half-share of the Commission's operational costs. The cities' share is calculated annually by the County Auditor and is relative to each city's total revenues, as published in the most recent State Controller reports.

Combined, the County and City of Modesto contribute nearly 79% of the Commission's budget, with the remainder split amongst the other cities (see Chart 1 below). Contribution amounts fluctuate from year to year amongst the cities, as their revenues increase or decrease relative to each other. Cities with larger increases in revenues may see their LAFCO contribution increase at a higher rate than other cities. Likewise, if a city has very low reported revenues, they may see their contribution amount *decrease*, even with an increase in LAFCO's budget. Table 5 on the next page outlines the County and Cities' contributions to the LAFCO budget for the current year and an estimate of the contributions for FY 2025-2026 based on the proposed budget.

*Chart 1: City/County Allocations (Estimated FY 2025-2026)\**

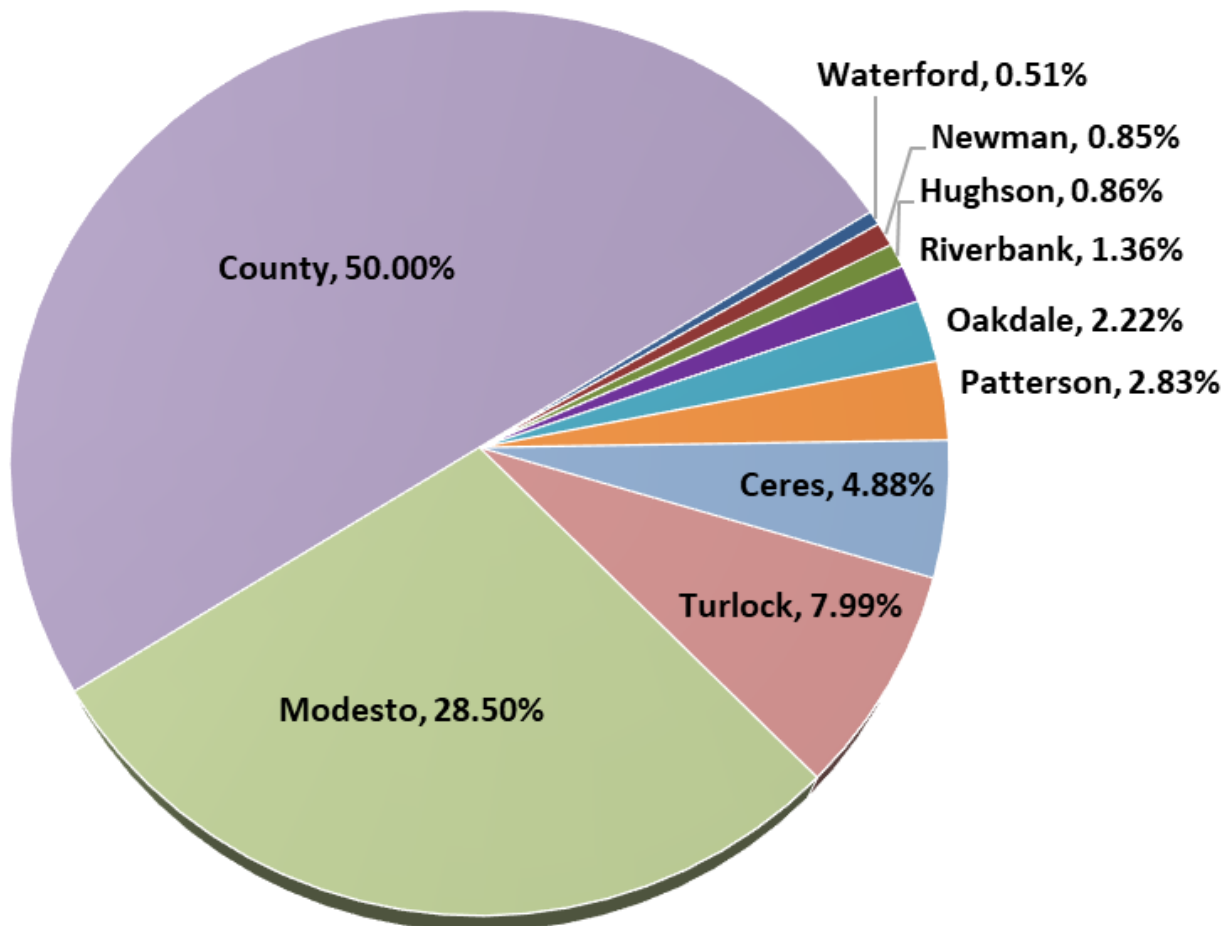




Table 5: Estimated Agency Contributions FY 2025-2026\*

	State Controller Reported Revenues (FY 22-23)	% of LAFCO Budget	Current FY 24-25 Contribution	Estimated FY 25-26 Contribution*	Total Change	% Increase (Decrease)
<b>Ceres</b>	98,230,778	4.88%	30,348	35,660	5,312	17.51%
<b>Hughson</b>	17,353,423	0.86%	5,425	6,300	875	2.65%
<b>Modesto</b>	573,929,774	28.50%	198,509	208,351	9,842	9.77%
<b>Newman</b>	17,190,873	0.85%	5,842	6,241	399	6.83%
<b>Oakdale</b>	44,673,892	2.22%	15,162	16,218	1,056	6.97%
<b>Patterson</b>	56,923,515	2.83%	19,877	20,665	788	3.96%
<b>Riverbank</b>	27,301,891	1.36%	10,018	9,911	(107)	(1.07%)
<b>Turlock</b>	160,869,108	7.99%	58,022	58,400	377	0.65%
<b>Waterford</b>	10,343,643	0.51%	3,632	3,755	123	3.38%
<b>All Cities</b>	1,006,816,897	50%	346,835	365,500	18,665	5.38%
<b>County Contribution</b>		50%	346,835	365,500	18,665	5.38%
<b>Total Agency Contributions</b>		<b>100%</b>	<b>\$ 693,670</b>	<b>\$ 731,000</b>	<b>\$ 37,330</b>	<b>5.38%</b>

\* Estimates are based on the most recent State Controller's Reports. Final amounts will be determined by the County Auditor following the Commission's adoption of the Final Budget.

## WORK PROGRAM & APPLICATION ACTIVITY

Staff completed the 2024 work program of municipal service review updates and is in the process of completing the 2025 work program for updates affecting seven special districts. Staff continues to see steady pre-application activity for annexation proposals and anticipates at least three city annexations, two district annexations, and a potential district reorganization on the horizon in the upcoming fiscal year.

## CONCLUSION

The Commission and LAFCO Staff continue to exercise fiscal prudence, recognizing the financial constraints faced by our funding agencies. Approval of the Proposed Budget will enable the Commission to perform its core responsibilities effectively, and continue its work on municipal service review updates, policy development, and current projects.

Attachments: LAFCO Resolution No. 2025-07  
Proposed Fiscal Year 2025-2026 Budget Detail

**STANISLAUS COUNTY LOCAL AGENCY  
FORMATION COMMISSION**

**RESOLUTION**

**DATE:** April 23, 2025

**NO.** 2025-07

**SUBJECT: Adoption of the Proposed LAFCO Budget for Fiscal Year 2025-2026**

On the motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and approved by the following vote:

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

**THE FOLLOWING RESOLUTION WAS ADOPTED:**

**WHEREAS**, Government Code Section 56381(a) requires the Commission to adopt annually, following noticed public hearings, a proposed budget by May 1 and a final budget by June 15;

**WHEREAS**, the Stanislaus Local Agency Formation Commission wishes to provide for a budget to fulfill its purposes and functions as set forth by State law;

**WHEREAS**, pursuant to Government Code Section 56381(a), the proposed budget must be, at a minimum, equal to the previous budget, unless a finding is made that the reduced costs will nevertheless allow the Commission to fulfill the purposes and programs of the Stanislaus Local Agency Formation Commission (LAFCO);

**WHEREAS**, approval of the Proposed Budget will enable the Commission to perform its core responsibilities effectively, and to continue its work on State-mandated Municipal Service Reviews and Sphere of Influence Updates;

**WHEREAS**, the Commission mailed notices of the Proposed Budget to the County Board of Supervisors, the nine cities and the independent special districts; published a notice; and

**WHEREAS**, the Commission has conducted a public hearing on April 23, 2025, to consider the Proposed Budget for Fiscal Year 2025-2026, as submitted by the Executive Officer.

**NOW, THEREFORE, BE IT RESOLVED** that the Commission:

1. Finds that the Proposed Budget for Fiscal Year 2025-2026 will allow the Stanislaus Local Agency Formation Commission to fulfill the purposes and programs of the Cortese-Knox-Hertzberg Local Government Reorganization Act.
2. Adopts the Proposed Budget for Fiscal Year 2025-2026 as outlined in Exhibit 1, in accordance with Government Code Section 56381(a).

3. Hereby schedules the public hearing to consider the adoption of the Final Budget for Fiscal Year 2025-2026, for the Commission's May 28, 2025 meeting.

***DRAFT***

**ATTEST:**

---

Sara Lytle-Pinhey  
Executive Officer

Attachment: Proposed Fiscal Year 2025-2026 Budget

**Stanislaus LAFCO**  
**PROPOSED FISCAL YEAR 2025-2026 BUDGET**

Account	FY 24-25 Adopted Budget	FY 24-25 Estimated Year-End	FY 25-26 PROPOSED BUDGET	Increase or (Decrease)	% Change
<b>Salaries and Benefits</b>					
50000+ Salaries and wages	\$ 375,500	\$ 374,000	\$ 386,000	\$ 10,500	3%
52000 Retirement	115,875	115,875	123,000	7,125	6%
52010 FICA	29,500	29,500	30,500	1,000	3%
53000 Group health insurance	72,500	72,000	76,000	3,500	5%
53020 Unemployment insurance	500	400	500	-	0%
53081 Long term disability	470	440	480	10	2%
54000 Workers compensation insurance	3,050	3,050	3,200	150	5%
55000 Auto allowance	4,800	4,800	4,800	-	0%
55080 Professional development	2,500	2,500	2,500	-	0%
55130 Deferred comp mgmt/conf	6,000	6,150	6,200	200	3%
<b>Total Salaries and Benefits</b>	<b>\$ 610,695</b>	<b>\$ 608,715</b>	<b>\$ 633,180</b>	<b>\$ 22,485</b>	<b>4%</b>
<b>Services and Supplies</b>					
60400 Communications (ITC - Telecom)	\$ 1,200	\$ 1,160	\$ 1,200	\$ -	0%
61000 Insurance (SDRMA)	5,500	5,286	6,250	750	14%
61030 Fiduciary liability insurance	15	12	15	-	0%
61070 Crime & fidelity insurance	40	36	40	-	0%
62200 Memberships (CSDA, CALAFCO)	11,700	11,983	12,320	620	5%
62400 Miscellaneous expense	5,500	(780)	5,500	-	0%
62600 Office supplies	1,500	1,200	1,500	-	0%
62730 Postage	1,200	500	1,200	-	0%
63000 Professional & special serv	45,795	41,258	38,995	(6,800)	-15%
Building maint & supplies	5,000	4,680	5,510	510	10%
Office lease	4,785	4,390	4,785	-	0%
Utilities	1,900	1,595	1,900	-	0%
Janitorial	1,400	1,255	1,400	-	0%
Purchasing	1,010	500	500	(510)	-50%
HR/Risk Mgt overhead	4,200	3,840	4,300	100	2%
IT Services (ITC)	15,700	14,348	16,000	300	2%
File Management Update (ITC)	7,200	6,650	-	(7,200)	-100%
Video Streaming (ITC)	1,000	1,000	1,000	-	0%
Mtg Recording (Final Cut Media)	1,800	1,200	1,800	-	0%
Licenses: GIS & Adobe (ITC)	1,800	1,800	1,800	-	0%
63090 Auditing & accounting	4,325	2,400	14,600	10,275	238%
County Auditor Services	4,325	2,400	2,600	(1,725)	-40%
New Independent Auditor (Biennial Audit)	-	-	12,000	12,000	new
63400 Engineering services	2,000	800	2,000	-	0%
63640 Legal services	16,000	10,000	16,000	-	0%
65000 Publications & legal notices	1,200	900	1,200	-	0%
65660 Special dept. exp (commissioners)	8,500	2,700	8,500	-	0%
65780+ Education & training	6,500	2,500	6,500	-	0%
67040 Other travel exp (local mileage)	600	100	600	-	0%
67200 Salvage disposal	200	120	200	-	0%
<b>Total Services and Supplies</b>	<b>\$ 111,775</b>	<b>\$ 80,175</b>	<b>\$ 116,620</b>	<b>\$ 4,845</b>	<b>4%</b>
<b>Other Charges</b>					
73024 Planning dept services	\$ 1,200	\$ 800	\$ 1,200	\$ -	0%
<b>Total Other Charges</b>	<b>\$ 1,200</b>	<b>\$ 800</b>	<b>\$ 1,200</b>	<b>\$ -</b>	<b>0%</b>
<b>TOTAL EXPENSES</b>	<b>\$ 723,670</b>	<b>\$ 689,690</b>	<b>\$ 751,000</b>	<b>\$ 27,330</b>	<b>4%</b>
<b>TOTAL REVENUES</b>					
40680+ Agency Contributions	693,670	693,670	711,000	17,330	2%
36414 Application & Other Revenues	20,000	14,500	20,000	-	0%
17000+ Interest Earnings & Refunds	-	21,000	-	-	nb
<b>Use of Undesig. Fund Balance</b>	<b>\$ 10,000</b>	<b>(39,480)</b>	<b>\$ 20,000</b>	<b>\$ 10,000</b>	<b>100%</b>

**Stanislaus LAFCO**  
**PROPOSED FISCAL YEAR 2025-2026 BUDGET**  
**Reserve Funds & Undesignated Fund Balance**

Estimated Fund Balance June 30, 2025	\$	428,165
<i>General Fund Reserve (15%)</i>		(112,500)
<i>Accrued Leave Fund (Cash-Out Liability)</i>		(140,000)
<i>Long-Term Liability Reserve</i>		(150,000)
<b>Undesignated Fund Balance (Est.)</b>	<b>\$</b>	<b>25,665</b>