

## **Patterson growth effort hitting snags with Stanislaus County**

By Garth Stapley

Modesto Bee, Tuesday, February 26, 2013

PATTERSON -- Patterson's bid to grow by nearly a third in one move — eventually making space for 10,000 badly needed new jobs — could hit a rough patch Wednesday.

Stanislaus County objects because developers would pay only a fraction of the cost to upgrade roads outside the proposed 1,119-acre West Patterson Business Park expansion.

Staff of a growth-guiding agency also frowns on the request because the city hasn't nailed down how it would come up with enough water and sewer capacity for the huge project, which could take 20 or 30 years to complete. Also, the city hasn't addressed loss of prime farmland or increases in air pollution and traffic noise.

City leaders say benefits from stores and other industry outweigh the downsides.

Local Agency Formation Commissioners will rule Wednesday night. Options include allowing the city to continue to try to work out kinks.

Patterson City Council members embraced the annexation idea in August, saying plans by Jeff Arambel and KDN Enterprises would "put Patterson on the map." They hope to capitalize on previous success that landed distribution centers for CVS pharmacy, Kohl's department store, Grainger, an office supplier and Internet giant Amazon.

The annexation would push the city's west edge up Interstate 5, from Sperry Avenue to Zacharias Road.

City and county negotiators could not strike a deal, mostly because the latter says county taxpayers could be left holding the bag on road improvements needed to handle the extra traffic created by the massive project.

For instance, the business park is expected to increase traffic 123 percent at Sperry's southbound interchange with Interstate 5, but the city plans to charge developers only 20 percent of the cost, county Public Works Director Matt Machado said in a letter.

A ramp heading north could see a 149 percent traffic increase, while developers are asked to pay 25 percent of improvement costs, Machado said. He listed 13 more road projects on Patterson's fringe, all with similar ratios.

### **First test of farmland policy**

City-county agreements help proposals but aren't required for LAFCo approval. The panel is composed of two county supervisors, two representatives of cities and a member of the general public; any is replaced by an alternate if they can't attend. Neither of the city representatives comes from the county's West Side.

The annexation could present the first test of LAFCo's new farmland preservation policy, adopted in September despite protests from eight of the county's nine cities. It requires that cities come up with strategies that could require permanently preserving an acre of farmland elsewhere for every acre to be developed, or a voter-approved growth boundary.

Patterson leaders initially liked the idea of acre-per-acre mitigation but changed their minds to the dismay of farming advocates; doing so could cost developers more than \$16 million, a report says. The city presented an agricultural preservation plan as required — with no strategy for lessening the blow to farmland, saying that would be too expensive.

City leaders say they'll require that development be about twice as compact as the adjacent business park. Also, it's not possible to guide growth toward poorer soil because the city essentially is surrounded by prime farmland, a report says.

Farm advocates sued LAFCo in the spring, after commissioners approved a 960-acre annexation to Ceres and before they adopted the new farmland policy. The panel should have required that Ceres do something to save dwindling agricultural land, the lawsuit says.

A Stanislaus County Superior Court judge ruled in LAFCo's favor in November, but farming advocates appealed and the case has yet to be resolved.

### **Patterson updating plans**

LAFCo planners also take issue with the fact that Patterson has 1,220 vacant acres within the city limit. That's about 31 percent of the city and should be developed before Patterson adds more area, the theory goes, and annexing more "may actually discourage infill development in these areas," a report says.

Patterson is updating plans to show how future water and sewer needs will be met, and that shouldn't be held against the city, leaders say.

Fire protection, on the other hand, should pose no problem, because the city's fire department has reached a deal with the West Stanislaus Fire Protection District, which covers rural areas outside the city. In fact, the two agencies in coming years intend to form a joint powers authority, perhaps similar to the recent merger of Modesto and Salida fire stations and the county fire warden's office.

Developers would pay fees to build a new fire station and to cover costs of two more deputy sheriffs; the county Sheriff's Department already provides police services to Patterson under a contract.

### **East Bay lawmakers introduce bills aimed at Chevron in aftermath of Richmond refinery fire**

By Robert Rogers

Contra Costa Times, February 26, 2013

RICHMOND -- Responding to last year's massive refinery fire at Chevron's refinery here, East Bay legislators Loni Hancock and Nancy Skinner introduced two state bills late Friday aimed at strengthening air quality regulators' ability to penalize and compel industry compliance.

State Sen. Hancock's bill, SB 691, aims to increase civil penalties that stationary air pollution facilities must pay for violations of state air quality regulations. Assemblywoman Skinner's bill, AB 1165, would give the state Division of Occupational Safety and Health (Cal/OSHA) new powers to force the correction of unsafe conditions regardless of whether an appeals process is initiated.

Hancock and Skinner are Berkeley Democrats.

"This is a bill you're either for or against," said Larry Levin, Hancock's press secretary. "It's all very clear."

The lawmakers tout their bills as responses to the Aug. 6, 2012, Chevron refinery fire, which was caused when an aging, corroded pipe burst and sent more than 15,000 people to local hospitals. In January, Cal/OSHA slapped Chevron with 25 citations, including failure to follow its own policies to replace the corroded pipe, not implementing its own emergency procedures and pervasive violations in repair procedures.

The fines totaled nearly \$1 million, the largest ever leveled by Cal/OSHA but a tiny amount in comparison with Chevron's billions in annual profits.

"I am introducing this bill because current penalties are far too low for polluters who cause thousands of people to suffer," Hancock said in a news release Monday. "Current penalties are simply inadequate to ensure compliance with the law from large polluters."

Hancock's bill is sponsored by the Bay Area Air Quality Management District and Breathe California. The new law would increase the one-day penalty for violations of air quality regulations to \$100,000, and apply to the first day of multiday violations. Under current law, the maximum penalties are \$10,000 to \$25,000, according to Hancock.

In an email Monday, Chevron spokesman Morgan Crinklaw said, "Chevron is committed to operating safely and with respect for the environment. It would be premature to make any comments about this proposed legislation until we have had a chance to review it in detail."

Skinner's bill would end refineries' and other industries' ability to stave off corrective action during the appeals process. Skinner said she hoped her bill would be on the Assembly docket in April.

"The bill allows a company the right to appeal a fine or citation, but if there is a hazardous condition it ensures that it gets corrected while the process is going forward," Skinner said Monday. "If (the law) was in effect today, we would all have peace of mind knowing that hazardous conditions don't linger."

Levin said Hancock's bill should be in committee by April, after the Senate's spring recess.

"(The bill) is a logical outgrowth of what we saw happening at the refinery," Levin said. "The issue is that our air pollution fines become inappropriately small in a one-day event that affects large numbers of people."

[Letter to the Fresno Bee, Sunday, Feb. 24, 2013:](#)

### **Air belongs to everyone**

Everyone should take part in trying to keep the air clean. If we humans are so smart, then surely we can all think of ways to turn this environment around and make it healthy for our future generations.

*Joana Sandoval, Madera*