

Final

# SAN JOAQUIN COUNTY 2035 GENERAL PLAN

Environmental Impact Report  
State Clearinghouse No. 2013102017

Prepared for  
San Joaquin County

September 2016



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# CHAPTER 1

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## Introduction

### A. CEQA Process

On October 21, 2014, San Joaquin County (lead agency) released for public review a Draft Environmental Impact Report (Draft EIR) for the proposed 2035 General Plan (SCH# 2013102017) pursuant to the requirements of the California Environmental Quality Act (CEQA). The minimum 45-day public review and comment period on the Draft EIR began on October 21, 2014, and closed on December 5, 2014.

Section 15088(a) of the CEQA Guidelines states that:

“The lead agency shall evaluate comments on environmental issues received from persons who reviewed the Draft EIR and shall prepare a written response. The lead agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments.” Accordingly, San Joaquin County has evaluated the comments received on the Draft EIR for the 2035 General Plan (proposed project) and prepared written responses to those comments.

The Final EIR is comprised of the following elements:

- (a) Draft EIR and Appendices.
- (b) List of persons, organizations, and public agencies commenting on the Draft EIR.
- (c) Copies of all comments received.
- (d) Written responses to those comments.
- (e) Revisions to the Draft EIR resulting from comments received.

### B. Method of Organization

This Response to Comments document is organized as follows:

Chapter 1, *Introduction*, describes the CEQA process and the organization of the Response to Comments document.

Chapter 2, *Agencies and Persons Commenting on the Draft EIR*, lists all agencies, organizations, and persons that submitted written comments on the Draft EIR during the public review and comment period. The list also indicates the receipt date of each written correspondence.

Chapter 3, *Written Comments on the Draft EIR and Responses to Comments*, contains comment letters received during the review and comment period. The responses to the comments are provided following each letter. Numbering is used for each comment letter and the corresponding response. It is noted that certain comments address only the draft General Plan update and not the adequacy or accuracy of the Draft EIR. Please see the Policy Comment Matrix, distributed separately and available for review at the San Joaquin County Community Development Department, for additional discussion of comments on the 2035 General Plan.

Chapter 4, *Revisions to the Draft EIR*, contains text changes to the Draft EIR. Some changes were initiated by the City; others were made in response to comments received on the Draft EIR.

Chapter 5, *Mitigation Monitoring and Reporting Program*, describes the identified mitigation measures and the responsible parties, tasks, and schedule for monitoring mitigation compliance.

## CHAPTER 2

# Agencies and Persons Commenting on the Draft EIR

### A. Agencies and Persons Commenting in Writing

The following agencies, organizations and individuals submitted written comments on the Draft EIR during the public review period, or shortly thereafter. The minimum 45-day public review and comment period on the Draft EIR began on October 21, 2014, and closed at 5:00 p.m. on December 5, 2014.

Letter	Person/Agency and Signatory	Date
A1	California Delta Protection Commission Erik Vink, Executive Director	December 5, 2014
A2	California Delta Stewardship Council Cindy Messer, Deputy Executive Director	December 5, 2014
A3	California Department of Fish and Wildlife Tina Bartlett, Regional Manager	December 4, 2014
A4	California Department of Transportation Joshua Swearingen for Tom Dumas, Chief, Office of Metropolitan Planning	December 4, 2014
B1	Alameda County Community Development Agency Albert Lopez, Planning Director	December 5, 2014
B2	Central Valley Regional Water Quality Control Board Trevor Cleak, Environmental Scientist	November 14, 2014
B3	East Bay Municipal Utility District William R. Kirkpatrick, Manager of Water Distribution Planning	November 24, 2014
B4	Farmington Water Company Mary Anne Strojan, Manager/Secretary – Treasurer	No Date
B5	Modesto Irrigation District Celia Aceves, Risk & Property Analyst	November 14, 2014

<b>Letter</b>	<b>Person/Agency and Signatory</b>	<b>Date</b>
B6	Port of Stockton Steven W. Escobar, Deputy Port Director, Real Estate & Port Development	December 5, 2014
B7	San Joaquin Council of Governments David Ripperda, SJCOG Regional Planner	December 5, 2014
B8	County of San Joaquin, Environmental Health Department	No Date
B9	County of San Joaquin, Department of Public Works Jeffrey Levers, Associate Engineer/Transportation Planner	November 18, 2014
B10	San Joaquin Farm Bureau Federation	December 5, 2014
B11	San Joaquin Valley Air Pollution Control District Arnaud Marjollet, Director of Permit Services	December 5, 2014
B12	Stanislaus County Environmental Review Committee Delilah Vasquez, Management Consultant	December 5, 2014
B13	San Joaquin County Park and Recreation Commission Duncan L. Jones, P.E., Parks Administrator	January 28, 2105
B14	League of Women Voters of San Joaquin County Kathy Schick, President	April 10, 2015
C1	A.G. Spanos Companies David R. Nelson, Sr. Vice President	November 25, 2014
C2	Building Industry Association of the Greater Valley John R. Beckman, Chief Executive Officer	November 4, 2014
C3	Robert Harris & Associates Robert J. Harris	December 3, 2014
C4	Matt Roberts	No Date
C5	Roger Towers	December 5, 2014

## **B. Commenters at the Public Hearing**

A public hearing was held on December 3, 2014 to allow the public to verbally comment on the Draft 2035 General Plan EIR. No comments were received on the content of the Draft EIR at the public hearing.

## **CHAPTER 3**

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# **Written Comments on the Draft EIR and Responses to Comments**

This chapter contains copies of the comment letters received during the public review period on the Draft EIR and the individual responses to those comments. Each written comment letter is designated with an alpha-numeric code in the upper right-hand corner of the letter.

Within each written comment letter, individual comments are labeled with a number in the margin. Immediately following each comment letter is an individual response to each numbered comment. Where responses have resulted in changes to the Draft EIR, these changes also appear in Chapter 4 of this Response to Comments document.

It is noted that certain comments address only the draft General Plan update and not the adequacy or accuracy of the Draft EIR. Please see the Policy Comment Matrix, distributed separately and available for review at the San Joaquin County Community Development Department, for additional discussion of comments on the 2035 General Plan.

**DELTA PROTECTION COMMISSION**

2101 Stone Blvd., Suite 210  
West Sacramento, CA 95691  
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Home Page: [www.delta.ca.gov](http://www.delta.ca.gov)



*Contra Costa County Board of Supervisors*

*Sacramento County Board of Supervisors*

*San Joaquin County Board of Supervisors*

*Solano County Board of Supervisors*

*Yolo County Board of Supervisors*

*Cities of Contra Costa and Solano Counties*

*Cities of Sacramento and Yolo Counties*

*Cities of San Joaquin County*

*Central Delta Reclamation Districts*

*North Delta Reclamation Districts*

*South Delta Reclamation Districts*

*CA State Transportation Agency*

*CA Department of Food and Agriculture*

*CA Natural Resources Agency*

*CA State Lands Commission*

December 5, 2014

Raymond Hoo, Senior Planner  
San Joaquin County Community Development Department  
Development Services Division  
1810 East Hazelton Avenue  
Stockton, CA 95205

Re: San Joaquin County 2035 General Plan Update and Draft EIR (SCH # 2013102017)

Dear Mr. Hoo:

Thank you for providing the Delta Protection Commission (Commission) the opportunity to review the San Joaquin County 2035 General Plan Update and Draft EIR. Proposed projects within the Primary Zone of the Legal Delta must be consistent with the Commission’s Land Use and Resource Management Plan (LURMP). The Commission also provides comments on proposed projects in the Secondary Zone that have the potential to affect the resources of the Primary Zone. The General Plan Update and Draft EIR apply to areas within the Primary and Secondary Zones of the Legal Delta.

The Commission appreciates the focus of the General Plan on policies that encourage a strong Delta agricultural, recreation, and tourism economy and the enhancement of the region’s biological diversity, cultural heritage, levees, infrastructure, recreational opportunities, and water quality. In fact, the General Plan incorporates many policies from the LURMP. Our concerns with the General Plan Update involve a proposed land use change in the Primary Zone and proposed policies dealing with agricultural preservation.

We have previously submitted comment letters dated September 11, 2012, February 21, 2013, and November 8, 2013 stating that a proposal to change land use designations from General Agriculture to General Industrial within the Primary Zone was inconsistent with the LURMP. We still consider these proposed changes, which now affect approximately 607 acres of Prime Farmland (as shown in Draft EIR Figure 4.B-1) at the southwestern boundary of Stockton, inconsistent with the LURMP, including:

**Agriculture Goal:** To support long-term viability of agriculture and to discourage inappropriate development of agricultural lands.

A1-1



**Comment Letter A1**

Raymond Hoo, San Joaquin County Community Development Department

Page 2

**Agriculture P-2:** Conversion of land to non-agriculturally-oriented uses should occur first where productivity and agricultural values are lowest.

↑  
A1-1  
cont.

We support the Draft EIR's "Mitigated Alternative" that would ensure consistency with the LURMP by retaining the existing General Agriculture land use designation for this area.

The Commission understands the intent of proposed General Plan Policies D-4.8 and D-4.9, which restrict non-agricultural uses on Delta islands and conversion of Prime Farmland to wetlands, but we are concerned that these policies may unnecessarily constrain habitat restoration efforts that are compatible with agriculture. The LURMP includes the following policies that encourage compatibility between agriculture and wildlife habitat:

**Agriculture P-4:** Support agricultural programs that maintain economic viability and increase agricultural income in accordance with market demands, including but not limited to wildlife-friendly farming, conservation tillage and non-tillage.

**Agriculture P-7:** Encourage management of agricultural lands which maximize wildlife habitat seasonally and year-round, through techniques such as fall and winter flooding, leaving crop residue, creation of mosaic of small grains and flooded areas, wildlife friendly farming, controlling predators, controlling poaching, controlling public access, and others.

A1-2

**Natural Resources P-1:** Preserve and protect the natural resources of the Delta. Promote protection of remnants of riparian and aquatic habitat. Encourage compatibility between agricultural practices, recreational uses and wildlife habitat.

**Natural Resources P-2:** Encourage farmers to implement management practices to maximize habitat values for migratory birds and other wildlife. Appropriate incentives, such as: purchase of conservation easements from willing sellers or other actions, should be encouraged.

**Recreation P-6:** Support multiple uses of Delta agricultural lands, such as seasonal use for hunting and provision of wildlife habitat.

Note also that, on General Plan page 1-7, the Delta Protection Plan should be revised to read the Delta Protection Commission's Land Use and Resource Management Plan.

↑  
A1-3

Thank you for the opportunity to provide input. Please contact Blake Roberts, Associate Environmental Planner, at 916-375-4237 for any questions regarding the comments provided.

Sincerely,



Erik Vink  
Executive Director

cc: Larry Ruhstaller, San Joaquin County Board of Supervisors

## **Letter A1: California Delta Protection Commission, DPC Erik Vink, Executive Director**

A1-1 The comment summarizes the role of the Delta Protection Commission as related to the Primary Zones and Secondary Zones of the Delta that are identified in the Commission’s Land Use and Resources Management Plan (LURMP). The comment also commends the County for policies in the General Plan that complement the LURMP. The comment goes on to state that the Commission had commented in 2012 and 2013 on a proposal to change a land use designation from General Agriculture to General Industrial within the Primary Zone. This area is within the Primary Zone and such a land use designation change would be inconsistent with the LURMP. The Commission states that they support the retention of this acreage as General Agriculture which is addressed in the “Mitigated Alternative” of the Draft EIR.

This comment is noted. The impact of the 2035 General Plan change was also addressed in Mitigation Measure 4. A-2 of the Draft EIR, on page 4.A-26 of the Draft EIR, which recommends retaining the agricultural designation for this parcel.

A1-2 The comment is noted. General Plan Policy D-4.8 does not constrain habitat restoration efforts that are compatible with agricultural uses. The use of the term “generally” allows the County to consider exceptions to the stated uses. As such certain types of habitat restoration activities may be limited, should they be directly incompatible with agricultural use; however, most habitat restoration activities would be considered compatible uses under General Plan Policy D-4.9.

A1-3 The comment requests that on page 1-7 of the 2035 General Plan the Delta Protection Plan be revised to read the Delta Protection Commission’s Land Use and Resource Management Plan. The 2035 General Plan has been revised to address this requested change.

# Comment Letter A2



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## DELTA STEWARDSHIP COUNCIL

*A California State Agency*

December 5, 2014

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Community Development

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Aja Brown  
Frank C. Damrell, Jr.  
Phil Isenberg  
Patrick Johnston  
Larry Ruhstaller  
Susan Tatayon

Executive Officer  
Jessica R. Pearson

Raymond Hoo, Senior Planner  
San Joaquin County, Community Development Department  
1810 E. Hazelton Avenue  
Stockton, CA 95205

rhoo@sjgov.org

**RE: San Joaquin County 2035 General Plan Update and Draft Master EIR,  
SCH# 2013102017**

Dear Mr. Hoo:

Thank you for the opportunity to comment on the Draft San Joaquin County 2035 General Plan (draft general plan) and its Draft Environmental Impact Report (Draft EIR). The Delta Stewardship Council (Council) staff has appreciated the opportunity to talk with County staff to gain a better understanding of the general plan update and its consistency with the Delta Plan.

The Delta Reform Act of 2009 specifically directs the Council to provide "advice to local and regional planning agencies regarding the consistency of local and regional planning documents with the Delta Plan" (Water Code sec 85212). Council staff appreciates that the Delta Plan, including its policies and recommendations, has been acknowledged in the Draft EIR's description of the project's regulatory setting for each applicable section.

As we have discussed, the Council has specific regulatory and appellate authority over certain actions that take place in whole or in part in the Delta, known as "covered actions". To this end, the Delta Plan contains a set of regulatory policies with which state and local agencies are required to be consistent as of September 1, 2013. The Delta Reform Act established a certification process for compliance with the Delta Plan (Water Code sec 85022).

San Joaquin County has stated in the Draft EIR that the proposed general plan update meets the statutory definition of a "covered action" and, as such, requires a certification of consistency (Water Code sec 85057.5). While many aspects of proposed general plan are consistent with the Delta Plan, there are a few areas of potential conflict. We encourage you to consult with Council staff to discuss how to resolve the inconsistencies with the Delta Plan we have identified.

A2-1

*"Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place."*

- CA Water Code §85054

Raymond Hoo, Senior Planner  
San Joaquin County, Community Development Department  
December 5, 2014  
Page 2

**Comment Summary**

Council staff reviewed the Draft San Joaquin County General Plan and developed the attached list of detailed comments. Some of the key points from that analysis are summarized below.

- **Habitat Restoration. Delta Plan Policy ER P3** calls for protecting opportunities to restore habitat in six priority habitat restoration areas, including the Lower San Joaquin River Floodplain in San Joaquin County. Proposed general plan policy **D-4.9, Conversion of Delta Farmland to Wetlands**, states that “The County shall not allow the conversion of prime farmland within the Delta into wetlands.” Rather than “protecting opportunities to restore habitat” as required by **Delta Plan Policy ER P3**, this policy would severely restrict opportunities to restore habitat the Lower San Joaquin River Floodplain, much of which is comprised of prime farmland. Council staff recommends eliminating or revising this policy due to its inconsistency with **Delta Plan Policy ER P3**.
- **Delta as a Place. Delta Plan Policy DP P1** establishes urban boundaries that are intended to strengthen existing Delta communities while protecting farmland and open space, providing land for ecosystem restoration needs, and reducing flood risk. According to the Draft EIR, the 2035 General Plan update proposes changing the designation of several areas from agriculture or open space to commercial or industrial land uses within the Delta, compared to the 2010 General Plan adopted in 1992 and amended in 1993. These proposed changes would create inconsistencies with **Delta Plan Policy DP P1**. To achieve consistency, the county should retain existing agricultural land designations for all six areas proposed for conversion to commercial or industrial use that are located in the Delta and outside city limits and spheres of influence.
- **Flood Risk Reduction.** The Draft EIR finds that the proposed general plan will have less than significant impacts to hydrology and water quality, including flood risk, but the document could benefit from a better explanation of the basis of this conclusion. For example, it wasn’t clear to us whether the carrying capacity of the existing flood control system will be diminished by encroachments into floodways, critical floodplains, and existing floodplain or bypass locations in the Delta. It is important to analyze how the general plan may facilitate future actions that will have significant impacts to regional flood risk, especially considering that proposed land use changes in the draft general plan will allow industrial or commercial development in floodplains.

In addition to comments on the draft general plan and Draft EIR, the attachment also includes, for your reference, a discussion of the requirements of state law regarding flood risk management and an explanation of why the general plan update is not eligible for an exemption from the covered action process through determination of consistency with the Sustainable Communities Strategy developed in accordance with SB 375.

A2-1  
cont.

Raymond Hoo, Senior Planner  
San Joaquin County, Community Development Department  
December 5, 2014  
Page 3

**Conclusion**

Council staff looks forward to working with you to ensure that the San Joaquin County General Plan Update moves forward in a timely manner and is consistent with the Delta Plan. I encourage you to contact Jessica Davenport at [jdavenport@deltacouncil.ca.gov](mailto:jdavenport@deltacouncil.ca.gov) or (916) 445-2168 with your questions, comments, or concerns.

Sincerely,



Cindy Messer  
Deputy Executive Officer

cc: Erik Vink, Delta Protection Commission  
Len Marino, Central Valley Flood Protection Board

↑  
A2-1  
cont.

**REVIEW COMMENTS  
SAN JOAQUIN COUNTY DRAFT GENERAL PLAN  
AND DRAFT ENVIRONMENTAL IMPACT REPORT**

**Prepared by the  
DELTA STEWARDSHIP COUNCIL**

December 2014

**Draft General Plan's Consistency with the Delta Plan**

Given the County's determination that the general plan update is a covered action, Council staff is providing the following comments regarding consistency with the most relevant Delta Plan policies, which are legally binding, as well as several Delta Plan recommendations, which are not.

**1. Water Supply Reliability**

- **Delta Plan Recommendation WR R1, Implement Water Efficiency and Water Management Planning Laws.** Delta Plan Recommendation WR R1 encourages all water suppliers to "fully implement applicable water efficiency and water management laws, including urban water management plans...[and] the 20 percent reduction in statewide urban per capita water usage by 2020...." Council staff appreciates the inclusion of several related general plan policies:
  - **IS-4.8 Water Conservation Targets:** "The County shall achieve a 20 percent reduction in water and wastewater by 2020."
  - **IS-4.9 Water Conservation Measures:** "The County shall require existing and new development to incorporate all feasible water conservation measures to reduce the need for water system improvements."
  - **IS-4.10 Groundwater Management:** "The County shall support cooperative, regional groundwater management planning by local water agencies, water users, and other affected parties to ensure a sustainable, adequate, safe, and economically viable groundwater supply for existing and future uses within the County."
  - **IS-4.12 Integrated Regional Water Management:** "The County shall support and participate in the development, implementation, and update of an integrated regional water management plan."
  - **IS-4.13 Water Supply Planning:** "The County shall encourage local water agencies to develop plans for responding to droughts and the effects of global climate change, including contingency plans, water resource sharing to improve overall water supply reliability, and the allocation of water supply to priority users."
  - **IS-4.20 Water Efficient Landscaping:** "The County shall encourage water efficient landscaping and use of native, drought-tolerant plants consistent with the Model Landscape Ordinance."
  - **IS-4.21 Water Efficient Agricultural Practices:** "The County shall encourage farmers to implement irrigation practices, where feasible and practical, to conserve water."

**2. Ecosystem Restoration**

- **Delta Plan Policy ER P2, Restore Habitats at Appropriate Elevations** (23 CCR Section 5006). This Delta Plan policy calls for restoring habitats at appropriate elevations and in a manner consistent with Appendix 3, which is Section 1, Part II of the California Department of Fish and

A2-2



Wildlife’s Draft Conservation Strategy for the Sacramento-San Joaquin Delta Ecological Management Zone and the Sacramento and San Joaquin Valley Region (DFG 2011). The draft general plan currently contains a related policy, **D-5.1, Protect Delta Ecosystem**, which states, “The County shall support the protection and restoration of the Delta ecosystem in perpetuity, including adequate water supply and quality.”

- **Delta Plan Policy ER P3, Protect Opportunities to Restore Habitat** (23 CCR Section 5007). This policy states that within the priority habitat restoration areas depicted in the Delta Plan, significant adverse impacts to the opportunity to restore habitat must be avoided or mitigated. The Delta was once a vast wetland landscape, and 98% of its freshwater emergent marsh has been lost to agriculture and urbanization. Because habitat loss is one of the largest legacy stressors to the Delta ecosystem, habitat restoration is an essential strategy for achieving the coequal goals. The Delta Plan designates six priority habitat restoration areas, including the Lower San Joaquin River Floodplain in San Joaquin County. Proposed general plan policy **D-5.1, Protect Delta Ecosystem**, mentioned above, provides general support for restoration, but other provisions may undermine this policy and conflict with **Delta Plan Policy ER P3**.

For example, **LU-2.15, Agricultural Conversions**, might undermine the County’s proposed policy **D-5.1** and **Delta Plan Policy ER P3** by allowing permanent conversion of agricultural land to land uses that are incompatible with restoration within a priority habitat restoration area. To enable **LU-2.15** to provide additional support for **D-5.1** and **Delta Plan Policy ER P3**, the County should add protecting habitat restoration opportunities to the list of issues to consider when reviewing proposed General Plan amendments to change a land use diagram or zoning reclassification from an agricultural use to a residential, commercial or industrial use.

Similarly, proposed general plan policy **D-4.9, Conversion of Delta Farmland to Wetlands**, could undermine **D-5.1** and **Delta Plan Policy ER P3** by preventing restoration of wetland habitat needed to improve the health of the Delta ecosystem. **D-4.9** states that “The County shall not allow the conversion of prime farmland within the Delta into wetlands.” However, a significant portion of the land within the Lower San Joaquin River Floodplain priority habitat restoration area is prime farmland. Thus, rather than “protecting opportunities to restore habitat” as required by **Delta Plan Policy ER P3**, this policy would severely restrict opportunities to restore habitat. Council staff recommends eliminating or revising this policy due to its inconsistency with **Delta Plan Policy ER P3**.

Although proposed policy **D-4.9** is evidently intended to protect agricultural productivity in the Delta, it could have unintended consequences. For example, it would prevent implementation of wetland restoration projects with multiple benefits, such as a subsidence reversal project that enables landowners to sell carbon credits, or the development of a new duck hunting club. It might also interfere with the development of flood bypasses that would allow agriculture to continue while reducing risks to urban areas. Instead, the County may want to consider developing an ordinance that would enable it to consider wetland restoration as a conditional use, as Yolo County has done, and providing an exemption for small habitat restoration projects of less than five acres that would not have significant adverse impacts on the environment, such as those eligible for California Environmental Quality Act (CEQA) categorical exemption Class 33 (CEQA Guidelines sec 15333).

Finally, proposed general plan policy **D-4.8, Limit Non-Agricultural Uses on Delta Islands**, may also create conflict with **D-5.1** and **Delta Plan Policy ER P3**. Proposed general plan policy **D-4.8** states: “The County shall generally limit development in the Delta islands to water-dependent



A2-2  
cont.

uses, recreation, and agricultural uses.” To improve consistency with the Delta Plan and the Delta Protection Commission’s Land Use and Resource Management Plan (LURMP), please add “wildlife habitat” to the list of acceptable uses.

- **Delta Plan Policy ER P4, Expand Floodplain and Riparian Habitats in Levee Projects** (23 CCR Section 5008). This policy states, “Levee projects must evaluate and where feasible incorporate alternatives, including the use of setback levees, to increase floodplains and riparian habitats. Evaluation of setback levees in the Delta shall be required only in the following areas...:(1) ...the San Joaquin River from the Delta boundary to Mossdale, Paradise Cut...” A similar approach to promoting projects with multiple benefits can be found in **LU-8-3, Waterway Conservation and Restoration**, which commits the County to “encourage the conservation and restoration of rivers, creeks, and sloughs as multi-functional open space corridors that complement adjoining development and connect city and County recreation facilities (e.g., parks).”

A2-2  
cont.

3. Delta as a Place

- **Delta Plan Policy DP P1, Locate New Urban Development Wisely** (23 CCR Section 5010). The urban boundaries identified in the draft general plan should be consistent with the Delta Plan for the areas in which the Council has jurisdiction. The boundaries, which are described in Delta Plan Policy DP P1, are intended to strengthen existing Delta communities while protecting farmland and open space, providing land for ecosystem restoration needs, and reducing flood risk. In order to be consistent with Delta Plan Policy DP P1, new residential, commercial, or industrial development is permitted outside the urban boundaries only if it is consistent with the land use designated in the relevant county general plan as of the date of the Delta Plan’s adoption (May 16, 2013). However, the Delta Plan is a living document, and under the Delta Reform Act, the Council must review it at least once every five years. If the county believes that changes to the urban boundaries are needed, it may request such changes during the Delta Plan’s next review cycle.

Delta Plan Policy DP P1 is consistent with the Delta Reform Act (Public Resources Code sec 29702), which states that one of the basic goals of the state for the Delta is to “[p]rotect, maintain, and, where possible, enhance and restore the overall quality of the Delta environment, including, but not limited to, agriculture, wildlife habitat, and recreational activities.”

A2-3

According to the Draft EIR, the 2035 General Plan update proposes changing the designation of several areas from agriculture or open space to commercial, residential or industrial land uses within the Delta, compared to the 2010 General Plan adopted in 1992 and amended in 1993. Within the Delta, the proposed changes include:

- Conversion of 607 acres of prime farmland from agricultural to industrial at the southwest edge of Stockton in the Primary Zone of the Delta; and
- Conversion of approximately 1,380 acres of prime farmland from agricultural to industrial and/or commercial within five areas near the City of Tracy in the Secondary Zone of the Delta.

These proposed changes would create inconsistencies with Delta Plan Policy DP P1. To achieve consistency with the Delta Plan Policy DP P1, the County should retain existing agricultural land designations for all six areas proposed for conversion to commercial and industrial use that are located in the Delta and outside city limits and spheres of influence. Two of the five areas in the Secondary Zone are more than a mile from Tracy’s city limits, three are located in 100-year floodplains, and all are located outside Tracy’s sphere of influence.

We note that **LU-2.17, Delta Primary Zone Amendments**, requires proposed General Plan amendment or zoning reclassification for areas in the Primary Zone of the Delta to be consistent with the Land Use and Resource Management Plan for the Primary Zone of the Delta, as required by the State Delta Protection Act of 1992 (Public Resources Code 29700 et seq.). Similarly, it would be appropriate to add a policy requiring general plan amendments for areas within the Legal Delta (both the primary zone and the secondary zone) to be consistent with the Delta Plan, as required by the Delta Reform Act (Water Code sec 85022).

The draft general plan currently contains policy **D-4.6, Secondary Zone of the Delta**, which states, "The County shall support and protect any plan, program, project, or activity within the Secondary Zone of the Delta, which is consistent with an adopted general plan, sphere of influence, specific or master plan, development agreement, subdivision map, and/or other land use entitlement or permit that has received environmental certification under the California Environmental Quality Act, and/or which otherwise has 'vested rights' in effect." The Delta Reform Act does provide an exemption from the covered action process for projects that have already vested prior to the effective date of the Delta Plan's regulations (September 1, 2013) (Water Code sec 85057.5(c)). However, any other activities which meet the definition of a covered action will require certification of consistency with the Delta Plan.

We appreciate your inclusion of several proposed general plan policies that support Delta Plan Policy DP P1:

- **LU-1.1, Compact Growth and Development:** "...discourage urban sprawl and promote compact development patterns, mixed-use development, and higher development intensities that conserve agricultural land resources, protect habitat, support transit, reduce vehicle trips, improve air quality, make efficient use of existing infrastructure, encourage healthful, active living, conserve energy and water, and diversify San Joaquin County's housing stock."
- **LU-7.1, Protect Agricultural Land:** "protect agricultural lands needed for the continuation of viable commercial agricultural production and other agricultural enterprises."
- **LU-8-1, Open Space Preservation:** "...limit, to the extent feasible, the conversion of open space and agricultural lands to urban uses, and place a high priority on preserving open space lands for recreation, habitat protection and enhancement, flood hazard management, public safety, water resource protection, and overall community benefit."
- **Delta Plan Recommendation DP R7, Subsidence Reduction and Reversal.** Proposed general plan policy **PHS-3.6, Subsidence in the Delta**, which states "The County shall promote regional and local efforts to reduce subsidence in the Delta," is consistent with DP R7.
- **Delta Plan Recommendation DP R10, Encourage Wildlife-Friendly Farming.** Proposed general plan policy **D-5.3 Agricultural Habitat Areas**, which states, "The County shall encourage management of agricultural lands within the Delta which maximize seasonal and year-round wildlife habitat, through techniques such as fall and winter flooding, leaving crop residue, creation of mosaic of small grains and flooded areas, wildlife friendly farming, controlling predators, controlling poaching, controlling public access, and others" is consistent with DP R10.
- **Delta Plan Recommendation DP R16, Encourage Recreation on Public Lands.** Delta Plan Recommendation DP R16 states, "Public agencies owning land should increase opportunities, where feasible, for bank fishing, hunting, levee-top trails, and environmental education."

A2-3  
cont.

Proposed general plan policies that would support this goal include **LU-8-3, Waterway Conservation and Restoration**, which commits the County to “encourage the conservation and restoration of rivers, creeks, and sloughs as multi-functional open space corridors that complement adjoining development and connect city and County recreation facilities (e.g., parks).”

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A2-3  
cont.

4. **Water Quality**

- **Delta Plan Recommendation WQ R1, Protect Beneficial Uses.** Several proposed general plan policies are intended to protect water quality, which is consistent with Delta Plan Recommendation WQ R1. For example, proposed general plan policy **IS-7.1, Adequate Stormwater Facilities**, states, “The County shall require that stormwater drainage facilities are properly designed, sited, constructed, and maintained to efficiently capture and dispose of runoff and minimize impacts to water quality.”

5. **Flood Risk Reduction**

- **Delta Plan Policy RR P1, Prioritization of State Investments in Delta Levees and Risk Reduction** (23 CCR Section 5012). Delta Plan Policy RR P1 calls for the prioritization of state investments in Delta flood risk management, including levee operation, maintenance and improvements. This policy includes interim priorities categorized as specific goals (e.g. localized flood protection, levee network and ecosystem conservation) to guide budget and funding allocation for levee improvements and to assist the Department of Water Resources in achieving a balance in funding the various goals. Council staff appreciates the inclusion of the proposed general plan policy **D-7.5, Levee Funding**, which supports funding mechanisms to improve levees for up to a 200-year flood protection level. This proposed policy can provide localized flood protection and it appears to be consistent with one of the goals contained in Delta Plan policy RR P1.
- **Delta Plan Policy RR P2 Require Flood Protection for Residential Development in Rural Areas** (23 CCR Section 5013). Delta Plan Policy RR P2 states that “new residential development of five or more parcels shall be protected through floodproofing to a level 12 inches above the 100-year base flood elevation, plus sufficient additional elevation to protect against a 55-inch rise in sea level at the Golden Gate, unless the development is located within: (1) Areas that city or county general plans, as of May 16, 2013, designate for development in cities or their spheres of influence...(3) Areas within the Mountain House General Plan Community Boundary in San Joaquin County; ....” We appreciate your inclusion of general plan policy **D-4.7, Delta Development Limitations**, which states, “The County shall regulate new development within flood hazard areas in the Delta consistent with the statutory requirements contained in the Delta Plan. Increased flood protection shall not provide a basis for new residential designations or increased densities beyond those allowed under zoning and general plan designations.”
- **Delta Plan Recommendation RR R1, Implement Emergency Preparedness and Response.** With respect to emergency preparedness and response, the proposed general plan policy **PHS-2.13 Delta Emergency Flood Response** states, “The County shall continue to work with the Sacramento-San Joaquin Delta Flood Response Group to coordinate emergency flood response efforts in the Delta.” This policy could be strengthened by acknowledging the need to coordinate with federal, state and other local agencies in implementing the recommendations of the Sacramento-San Joaquin Delta Multi-Hazard Coordination Task Force, as outlined in Delta Plan Recommendation RR R1.

A2-4  
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**Requirements of Flood Risk Management Legislation**

As part of its coordination role, the Council supports the implementation of existing state law related to flood risk reduction in the Delta. As the Delta Plan indicates, “consistent with existing law, urban development in the Delta Primary Zone should remain prohibited. Urban development in the Delta Secondary Zone should be confined to existing urban spheres of influence where the 200-year design standard will be fully implemented by 2025. The 2007 flood risk management legislation (SB 5) contained provisions affecting city and county responsibilities relating to local planning requirements, such as general plans, development agreements, zoning ordinances, tentative maps, and other actions (California Government Code sections 65865.5, 65962, and 66474.5).” Several sections and policies in the proposed San Joaquin County general plan should address the following concerns and comments:

- **Reference to Flood Risk Management Legislation.** On pages 1-2, Legal Authority and Requirements, this section of the final general plan should include the California Government Code, Sections 65865.5, 65962, and 66474 to ensure that San Joaquin County’s general plan is consistent with existing state laws regarding flood risk reduction.
- **200-Year Flood Protection.** On page 3.3-7, **PHS-2.3, 100-Year Flood Protection**, requires the County to strive to ensure that all levees protecting urban or urbanizing areas provide a minimum of 100-year flood protection in accordance with the County’s Floodplain Management Ordinance. For the final general plan, this policy should be reconsidered to address the following issues: (1) The policy is inconsistent with the **PHS-2.3, 200-Year Flood Protection** shown on page A-36, and (2) this policy should be consistent with current state requirements stating that, after July 2, 2016, urban and urbanizing areas within the Sacramento–San Joaquin within a flood hazard zone will be required to demonstrate the 200-year Urban Level of Protection (California Government Code Section 65865.5 and Section 65007(n)). In addition, this policy should be consistent with the findings of the Draft EIR on page 4.J-25, Senate Bills SB 5, SB 17, SB 156 and SB 162 - Flood Protection, and the statement on page 4.J-49 stating, “Policies included as part of the proposed Plan are consistent with FloodSAFE, the 2007 flood legislation and the 2012 Central Valley Flood Protection Plan (CVFPP) which require protection from a 200-year flood.”
- **Legal Definitions of Urban and Urbanizing Areas.** According to California Government Code Section 65007(l), “urban area” means a developed area in which there are 10,000 residents or more. In addition, California Government Code Section 65007(m) defines an “urbanizing area” as a developed area or an area outside a developed area that is planned or anticipated to have 10,000 residents or more within the next 10 years, such as Mountain House in San Joaquin County. These definitions specifically relate to current state requirements for levels of flood protection. Therefore, in the final general plan, Council staff suggests using the same definitions as existing state law to avoid potential controversy and confusion, especially in the Community Development Element and the Public Health and Safety Element.
- **New Development in Flood Hazard Zones.** Proposed general plan policy **PHS-2.5, New Development**, states, “The County shall require evaluation of potential flood hazards prior to approval of development projects to determine whether the proposed development is reasonably safe from flooding.” SB 5 requires cities and counties to stop entering into development agreements for properties in flood hazard zones unless certain requirements are met. SB 5 provides an opportunity for cities or counties that are making “adequate progress” toward construction of a flood protection system that will meet 200-year protection standards to continue to enter into development agreements for properties located in flood hazard zones. Adequate progress means having a total project scope developed, 90 percent of the funds for a given year

A2-4  
cont.

appropriated, and critical features of the system under construction. Again, we suggest confirming consistency with state law to avoid potential controversy and confusion.

↑ A2-4  
cont.

**Comments on Draft EIR**

Based our review of the Draft EIR for the San Joaquin County 2035 General Plan Update, we recommend the following matters be discussed or included in the Final EIR:

- **Inconsistencies with the Delta Plan.** The Final EIR should discuss any inconsistencies between the proposed project and the Delta Plan, as required by 15125(d) of the California Environmental Quality Act (CEQA) Guidelines. Please note that the CEQA Guidelines' Appendix G states that a project that is inconsistent with any applicable land use plan, policy, or regulation may result in a finding of significant impact on biological resources.

A2-5

- **Land Use and Population.** The Draft EIR describes a significant impact associated with land use: "Implementation of the proposed 2035 General Plan could conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect" (Impact 4.A-2). The specific element causing the impact is a proposed land use change at the southwest edge of Stockton from Agricultural to General Industrial designation. The proposed mitigation measure (which might more correctly be called an *avoidance* measure) states, "The 2035 General Plan shall be revised to retain the existing agricultural land designations for the approximately 607 acres at the southwestern edge of Stockton that are within the Primary Zone of the Delta and are subject to the Delta Protection Commission Land Use and Resources Management Plan (LURMP)."

In the Final EIR, please note that the proposed land use change at the southwest edge of Stockton, would also conflict with the Delta Plan, specifically Policy DP P1. In addition, several other proposed land use changes near Tracy would conflict with this policy.

A2-6

As mentioned in the analysis of the draft general plan above, the Draft EIR states that the proposed changes include:

- 607 acres at the southwest edge of Stockton in the Primary Zone of the Delta; and
- Approximately 1,380 acres near Tracy in the Secondary Zone of the Delta.

Please provide an analysis of potential conflicts with Delta Plan Policy DP P1 due to the urbanization of agricultural land and open space within the Delta, and describe how any conflicts with the policy could be avoided or mitigated.

Council staff supports the "Mitigated Alternative" in the Draft EIR, which would retain the existing agricultural land designation for the approximately 607 acres at the southwestern edge of Stockton within the Primary Zone of the Delta. This alternative would eliminate conflict with the Delta Protection Commission Land Use and Resource Management Plan (LURMP). Council staff also supports those elements<sup>1</sup> of the "Blueprint Alternative" that would ensure consistency with the Delta Plan by retaining existing agricultural land designations for five areas where land use changes are proposed in the Secondary Zone of the Delta.

- **Hydrology and Water Quality.** The Draft EIR finds that the proposed general plan will have less than significant impacts to hydrology and water quality, including flood risk, but the document

↓ A2-7

<sup>1</sup> We note that the "Blueprint Alternative" include restrictions on development within cities' spheres of influence that go beyond the authority of the Delta Plan regulations.



could benefit from a better explanation of the basis of this conclusion. For example, it wasn't clear to us whether the carrying capacity of the existing flood control system will be diminished by encroachments into floodways, critical floodplains, and existing floodplain or bypass locations in the Delta. It is important to analyze how the general plan may facilitate future actions that could have significant impacts to regional flood risk, especially considering that proposed land use changes in the draft general plan will allow industrial or commercial development in floodplains.

A2-7  
cont.

- **Biological Resources.** Thank you for including a discussion of the Delta Plan in the discussion of the regulatory setting for the biological resources section. The Draft EIR states that the proposed project would result in less than significant impacts to biological resources (Impacts 4.F-1 through 4.F-7), and therefore concludes that no mitigation measures are required. The Draft EIR finds that several general plan policies require protection of natural resources, e.g., **NCR-1.1, Preserve Natural Areas**, which states "The County shall protect, preserve, and enhance important natural resource habitat, biological diversity, and the ecological integrity of natural systems in the County," and **NCR-2.1, Protect Significant Biological and Ecological Resources**, which states, "The County shall protect significant biological and ecological resources including: wetlands; riparian areas; vernal pools; significant oak woodlands and heritage trees; and rare, threatened, an endangered species and their habitats."

A2-8

However, the draft general plan's failure to ensure consistency with Delta Plan Policies ER P3 and ER P4, discussed above, could result in significant impacts to biological resources. Delta Plan's Final Programmatic EIR provides a list of mitigation measures to address biological resources impacts that the County should consider including. (See Measures 4-1 through 4-5 in the attached excerpt from the Delta Plan's Mitigation and Monitoring Program.)

- **Agricultural Resources.** The Draft EIR describes a significant impact and unavoidable impact to agricultural resources: "Implementation of the proposed 2035 General Plan would result in the conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance to nonagricultural uses" (Impact 4.B-1). All the areas proposed for land use changes in the Delta are prime farmland located outside cities and their spheres of influence. These significant impacts are, in fact, avoidable. According to Colliers International, San Joaquin County had an industrial vacancy rate of 9.5% in mid-2014, indicating that current demand can be met without conversion of agricultural land. Moreover, commercial and industrial development, when needed, can be accommodated within areas of Tracy and Stockton that are already designated for such development but are not yet built out. For example, the Port of Stockton currently has over 600 acres of available land designated for industrial development within Stockton's city limits, and the recently approved Cordes Ranch Specific Plan for the City of Tracy designates approximately 1500 acres as industrial. The San Joaquin County General Plan should support the policies in the City of Tracy's General Plan and the City of Stockton's Climate Action Plan that call for infill development by retaining agricultural land use designations in unincorporated areas. The County should also follow the advice of the San Joaquin Council of Governments' Regional Transportation Plan/Sustainable Communities Strategy, which calls on local governments to "Encourage Efficient Development Patterns that Maintain Agricultural Viability and Natural Resources."

A2-9

**San Joaquin Council of Governments' RTP/SCS**

Although the County has already determined that the general plan update is a covered action under the Delta Plan, Council staff would like to conclude with comments explaining why the general plan update is not eligible for an exemption from the covered action process.

The Delta Reform Act establishes specific criteria and categories for excluding actions from the Council's regulatory authority. One of these exclusions is for actions within the secondary zone of the Delta that a metropolitan planning organization determines are consistent with its sustainable communities strategy (SCS). Such proposed actions are *not* "covered actions" regulated by the Council (Water Code Section 85057.5(b)(4)). In order to obtain an exemption from the Council's covered action process for the San Joaquin County general plan update, the County would need to ask the San Joaquin Council of Governments (SJCOG) to make a determination of consistency with the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) it adopted in 2014.

Determinations of consistency are usually based on a comparison of proposed growth areas in the two plans, but the RTP/SCS adopted by SJCOG does not contain a map of proposed growth areas. In addition, in response to Council staff's comments on the draft RTP/SCS, SJCOG staff stated that, "SJCOG does not have land use authority and therefore land use decisions are ultimately made at the discretion of local jurisdictions. Further, the forecast presented in the RTP/SCS is one possible growth forecast and it is up to local jurisdictions to determine consistency with the RTP/SCS and implement any land use changes as SJCOG does not have land use authority." Given SJCOG's decision to waive its authority to make a determination of consistency, as well as the lack of a basis for such a determination, the general plan update is *not* exempt from the Council's covered action process.

A2-10

## Letter A2: California Delta Stewardship Council, DSC Cindy Messer, Deputy Executive Director

A2-1 This comment begins with an overview of the Delta Stewardship Council's (DSC) responsibilities and the fact that the County's General Plan needs to be consistent with the Delta Plan per the Delta Reform Act of 2009. The comment mentions the need for "certification of consistency" by the Council and concern that the County's General Plan includes some inconsistencies with the Delta Plan. A summary of Delta Plan inconsistency is mentioned, specifically as related to Delta Plan Policies ER P3 and DP P1.

The DSC recommends revision to Policy D-4.9 of the General Plan to ensure consistency with the Delta Plan Policy D-4.9. The following text change is made to Policy D-4.9 on page 4.B-25 of the 2035 General Plan Draft EIR and to the 2035 General Plan itself:

**D-4.9: Conversion of Delta Farmland to Wetlands.** The County shall not allow the conversion of prime farmland within the Delta into wetlands, unless located within the Lower San Joaquin River Floodplain. (RDR/PSP) (Source: New Policy, County staff)

The DSC also recommends retention of six areas proposed for change from agricultural designations to commercial/industrial uses. This comment addresses the 2035 General Plan rather than the Draft EIR. In terms of the 2035 General Plan, the preferred land use alternative has been revised to designate the 607 acres of land adjacent to the City of Stockton as General Agriculture; the other five areas also would not be converted to commercial/industrial use as originally proposed by the 2035 General Plan.

In terms of flood risk reduction, as discussed further below in response to Comment A2-7, implementation of the proposed policies combined with the individual analysis of potential flood impacts for individual projects would be sufficient to reduce flood risk potential to less than significant levels.

A2-2 The comment is noted. In terms of General Plan Policy LU-2.15, the following text change is made to page 4.A-14 and 4.B-19 to 4.B-20 of the 2035 General Plan EIR, and to the General Plan itself:

**LU-2.15: Agricultural Conversions.** When reviewing proposed General Plan amendments to change a land use diagram or zoning reclassification to change from an agricultural use to non-agricultural use, the County shall consider the following:

- potential for the project to create development pressure on surrounding agricultural lands;
- potential for the premature conversion of prime farmland, farmland of statewide importance, unique farmland, farmland of local importance, and confined animal agriculture;

- protection of potential habitat restoration opportunities in the Delta;
- potential for impacts on surrounding farming operations and practices; and
- provision of infrastructure and services to the new use and the potential impact of service demands or on the surrounding area (PSP) (Source: Existing GP, CODP, Growth Accommodation, Implementation 13, Implementation 14, modified)

Regarding the comment that there is a conflict between Policy D-4.9 and Policy D-5.1, there are many ways to protect and restore the Delta without constructing wetlands on prime farmland. As to conflict with Policy ER P3, see response to Comment A2.1a above.

Regarding the comment that there is a conflict between Policy D-4.8 and Policy D-5.1, restricting development to agriculture, water dependent uses, and recreation would be considered consistent with preserving and protecting the Delta. With regards to the comment that there is a conflict between Policy D-4.8 and Policy ER P3, the habitat restoration identified in the comment letter would seem to fit within the concept of water-dependent uses. With regards to the comment expressing support for Policy LU-8-3, the comment is noted.

A2-3 The comment is noted. With respect to the comments regarding the proposed land uses changes in the 2035 General Plan, the preferred land use alternative has been revised to designate the 607 acres of land adjacent to the city of Stockton as General Agriculture, and the same applies for the other five areas near Tracy. Regarding the comment requesting the addition of a new policy, no text change is proposed as State law requires that general plans and the amendments thereto be consistent with the Delta Plan. Redundancy is not necessary. (Public Resources Code 29763.).

A2-4 The comment is noted. Regarding the proposed changes to Policy PHS-2.13, the following text change is made to page 4.J-38 of the 2035 General Plan EIR, and to the General Plan itself:

**PHS-2.13 Delta Emergency Flood Response:** The County shall continue to work with the Sacramento-San Joaquin Delta Flood Response Group and responsible Federal, State, and local agencies to implement the Sacramento-San Joaquin Delta Multi-Hazard Coordination Task Force and coordinate emergency flood response efforts in the Delta.

Regarding the comment that the general plan discussion of Legal Authority and Requirements should include the California Government Code, Sections 65865.5, 65962, and 66474 to ensure that the plan is consistent with existing state laws regarding flood risk reduction, the suggested language has been added to the 2035 General Plan.

Regarding the request to define additional terms in the 2035 General Plan, the following definitions have been added to the Glossary in the 2035 General Plan:

**Urban area.** A developed area in which there are 10,000 residents or more.”

**Urbanizing area.** A developed area or an area outside a developed area that is planned or anticipated to have 10,000 residents or more within the next 10 years.”

- A2-5 The comment recommends that the Draft EIR include a discussion of any inconsistencies of the 2035 General Plan with the Delta Plan. The issue of consistency with the Delta Plan and the LURMP is addressed in the Draft EIR under Impact 4.A-2, on page 4.A-28 of the Draft EIR. The mitigation measure specifically addresses the need to retain approximately 600 acres in agricultural use that are located at the southeastern edge of Stockton and that are in the Primary Zone of the Delta.

Please see responses of Comments A2-1 through A2-4 above which address the issue of the Delta Plan as related to consistency with the 2035 General Plan.

- A2-6 The comment requests that Impact 4.A-2 be revised to clarify that land use changes on the southwestern edge of Stockton would specifically conflict with Policy DP P1 of the Delta Plan. The following text change is made to the first line of page 4.A-26, of the Draft EIR:

“...to a General Industrial designation. The proposed land use change would conflict with Delta Plan Policy DP P1 which addresses the location of new urban development per the Delta Reform Act (Public Resources Code Section 29702).

In terms of land use changes proposed in the Secondary Zone of the Delta, the County has revised the plan to retain the five areas near Tracy in agricultural use and no changes in land use are proposed.

- A2-7 The comment requests further explanation regarding the potential impacts of future development facilitated by the 2035 General Plan on the existing flood control system, especially considering potential industrial and commercial land uses. As noted in the Draft EIR on page 4.J-48, proposed land use changes would include approximately 1,503 acres that are currently located within the 100-year floodplain. As further described on page 4.J-48, the fact each proposed new land use, whether industrial, commercial or residential, would be required to receive its own analysis of flood hazards on a case by case basis. This would allow for a more detailed analysis based on site specific development plans which are not currently available for this analysis. Individual projects would be required to adhere to the proposed policies which include flood protection measures including Policies PHS-2.1 (floodway land use restrictions), PHS-2.5 (evaluation of flood hazards prior to approval), and PHS-2.14 (Floodway Encroachment Permit). Implementation of these policies in addition to the others described on page 4.J-48 of the Draft EIR would ensure that individual projects that are proposed within the

- floodplains would receive the appropriate evaluation of their potential to either be susceptible to or adversely affect the existing flood control system. This evaluation could then be based on site specific plans and allow for analysis of individual impacts in a context of current conditions as projects would be constructed over time. Therefore, with implementation of the proposed policies of the General Plan and the individual analysis of potential flood impacts from site specific data, there would be a less than significant impact related to future development located in the floodplain.
- A2-8 The comment addresses the inclusion of the Delta Plan in the Draft EIR’s regulatory setting in the biological resources section. The comment requests mitigation measures from the Delta Plan Final Programmatic EIR (measures 4-1 to 4-5) be included in the Draft EIR in order to insure consistency with the Delta Plan FEIR. Implementation of the policies described on page 4.F-43 of the Draft EIR would ensure that individual projects that are proposed would receive the appropriate evaluation of their potential to impact biological resources. In addition, because this is a Program Draft EIR, analysis of impacts from specific projects is not included in the discussion. Subsequent analysis would be required for development of any projects that may impact biological resources. Therefore, with implementation of the proposed policies of the General Plan and the individual analysis of potential impacts on biological resources from specific projects, there would be a less than significant impact on biological resources related to future. No additional mitigation is necessary.
- A2-9 The comment states that the significant and unavoidable impact to agricultural resources, as determined under Impact 4.8-1, would be an avoidable impact due to the current industrial vacancy rate and ability of the City’s to accommodate industrial growth within their boundaries. As described on page 4.B-30 of the Draft EIR, the 2035 General Plan would have a significant and unavoidable impact on agricultural lands as a result of the conversion of Prime Farmland, Farmland of Statewide Importance, and Unique Farmland in City SOIs and the remaining unincorporated County. While the comment states that there is available land already designated in the County for industrial uses, the addition of new lands to industrial and commercial uses is considered necessary because such lands would provide areas for development in proximity to major roadway links. Also, much of the land for industrial and commercial uses would be within incorporated cities, thus preventing the County from the revenue potential of such development.
- A2-10 The comment intends to restate the reasons that the 2035 General Plan is not eligible for an exemption from the covered action process under the Delta Plan. In terms of exemption for the Council’s “covered action process”, the County acknowledges that an exemption does not apply.





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EDMUND G. BROWN JR., Governor  
CHARLTON H. BONHAM, Director



December 4, 2014

Raymond Hoo, Senior Planner  
San Joaquin County  
Community Development Department  
1810 E. Hazelton Avenue  
Stockton, CA 95205  
rhoo@sjgov.org

Dear Mr. Hoo:

The Department of Fish and Wildlife (CDFW) has reviewed the Draft San Joaquin County 2035 General Plan Environmental Impact Report (DEIR) for the San Joaquin County 2035 General Plan (proposed project; State Clearinghouse No. 2013102017). The proposed project is a comprehensive update of the policies of the County's current 2010 General Plan. While many of the existing policies of the adopted General Plan remain unchanged, the 2035 General Plan reflects a new vision for future growth and development within the County, and recent State law requirements. The most significant changes to the policies of the San Joaquin County 2035 General Plan include new or revised policies that address:

- Complete streets in both urban communities and rural areas to ensure that County streets are designed to accommodate all forms of transportation, including autos, trucks, transit, bicycles, and pedestrians, and all people, including children, the elderly, and disabled;
- Congestion management and transportation control measures which are intended to reduce the number of single-occupant autos on freeways and major County streets;
- Delta protection and use, including intergovernmental cooperation, environmental preservation, agricultural protection, local land use control, and recreation;
- County economic development, including increased employment-based uses in urban communities and adjacent to freeway interchanges, business retention and expansion, economic base diversification, agri-tourism, and protection of the Stockton Metropolitan Airport and the Port of Stockton;
- Water and energy conservation, including energy-efficient buildings, water use and reuse, and alternative energy sources;

A3-1

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- Greenhouse gas emissions reductions, including modified County operations, reduced auto trips, emphasis on infill development in urban communities and cities, and reduced energy and water consumption;
- Character of urban communities, including compatible development, revitalization of main streets, adequate public facilities and services, and increased employment opportunities;
- Intergovernmental cooperation, including support for regional planning programs, agricultural land preservation, coordination of water service and conservation, and Delta protection; and
- Flood risk protection, including limitation on development in flood-prone areas, increased flood protection facilities, and expanded development review.

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A3-1  
cont.

As trustee for the State's fish and wildlife resources, the CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of such species. In that capacity, the CDFW administers the California Endangered Species Act (CESA), the Native Plant Protection Act (NPPA), and other provisions of the California Fish and Game Code that affords protection to the State's fish and wildlife trust resources. The CDFW also considers issues as related to the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. 703-712) (MBTA). As such, the CDFW offers the following comments:

**Biological Resources**

Fully Protected Species: Table 4.F-2 of the DEIR identifies "FP" as fully protected species in the footnotes. In the table, fully protected species are identified using "SFP". The table and the footnotes should be consistent.

A3-2

Riparian Woodrat: Page 4.F-21 of the DEIR indicates the riparian woodrat's (*Neotoma fuscipes riparia*) potential to occur within San Joaquin County as "low" and "restricted to small remnant patches of riparian forest along the Stanislaus River". Page 4.F-15 of the DEIR defines a species potential of occurrence as "high" if a known population occurs within the county. A known population of riparian woodrat occurs within the riparian forest of Caswell Memorial State Park in the southern portion of the county. The potential of occurrence should read "high" in the DEIR.

A3-3

Riparian Brush Rabbit: Page 4.F-21 of the DEIR states that the only known population of Riparian Brush Rabbit (*Sylvilagus bachmani riparius*) occurs in Caswell Memorial State Park. A second population occurs in the Lathrop area and is identified in the California Natural Diversity Database (CNDDDB). Page 4.F-15 of the DEIR defines a species potential of occurrence as "high" if a known population occurs within the county. Since a known population occurs in the county, the potential for this species to occur should be changed to "high" in the DEIR.

A3-4

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Yellow-headed Blackbird: Page 4.F-20 of the DEIR identifies the Yellow-headed Blackbird (*Xanthocephalus xanthocephalus*) as endangered under CESA. The Yellow-headed Blackbird is not listed under CESA, and should not be described as such in the DEIR.

A3-5

Tri-colored black bird (*Agelaius tricolor*) has recently received emergency adoption to endangered status under CESA. The DEIR should be amended to reflect this species' status. This species has the potential to occur in San Joaquin County. A project's impact analysis should address the status change and provide avoidance, minimization, and mitigation measures for the species as described under CESA. If 'take' (as defined in FGC) is going to occur, then an Incidental Take Permit should be obtained.

A3-6

Townsend's Big-eared Bat: Page 4.F-21 of the DEIR identifies the Townsend's Big-eared Bat's (*Corynorhinus townsendii*) status as "SCT". SCT is not defined in the DEIR. The Townsend's Big-eared Bat is a State candidate for listing under CESA.

A3-7

Succulent Owl's-clover: Page 4.F-22 of the DEIR indicates no federal or State listing status for the Succulent Owl's-clover (*Castilleja campestris var. succulent*). The Succulent Owl's-clover is listed as a threatened species under the Federal Endangered Species Act (FESA) and an endangered species under CESA. The DEIR should accurately reflect this species' legal status.

A3-8

Delta Button-celery: Page 4.F-23 of the DEIR identifies Delta Button-celery (*Eryngium racemosum*) as not having a State listing status under CESA. The Delta Button-celery is listed as endangered under CESA, and the DEIR should be changed to correctly identify this species' legal status.

A3-9

Mason's Lilaeopsis: Page 4.F-24 of the DEIR identifies Mason's Lilaeopsis (*Lilaeopsis masonii*) as not having a State status. Mason's Lilaeopsis is listed as rare under CESA, and the DEIR should be changed to reflect "SR" for this species.

A3-10

San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP): Page 4.F-39 of the DEIR states one of the four amphibians in the SJMSCP is a listed species, the California Red-legged Frog. Since the adoption of the SJMCP in 2000, the California Tiger Salamander was listed under CESA and the FESA as a threatened species. The DEIR should be amended to reflect this species' status.

A3-11

Page 4.F-39 of the DEIR states "activities impacting anadromous fish and waters of the United States are subject to NMFS and Alameda County Office of Education (ACOE) regulations, respectively, and are not covered under the SJMSCP. These activities must be permitted directly through NMFS and ACOE." The Army Corp of Engineers, commonly identified by the acronym "ACOE", has regulatory authority over activities within waters of the United States. The acronym "ACOE" in the passage above is incorrectly defined as Alameda County Office of Education and should be changed to Army Corp of Engineers.

A3-12

Mr. Hoo  
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Page 4

Impact Analysis: Page 4.F-47 of the DEIR briefly mentions "the loss of approximately 29 acres of open water/other waters of the U.S. and approximately two acres of emergent wetland, which could provide habitat for various aquatic wildlife species." The DEIR should identify all known details of these impacts including the location. As stated on page 4.F-39, some special status species are not covered under SJMSCP including listed anadromous fish species. The loss of open water/other water of the U.S. and emergent wetlands may impact these species. The impacts from this loss of habitat to aquatic species should be described in detail in the DEIR since a complete analysis was not included in the SJMSCP.

A3-13

On Page 4.F-49 of the DEIR, within the section titled "Impact 4.F-3: Development facilitated by implementation of the proposed 2035 General Plan could have a substantial adverse effect on federally protected wetlands, other waters of the U.S. waters of the State through direct removal, filling, hydrological interruption, or other means", impacts to wetlands are broadly discussed, however the "the loss of approximately 29 acres of open water/other waters of the U.S. and approximately two acres of emergent wetland" mentioned on page 4.F-47 of the DEIR is not specifically referenced in this section. All potential "substantial adverse effect on federally protected wetlands, other waters of the U.S. waters of the State through direct removal, filling..." should be referenced in section 4.F-3 including the "the loss of approximately 29 acres of open water/other waters of the U.S. and approximately two acres of emergent wetland".

A3-14

Special Status Species: Page 4.F-44 of the DEIR states "the County shall continue to implement the SJMSCP to mitigate biological impacts resulting from open space land conversions." Table 4.F-2 of the DEIR lists special status species that potentially occur within San Joaquin County. Most of the species listed in table are covered or were considered in the SJMSCP. The following is a list of special status species that are not covered and were not considered under the SJMSCP and may be impacted by projects related to the 2035 General Plan: Central Valley Steelhead (*Oncorhynchus mykiss*), Spring-run Chinook Salmon (*Oncorhynchus tshawytscha*), Winter-run Chinook Salmon (*O. tshawytscha*), silvery legless lizard (*Anniella pulchra pulchra*), Alameda whipsnake (*Masticophis lateralis euryxanthus*), song sparrow (Modesto population; *Melospiza melodia*), Pallid bat (*Antrozous pallidus*), Santa Clara thorn-mint (*Acanthomintha landeolata*), Lemmon's jewelflower (*Caulanthus lemmonii*), Parry's rough tarplant (*Centromadia parryi ssp. rudis*), palmate-bracted bird's-beak (*Chloropyron palmatum*), dwarf downingia (*Downingia pusilla*), bay buckwheat (*Eriogonum umbellatum var. bahiiforme*), hogwallow starfish (*Hesperrevax caulescens*), Ferris' goldfields (*Lasthenia ferrisiae*), Mt. Diablo cottonweed (*Micropus amphiboles*), shining navarretia (*Navarretia nigelliformis ssp. radians*), marsh skullcap (*Scutellaria galericulata*), and saline clover (*Trifolium hydrophilum*). The DEIR should be revised to reflect the potential for these species to be impacted by the proposed project, and may also need to be considered in future environmental documents.

A3-15

Mr. Hoo  
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Page 5

General

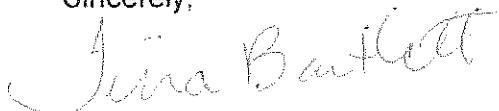
This project may have an impact to fish and/or wildlife habitat. Assessment of fees under Public Resources Code Section 21089 and as defined by Fish and Game Code Section 711.4 may be necessary. Fees are payable by the project applicant upon filing of the Notice of Determination by the lead agency.

A3-16

Pursuant to Public Resources Code Sections 21092 and 21092.2, the CDFW requests written notification of proposed actions and pending decisions regarding this project. Written notifications should be directed to this office.

Thank you for the opportunity to review this project. If the CDFW can be of further assistance, please contact Mr. Todd Gardner, Senior Environmental Scientist (Specialist), at (209) 745-1968, or [todd.gardner@wildlife.ca.gov](mailto:todd.gardner@wildlife.ca.gov).

Sincerely,



Tina Bartlett  
Regional Manager

cc: Mr. Josh Emery  
U.S. Fish and Wildlife Service  
2800 Cottage Way, Room W2605  
Sacramento, CA 95825-1888

ec: Mr. Jeff Drongesen  
Ms. Jennifer Nguyen  
Mr. Todd Gardner  
Ms. Crystal Spurr  
Mr. Clinton Elsholz  
Department of Fish and Wildlife

## Letter A3: California Department of Fish and Wildlife, CDFW Tina Bartlett, Regional Manager

A3-1 The comment states that the CDFW has reviewed the San Joaquin County 2035 General Plan Draft Environmental Impact Report (EIR). It also notes while the 2035 General Plan relies on many existing policies from the 2010 General Plan, the 2035 General Plan has some significant changes with new or updated policies that address numerous topics. The comment states CDFW’s responsibility is to conserve and protect native plants, fish, wildlife, and their habitat through the administration of several regulated laws. The comment is noted; no action is required.

A3-2 The comment identifies an inconsistency in the acronym for “Fully Protected Species” in Table 4.F-2 of the Draft EIR and in the footnotes. The table uses “FP” and the entry in the footnotes uses “SFP.” “FP” should be used throughout the section. The following changes are made (excerpt below):

<i>Aquila chrysaetos</i> Golden eagle	--/SFP/--	Found primarily in mountains up to 12,000 feet, canyonlands, rimrock terrain, and riverside cliffs and bluffs. Golden eagles nest on cliffs and steep escarpments in grassland, chaparral, shrubland, forest, and other vegetated areas.	<b>Medium.</b> Suitable habitat is present within the mountainous ridge area in the southwest corner of the county. Only one CNDDDB recorded occurrence exists within the county.
<i>Elanus leucurus</i> White-tailed kite	--/SFP/--	Nests in shrubs and trees next to grasslands, forages over grasslands and agricultural lands	<b>High.</b> Suitable habitat is present within the grasslands and agricultural areas throughout the county. The CNDDDB reports two recorded occurrences.
<i>Laterallus jamaicensis coturniculus</i> <i>California black rail</i>	--/ST, SFP/--	Majority of population found in the tidal salt marshes of the northern San Francisco Bay region, primarily in San Pablo and Suisun Bays; also found in freshwater marshes in the foothills of the Sierra Nevada.	Low. Suitable habitat is only present within the far western portion of the county within the Delta cuts around Bacon and King Island and Empire Tract. CNDDDB occurrences are from the late 1980s and early 1990s.

A3-3 The comment identifies an inconsistency with the potential for occurrence for riparian woodrat on Page 4.F-21 of the Draft EIR relative to the definition of a potential for occurrence for a species. On page 4.F-21 of the DEIR, it states the potential for occurrence for riparian woodrat is “low.” The definition provided on Page 4.F-15 of the Draft EIR states the potential for occurrence for a species is high if a known population occurs in the county. Since there is a known population of riparian woodrat in southern San Joaquin County, its potential for occurrence should be changed to “high” per the definition provided on page 4.F-15 of the Draft EIR. The following change is made (excerpt below):

<i>Sylvilagus bachmani riparius</i> <i>riparian brush rabbit</i>	FE/SE/--	Found in dense, brushy areas of Valley riparian forests, marked by extensive thickets of wild rose ( <i>Rosa</i> spp.), blackberries ( <i>Rubus</i> spp.), and willows ( <i>Salix</i> spp.).	<del>Low. Currently only High.</del> <u>Suitable habitat found in remnant patches of riparian forest along the Stanislaus River and known populations occur within Caswell State Park and in the Lathrop area.</u>
---	----------	--	--

A3-4 The comment states that because the Riparian Brush Rabbit is also known to occur in the Lathrop area, the potential for occurrence of this specific should be changed to high. See response to Comment A3-3.

A3-5 The comment notes that yellow-headed blackbird is not listed under CESA. The following change is made to Table 4.F-2 on page 4.F-20 of the Draft EIR (excerpt below):

<i>Xanthocephalus xanthocephalus</i> yellow-headed blackbird	--/SE SSC/--	Nests in freshwater marshes or reedy lakes; during migration and winter prefers open cultivated lands, fields, and pastures.	<b>Medium.</b> Suitable habitat is present within the undeveloped areas consisting of marsh and lake habitat within the county. The CNDDDB reports one recorded occurrence however it was from 1894.
---	-----------------	--	--

A3-6 The comment notes that tricolored blackbird has recently received “endangered” status under an emergency adoption under CESA. The following change is made to Table 4.F-2 on page 4.F-19 of the Draft EIR (excerpt below):

<i>Agelaius tricolor</i> tricolored blackbird	-- /SE,SSC/--	Nests in freshwater marshes with dense stands of cattails or bulrushes, occasionally in willows, thistles, mustard, blackberry brambles, and dense shrubs and grains	<b>Medium.</b> Nesting sites available at disjunctive locations along drainages and other watercourses with freshwater marsh habitat. The CNDDDB reports occurrences scattered along the valley floor within the county.
--	------------------	--	--

A3-7 The comment mentions the Townsend’s big-eared bat has a status of “SCT” on page 4.F-21. The Draft EIR does not define “SCT.” This species is a state candidate for listing under CESA. The following change is made to the footnote of Table 4.F-2 on page 4.F-26 of the Draft EIR (excerpt below):

KEY:

**Federal: (USFWS)**

FE = Listed as Endangered by the Federal Government  
 FT = Listed as Threatened by the Federal Government  
 FC = Candidate for listing by the Federal Government

**State: (CDFW)**

SE = Listed as Endangered by the State of California  
 ST = Listed as Threatened by the State of California  
 SR = Listed as Rare by the State of California (plants only)  
 SCT = Candidate for listing (Threatened) by the State of California  
 SSC = California Species of Concern  
 FP = Fully Protected  
 WL = Watch List

**CNPS: (California Native Plant Society)**

Rank 1A = Plants presumed extirpated in California and either rare or extinct elsewhere  
 Rank 1B = Plants rare, threatened, or endangered in California and elsewhere  
 Rank 2A = Plants presumed extirpated in California, but more common elsewhere  
 Rank 2B = Plants rare, threatened, or endangered in California but more common elsewhere  
 Rank 3 = Plants about which more information is needed – a review list  
 Rank 4 = Plants of limited distribution – a watch list  
 0.1 = Seriously endangered in California  
 0.2 = Fairly endangered in California  
 0.3 = Not very endangered in California

-- = No Listing

SOURCE: USFWS, 2014; CDFW, 2014; CNPS, 2014.

A3-8 The comment mentions the Draft EIR does not provide a legal status for succulent owl’s clover on page 4.F-22. This plant is federal listed as threatened and state listed as endangered. The following change is made to Table 4.F-2 on page 4.F-22 of the Draft EIR:

<i>Castilleja campestris</i> var. <i>succulenta</i> succulent owl’s-clover	--FT/-- <u>SE</u> /1B.2	A hemiparasitic annual herb generally found in vernal pools (often acidic) at 50-750 meters in elevation. Blooms April-May.	<b>Medium.</b> The CNDDDB has one historic occurrence, presumed extant, located northeast of Lodi.
---	----------------------------	---	--

A3-9 The comment mentions on page 4.F-23 Delta Button-celery has no state listing. Under CESA, the plant is listed as endangered. The following change is made to Table 4.F-2 on page 4.F-23 of the Draft EIR (excerpt below):

<i>Eryngium racemosum</i> Delta button-celery	--/-- <u>SE</u> /1B.1	An annual/perennial herb generally found in vernal mesic clay depressions within riparian scrub habitat between 3-30 meters in elevation. Blooms June-October.	<b>Medium.</b> The CNDDDB has four historic occurrences located near Lathrop and Stockton, all possibly extirpated.
--	--------------------------	--	---

A3-10 The comment mentions on page 4.F-24 Mason’s lilaepsis has no state listing. Under CESA, the plant is listed as rare. The following change is made to Table 4.F-2 on page 4.F-24 of the Draft EIR (excerpt below):

<i>Lilaeopsis masonii</i> Mason’s lilaepsis	--/-- <u>SR</u> /1B.1	A perennial rhizomatous herb that generally occurs in riparian scrub, freshwater-marsh and brackish-marsh habitats at 0-35 feet in elevation. Blooms April-November.	<b>High.</b> The CNDDDB has numerous recorded occurrences in the Delta region near the western county boundary.
--	--------------------------	--	---

A3-11 The comment notes that on page 4.F-39 of the Draft EIR, it states 1 of the 4 amphibian species in the SJMSCP has state and/or federal listing, the CA red-legged frog. Since the adoption of the SJMSCP, the California tiger salamander was listed under CESA and FESA as threatened. The following change is made to paragraph 2, sentence 4 on page 4.F-39 of the Draft EIR:

“The SJMSCP Covered Species includes 27 plants (6 listed), 4 fish (2 listed), 4 amphibians (4 listed), 4 reptiles (1 listed), 33 birds (7 listed), 15 mammals (3 listed) and 10 invertebrates (5 listed).”

A3-12 The comment identifies a typo for the acronym ACOE on page 4.F-39 as Alameda County Office of Education. It is supposed to be the Army Corps of Engineers, as the Army Corps of Engineers and NMFS both have jurisdiction over activities with potential impacts to anadromous fishes and U.S. jurisdictional waters. The following change is made to paragraph 3, sentence 3 on page 4.F-39 of the Draft EIR:

Activities impacting anadromous fish and waters of the United States are subject to NMFS and ~~Alameda County Office of Education~~ U.S. Army Corps of Engineers (ACOE) regulations, respectively, and are not covered under the SJMSCP.



- A3-13 The comment requests that the Draft EIR include an impact analysis for impacts to 29 acres of open waters and other waters of the U.S. and 2 acres of impacts to emergent wetland on page 4.F-47 in the Draft EIR. Impacts to wetlands and other waters of the U.S., including impacts to open waters and emergent wetlands, are discussed under Impact 4.F-3. In addition, because this is a Program EIR, analysis of impacts from specific projects is not included in the discussion. Subsequent analysis would be required for development of any projects that may impact wetlands and other waters of the U.S. Please also see response to Comment A2-7.
- A3-14 The comment requests that the Draft EIR include an impact analysis for impacts to the 29 acres of open waters and other waters of the U.S. and 2 acres of impacts to emergent wetland on page 4.F-47 in the Draft EIR. Impacts to wetlands and other waters of the U.S., including impacts to open waters and emergent wetlands, are discussed under Impact 4.F-3. In addition, because this is a Program EIR, analysis of impacts from specific projects is not included in the discussion. Subsequent analysis would be required for development of any projects that may impact wetlands and other waters of the U.S. Please also see response to Comment A2-7.
- A3-15 The comment requests that the Draft EIR include an analysis of impacts to species not covered in the SJMSCP. All species listed in the comment are addressed in Table 4.F-2. Impacts to special-status species, including those species not covered in the SJMSCP, are discussed under Impact 4.F-1, starting on page 4.F-46 of the Draft EIR.
- A3-16 The comment states that this project may impact fish and wildlife species and habitat. Because of this potential, this may incur fees as per CA Fish and Game Code. Per Public Resources codes, CDFW must be provided written notification of proposed actions and pending decisions regarding the project. The comment is noted; no action is required.

DEPARTMENT OF TRANSPORTATION

DISTRICT 10 DIRECTOR

P.O. BOX 2048

(1976 E. DR. MARTIN LUTHER KING JR. BLVD. 95205)

STOCKTON, CA 95201

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December 4, 2014

10-SJ-108-Variou  
SJC Draft 2035 GP & EIR  
SCH 2013102017

Raymond Hoo  
San Joaquin County  
1810 E. Hazelton Avenue  
Stockton, CA 95205

Dear Mr. Hoo:

The California Department of Transportation (Department) appreciates the opportunity to review and comment on the San Joaquin County (SJC) Draft 2035 General Plan (GP) and Environmental Impact Report (EIR). The Department has the following comments:

- 1) TM-3.11 states "The county should monitor the use of rural roads by commuters as bypass routes from gridlocked arterials to gather data for use in any future traffic studies or plans designed to reduce the traffic impact of agricultural machinery." As State Highways are components of the rural arterials, the Department welcomes this effort to develop strategies for an effective system of means to bypass bottlenecks and temporary congestion.
- 2) TM-4.1 through TM-4.12 (Non-motorized Transportation) The Department supports the County's effort to address continuity of bicycle and pedestrian routes to permit unhindered non-motorized travel throughout the County, and onto other adjoining counties. Inclusion of a map of constructed, planned, and priority bicycle and pedestrian routes accompanying this section might be highly useful. Such a map would serve as a potential performance measure, allowing the public to assess the County's progress with its commitments over time.
- 3) The proposed local and regional growth will result in the incremental contribution to daily and peak hour traffic volumes on the State Highway System (SHS). Implementation of High Occupancy Vehicle (HOV), Ramp Metering, and Park-and-Ride may be necessary in order to alleviate some of the future congestion. These should be consistent with Caltrans' HOV, Ramp Metering, and Park-and-Ride plans and/or policies.
- 4) A Traffic Impact Study may be required to determine the operational mitigation measures necessary to remediate the identified transportation impacts on the SHS. The TIS should be in accordance with "Caltrans Guide for the Preparation of TIS" dated December 2002

A4-1  
A4-2  
A4-3  
A4-4

Mr. Hoo  
December 4, 2014  
Page 2

and include a discussion of identified mitigation measures/improvements and funding responsibility.

↑ A4-4  
| cont.

5) Any work performed within State right-of-way will require an Encroachment Permit.

| A4-5

If you have any questions or would like to discuss our comments in more detail, please contact Joshua Swearingen at (209) 948-7142 (e-mail: [joshua\\_swearingen@dot.ca.gov](mailto:joshua_swearingen@dot.ca.gov)) or me at (209) 941-1921.

Sincerely,



Joshua Swearingen  
For

Tom Dumas, Chief  
Office of Metropolitan Planning

**Letter A4: California Department of Transportation,  
Caltrans  
Joshua Swearingen for Tom Dumas, Chief, Office of  
Metropolitan Planning**

- A4-1 The comment states that Caltrans welcomes the provisions of Policy TM-3.11. The comment is noted; no action is required.
- A4-2 The comment expresses the support of Caltrans for Policies TM-4.1 through TM 4.12 supporting non-motorized modes in San Joaquin County. It also requests a map of bicycle and pedestrian routes in the County to serve as a performance metric of system development. A map of regional bicycle facilities is included in the existing conditions report of the General Plan (see Figure 8-6).
- A4-3 The comment requests that policies consistent with Caltrans policy be added to address High Occupancy Vehicle (HOV) lanes, ramp metering, and park and ride facilities to help alleviate congestion on the state highway system. Policy TM-3.14 addresses both HOV and ramp metering as tools to alleviate congestion. Policies TM-6.4 and TM-6.6 specifically addresses Park and Ride facilities and the need to collaborate with Caltrans.
- A4-4 The comment suggests that a Traffic Impact Study may be necessary to identify impacts to the State Highway System and that the study be conducted using the “Caltrans Guide for the Preparation of TIS” dated December 2002. As noted on page 4.D-8 of the Draft EIR, the methodology used to conduct the analysis for both the General Plan Update and this EIR was HCM 2010, which is consistent with “Caltrans Guide for the Preparation of TIS”.
- A4-5 The comment reminds the County that all work performed within Caltrans right-of-way would require an encroachment permit. The comment is noted; no action is required.



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY  
PLANNING DEPARTMENT

Comment Letter B1

RECEIVED

DEC 09 2014

San Joaquin County  
Community Development

Chris Bazar  
Agency Director

December 5, 2014

Albert Lopez  
Planning Director

Raymond Hoo, Senior Planner  
San Joaquin County  
Community Development Department  
1810 E. Hazelton Avenue  
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Subj: San Joaquin County DRAFT 2035 General Plan and DEIR

Dear Mr. Hoo,

Alameda County Community Development Agency is pleased to participate in the review of San Joaquin County's DRAFT 2035 General Plan and DEIR. We have reviewed the documents and offer these comments for your consideration as this project moves forward.

Land Use and Transportation Integration

In general, we support the County's inclusion of policy language encouraging land use and transportation linkages to address future balance between jobs and housing to accommodate expected growth during the plan horizon. Given that Alameda County is adjacent to San Joaquin County and provides a rural roads and a major freeway connection to the Bay Area, projects and policies which result in fewer new commute trips through Alameda County roadways is vital.

B1-1

Interregional Cumulative Transportation Impacts

The Draft EIR identifies several *Significant and Unavoidable* impacts expected with Plan implementation. Of concern to Alameda County is Impact 4.D-10 which acknowledges that proposed plan implementation combined with cumulative development past, present, and future could result in significant cumulative transportation impacts. The Mitigation measures refer to the implementation of Mitigation Measures 4.D-1 and 4.D-2.

B1-2

However, those Mitigation Measures only address potential lack of compliance with the County's Congestion Management Plan regarding LOS on two segments of State Route 88, and expected increases in Average Daily Traffic (ADT) volumes on other county roadways in general. State Route 88 links San Joaquin County to Calaveras and Amador counties to the east. We fail to see how reference to these mitigation measures for local streets and roads has *any* nexus to the expected cumulative traffic impacts, especially between our counties.

We request developing stronger policy language that identifies meaningful strategies to address this issue. This should include:

- Strengthen Mitigation Measures 4.D-1 and 4.D-2 to emphasize improving multi-modal access, and remove reference to adding roadway capacity, especially on roads connecting our counties.

- Develop a specific mitigation measure for Impact 4.D-10 that identifies how to address expected cumulative impacts, even if the result remains *Significant and Unavoidable*.
- The General Plan creates a New Policy TM-3.12 *Rural Traffic Management Areas* as a means to mitigate excessive commuter diversion traffic through the development of adoption of rural traffic management plans. Please add language to TM-3.12 that includes Alameda County rural roadways as a Rural Traffic Management Area and coordinate with Alameda County Planning and Public Works Agencies to develop a traffic management plan for this area.
- Add to existing policy that identifies preserving Goods Movement through and between the counties. Include coordination with the Goods Movement Study currently underway, led by the Alameda County Transportation Commission. This effort seeks to preserve existing, and improve future truck and rail movement of goods between Alameda County and adjacent counties.
- Develop or strengthen policies that utilize Transportation Demand Strategies (TDM) as a method to lessen traffic impacts from local development projects that will affect both our counties.



B1-2  
cont.

Again, we thank you for the opportunity to contribute to the San Joaquin County's policy planning efforts. Please contact Cindy Horvath [cindy.horvath@acgov.org](mailto:cindy.horvath@acgov.org) or 510-670-5400 if you have any questions regarding this letter.

Very truly yours,

Albert Lopez, Planning Director  
Alameda County

## Letter B1: Alameda County Community Development Agency

### Albert Lopez, Planning Director

- B1-1 The comment declares the agency's support for the inclusion of policy language in the 2035 General Plan encouraging land use and transportation linkages to address future jobs to housing balance. The comment is noted.
- B1-2 The comment addresses alleged deficiencies in Mitigation Measures 4.D-10 regarding cumulative traffic impacts. Mitigation Measure 4.D-10 refers back to Mitigation Measures 4.D-1 and 4.D-2. Mitigation Measures 4.D-1 addresses the need for the Regional Congestion Management Plan (RCMP) to address possible improvements (via the RCMP Deficiency Plan) to segments of State Route 88. The mitigation measure also addresses an alternative of improving multi-modal circulation and air quality. It is not considered necessary to remove the reference to improving roadway capacity, or to change the recommendation regarding multi-modal access.

Mitigation Measure 4.D-2 addresses specific roads that may be widened, but also addresses the idea of demand management strategies to reduce daily traffic. Many of these roads are located in the central of eastern portions of the County.

The comment does not identify what types of specific mitigation measures would be appropriate for cumulative impacts other than what has already been recommended. Any actions outside of the jurisdiction of San Joaquin County would not be enforceable by the County and thus such measures are not recommended. In terms of revising Policy TM-3.12 and adding other policy language as recommended in the comment, the following text change is proposed for page 4.D-26 of the Draft EIR and to the 2035 General Plan:

**TM-3.12: Rural Traffic Management Areas.** The County shall mitigate excessive commuter diversion traffic through the development and adoption of rural traffic management plans. Where applicable, the County shall prepare a rural traffic management plan, in coordination with neighboring jurisdictions where appropriate, when public concerns are raised about excessive traffic or the County identifies issue areas, the County Public Works Director confirms that a defined rural area is experiencing excessive commuter traffic due to diversion, and a survey of an area's property owners, with at least 33 percent responding, shows at least 50 percent are in support the preparation of a plan. (PSP) (Source: New Policy)

The issues of goods movement is addressed in Policy ED-3.3 as well as Policy TM-7.1, 7.3, 7.4 and 9.2. While the County is willing to coordinate with Alameda County as it works on its Goods Movement Study, it is not considered necessary to include a very specific policy to this effect. Numerous studies are underway by surrounding counties, and will continue throughout the planning period. Each of these studies cannot be addressed individually by Countywide policies.

Transportation Demand Management (TDM) is addressed in detail in Section 3.2 of the 2035 General Plan and many policies to encourage TDM are included. The 2035 General Plan clearly points out the value of TDM measures in reducing capacity-enhancing improvement projects (see page 3.2-23 of the 2035 General Plan). It is not considered necessary to add additional policies related to TDM.





NOV 14 2014

San Joaquin County  
Community Development



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

14 November 2014

Raymond Hoo  
San Joaquin County  
Community Development Department  
1810 East Hazelton Avenue  
Stockton, CA 95205

CERTIFIED MAIL  
7014 2120 0001 3978 2647

**COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT 2035 GENERAL PLAN AND DRAFT ENVIRONMENTAL IMPACT REPORT PROJECT, SAN JOAQUIN COUNTY**

Pursuant to the San Joaquin County's 21 October 2014 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review* for the 2035 General Plan and Draft Environmental Impact Report Project, located in San Joaquin County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

**Construction Storm Water General Permit**

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:  
[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml).

B2-1

**Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/).

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/phase\\_ii\\_municipal.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml)

**Industrial Storm Water General Permit**

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml).

**Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

<sup>1</sup> Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.



B2-1  
cont.

**Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

**Waste Discharge Requirements**

If USACOE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/help/business\\_help/permit2.shtml](http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml).

**Regulatory Compliance for Commercially Irrigated Agriculture**

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program.

There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board’s website at: [http://www.waterboards.ca.gov/centralvalley/water\\_issues/irrigated\\_lands/app\\_approval/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/app_approval/index.shtml); or contact water board staff at (916) 464-4611 or via email at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).
  
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory



B2-1  
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Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

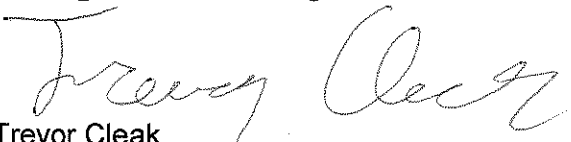
**Low or Limited Threat General NPDES Permit**

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0074.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf)

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0073.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf)

If you have questions regarding these comments, please contact me at (916) 464-4684 or [tcleak@waterboards.ca.gov](mailto:tcleak@waterboards.ca.gov).



Trevor Cleak  
Environmental Scientist



B2-1  
cont.

## **Letter B2: Central Valley Regional Water Quality Control Board, CVRWQCB Trevor Cleak, Environmental Scientist**

B2-1 The comment does not address anything specific to the Draft EIR other than to provide the regulatory requirements that fall under the jurisdiction of the CVRWQCB including the Construction General Permit, Phase I and II MS4 NPDES Permits, Industrial Stormwater General NPDES permits, Clean Water Act Section 401 and 404, Waste Discharge Requirements, Commercially Irrigated Agriculture, and Low or Limited Threat General NPDES permit. These regulatory requirements are all discussed and mentioned in the Regulatory Setting starting on page 4.J-21 of the Draft EIR. However, the following language is added to page 4.J-24 of the Draft EIR under the Porter-Cologne Water Quality Control Act for clarity:

“Regional plan objectives and discharge requirements are implemented through the issuance of waste discharge requirements (WDRs) or NPDES permits (discussed above) including the Construction General Permit, Phase I and II Municipal Separate Storm Sewer System (MS4) Permits, Industrial Storm Water General Permit, Commercially Irrigated Agriculture, and Low or Limited Threat General NPDES permit.”



RECEIVED

DEC 01 2014

San Joaquin County  
Community Development

November 24, 2014

Raymond Hoo, Senior Planner  
San Joaquin County, Community Development Department  
1810 E. Hazelton Avenue  
Stockton, CA 95205

Re: Notice of Availability of the Draft 2035 General Plan and Draft Environmental  
Impact Report for San Joaquin County, California

Dear Mr. Hoo:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on  
the Draft Environmental Impact Report and Draft 2035 General Plan for San Joaquin  
County. EBMUD has the following comments.

**GENERAL**

In Table 10-4 in the San Joaquin County General Plan Background Report, the beneficial  
users of Camanche Reservoir should include recreationists and wildlife as noted for the  
Delta on the same table.

B3-1

**MOKELUMNE AQUEDUCTS**

EBMUD owns and operates the Mokelumne Aqueducts, which crosses the Delta in an  
EBMUD right-of-way and is owned in fee. Planned construction activity on or adjacent  
to EBMUD property will require close coordination with project sponsors and their  
contractors. Construction of fences along the property line must be completely outside  
EBMUD property including all footings. Project sponsors' survey contractor shall contact  
EBMUD's survey group to coordinate identifying, locating and marking the correct  
property line. Projects shall not interfere with present or future EBMUD access,  
operations, maintenance, improvements or construction within the Aqueduct right-of-  
way. Project sponsors must provide all planning and design documents and drawings to  
Andy Enos, Superintendent of Aqueduct Section, 1804 West Main Street, Stockton, CA  
95203 for review to ensure there are no negative impacts to the operation and  
maintenance of the Mokelumne Aqueducts. Submitted drawings should be full size or  
half-size and be provided on a CD in pdf format. EBMUD will need to be reimbursed for  
all costs related to the review of planning and design documents and construction  
inspection in addition to any easement costs. Additional information and encroachment  
details are included in EBMUD's Procedure 718 which is enclosed for your reference.

B3-2

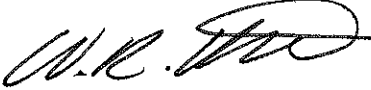
**Comment Letter B3**

Raymond Hoo  
November 24, 2014  
Page 2

If you have any questions concerning this response, please contact David J. Rehnstrom,  
Senior Civil Engineer, Water Service Planning at (510) 287-1365.

↑ B3-2  
| cont.

Sincerely,



William R. Kirkpatrick  
Manager of Water Distribution Planning

WRK:TRM:djr  
sb14\_253.docx

Enclosure



# Comment Letter B3 Procedure 718

EFFECTIVE 26 JUL 13

SUPERSEDES 06 FEB 12

LEAD DEPARTMENT O&M

## RAW WATER AQUEDUCT RIGHT-OF-WAY NON-AQUEDUCT USES

**PURPOSE** - To establish procedures and criteria for review and authorization of surface and sub-surface use of District-owned property containing raw water aqueducts and raw water pipelines for purposes other than installation, maintenance, and operation of District raw water aqueducts.

<b>Forms Used</b>	L-14	Limited Land Use Permit
	K-47	Work Request Agreement
	N-15	Certificate of Public Liability Insurance
	N-17	Certificate of Workers' Compensation Insurance
		Application for Use of EBMUD Property or Request for Information General Fund Receipts for Miscellaneous Payments

### Authority and Responsibility

Use, development, and control of fee-owned rights-of-way for District and non-District uses must be consistent with water supply operation and security and the rights and obligations of the District. District and non-District uses of District-owned aqueduct rights-of-way may be permitted when they conform to Policy 7.01, Aqueduct Rights-of-Way Maintenance.

- No use of District aqueduct properties by others will be permitted as a condition to meet city/county zoning requirements or to obtain any land use permit, approval, or entitlement affecting properties not owned by the District.
- No use of District properties by others will be permitted except under terms of a written agreement.
- Use of raw water aqueduct rights-of-way for District purposes shall have the concurrence of the Aqueduct Section Superintendent.
- Use of aqueduct rights-of-way for District treated water lines shall include all applicable aqueduct protections required for similar third-party utility water line crossings.

For all raw water aqueducts and pipelines, acceptable long-term uses of the rights-of-way include but are not limited to: utility crossings, road crossings, limited agriculture, equestrian and pedestrian trails, parks, oil and gas leases, and District-owned ground water wells. Acceptable, long-term uses of rights-of-way and easements for future raw water aqueducts will be evaluated upon facility completion. Such uses will be authorized by letter, limited land use permits, revocable licenses, leases or easements, as appropriate. All approved uses will conform to the requirements and limitations described in Requirements for Entry or Use of Mokelumne, Lafayette, and Moraga Aqueducts and Raw Water Pipeline Rights-of-Way (Requirements for Entry or Use) (Supplement No.1 to Procedure 718) and all other conditions as specified in the written approval, permit or easement for each individual use.

The Water Supply Division is responsible for monitoring permitted uses and detecting and preventing unauthorized uses of raw water aqueduct rights-of-way. The Office of General Counsel and the Manager of Real Estate Services will be consulted when an unauthorized user will not voluntarily desist.

The Water Supply Division is responsible for coordinating the development of recommendations with respect to the terms and conditions to be stipulated when a District or non-District use of a raw water aqueduct right-of-way is to be permitted.



The Director of Engineering and Construction shall be consulted when needed to supply location analysis or to determine what structural, grading, drainage, corrosion protection or other engineering measures are required and to obtain estimates of engineering, design and inspection costs.

### **Inquiries and Applications for Use**

For all raw water aqueducts and pipelines, applications and inquiries for use of raw water aqueduct rights-of-way shall be processed by the Water Supply Division. Applications for non-District uses will not be processed unless accompanied by the appropriate application fees outlined in Supplement No. 2 to Procedure 718, Fees and Documentation Charges, Use of Aqueduct Rights-of-Way by Others.

**The Water Supply Division** is responsible for:

- Providing requirements for use of the District's raw water aqueduct rights-of-way to applicants and to other District departments requesting use of the right-of-way. See Supplement No. 1, Requirements for Entry or Use.
- Checking for completeness to ensure compliance with the requirements for entry or use of raw water aqueduct rights-of-way contained in Requirements for Entry or Use plus any other conditions applicable to the proposed use.
- Collecting engineering, plan review and construction inspection costs and documentation of insurance coverage, if necessary.
- Monitoring existing encroachments and inspection of the construction of new approved encroachments.
- Providing information to the Engineering and Construction Department for technical input regarding additional permit requirements or special restrictions that may be applicable (in addition to those outlined in Supplement No. 1, attached) and for update of District raw water aqueduct right-of-way drawings.
- Collecting application fees and charges associated with the preparation and execution of revocable licenses.
- Assuring proper environmental documentation.

**Real Estate Services** is responsible for:

- Advising the Manager of Water Supply Division of any real estate matters which relate to a specific proposed use.
- Collecting application fees and charges, preparing and executing limited land use permits, leases, easements, and all other property-related agreements (except for revocable licenses and temporary entry permits) and recommending fees and charges appropriate to the property use allowed, and for securing payment. See Supplement No. 2, Fees and Documentation Charges, Use of Aqueduct Rights-of-Way by Others.
- Maintaining records relating to rights-of-way crossings and use, and providing information to the Survey Section and Engineering Services Division for the update of District raw water aqueduct right-of-way drawings.

### **Types of Permit License or Easement**

The Manager of Water Supply Division shall keep available the forms listing the general requirements set forth in Requirements for Entry or Use for each of the following:

#### Temporary Entry/Temporary Construction Permit

For temporary access to raw water aqueduct right-of-way such as for surveying, potholing, construction, for temporary access via the District's right-of-way to property adjacent to the right-of-way, and other similar short-term situations.

Revocable License and Revocable Landscape License

For pipelines, sewers, storm drains, overhead and underground cables, public trails, landscaping and other crossings or lateral encroachments.

Limited Land Use Permit

Provides for agricultural or other surface use of the right-of-way for a period not to exceed one year (vehicular parking is prohibited). These permits are renewable annually if inspection reveals satisfactory conformance to conditions of permit.

Easement

For streets, highways, large pipelines, canals and railroads, and other permanent publicly owned encroachments. Easements are officially recorded with the county having jurisdiction. The fee or consideration will be significant and based on the value of the property being encumbered.

The Manager of Water Supply Division shall request review of any proposed revisions to application forms and lists of requirements from the Engineering and Construction Department, Real Estate Services Division, Office of General Counsel, and the District's Pipe Committee.

Processing Applications

Temporary Entry Permits

The Manager of Water Supply Division may issue temporary entry permits including standard and temporary conditions relating to the use. The Manager of Real Estate Services and the Office of General Counsel will be consulted regarding unusual circumstances.

Revocable Licenses

The Water Supply Division, if warranted, shall conduct a field investigation to determine requirements for aqueduct protection and, in consultation with the Design Division or the Pipeline Infrastructure Division, will set forth the engineering and operating requirements.

The Manager of Water Supply Division shall then specify any and all requirements, including special conditions to the applicant, discuss the terms and conditions of the license agreement as well as any processing, design and inspection costs and license fee. The Manager of Water Supply Division may then enter into a standard license agreement with relevant special conditions on behalf of the District. The Manager of Real Estate Services and the Office of General Counsel shall be consulted regarding any unusual circumstances.

Copies of all revocable licenses issued by the Water Supply Division shall be provided to the Manager of Real Estate Services.

Limited Land Use Permits

The Manager of Water Supply Division shall convey the District's requirements to the applicant and investigate to determine any special conditions.

Real Estate Services shall prepare the Limited Land Use Permit (Form L-14) in duplicate, including special conditions or stipulations, accompanied by a District-prepared location sketch that will refer to aqueduct stationing and other appropriate location identifiers, including adjacent aqueduct structures.

Engineering and Construction shall prepare the District-prepared location sketch.

After payment of the stipulated consideration determined by Real Estate Services, the Manager of Water Supply Division shall review and execute the permit. These copies are then returned to the Manager of Real Estate Services, together with any stipulated consideration.

Forty-five days before expiration of a Limited Land Use Permit, the Manager of Real Estate Services shall notify the Manager of Water Supply Division, who shall investigate the permittee's operations. If renewal of the permit is recommended, the permit will be renewed by letter from the Manager of Real Estate Services.

#### Leases and Easements

The Manager of Water Supply Division shall conduct a field investigation to determine requirements for aqueduct protection and, in consultation with the Design Division or Pipeline Infrastructure Division, if necessary, will set forth the engineering and operating requirements.

If structural or corrosion protective facilities are required, the Manager of Water Supply Division shall request the Manager of Design Division or Pipeline Infrastructure Division to proceed with the required design or plan reviews. (During design, the designer will communicate with the applicant's engineer.) Upon completion of design, the plans will be delivered to the applicant via the Manager of Water Supply Division, who will arrange for inspection as required.

The Manager of Real Estate Services shall discuss with the applicant the terms of the agreement and the amount of the consideration, including any processing, design, and inspection costs. Real Estate Services shall obtain an appraisal and engineering estimates, if necessary.

Upon agreement with the applicant, the Manager of Real Estate Services, shall draft, for review and approval by the Water Supply Division and Office of General Counsel, an agreement granting the applicant the property interest under the terms and for the consideration as approved. Real Estate Services shall assure that evidence of insurance is provided, if required. The lease or easement shall be submitted to the District's Board of Directors for approval, if required by Procedure 108. Two copies of the lease or easement shall be sent to the applicant with instructions to sign and return the copies, together with the consideration, to the Manager of Real Estate Services. Easements shall be recorded and the applicant shall provide the Manager of Real Estate Services with the recording data.

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#### **Approvals**

District uses of the raw water aqueduct right-of-way shall be confirmed in writing listing any special conditions which may apply to the proposed use to the requesting District departments by the Manager of Water Supply Division.

<b>Terminations</b>	If the Water Supply Division terminates any permit or license, the Manager of Real Estate Services and the Design Division shall be so notified by memo.
<b>Appeals</b>	<p>The final determination of the terms and conditions appropriate for District uses of aqueduct properties rests with the Director of Operations and Maintenance.</p> <p>The final determination of the terms and conditions appropriate for a specific third party applicant rests with the General Manager and the Board of Directors. Appeals by third parties directed to the Board of Directors shall be forwarded to the General Manager for resolution.</p>
<b>Records</b>	<p>The Manager of Real Estate Services shall maintain a file containing copies of all documents relating to right-of-way crossings or uses and is responsible for the assignment of right-of-way crossing numbers to approved documents.</p> <p>The Engineering Services Division of the Engineering and Construction Department shall maintain working sets of right-of-way prints for each District raw water aqueduct right-of-way. These prints shall be updated following:</p> <ol style="list-style-type: none"> <li>1. Grant of Revocable License or Easement. Notice to be supplied by the Manager of Real Estate Services.</li> <li>2. Completion of crossing construction covered by license or easement. Notice, including "as built" location data, to be supplied by the applicant to the Water Supply Division for transmittal to the Engineering and Construction Department. This notice will be routed through the Engineering and Construction Department, as necessary, then to the Manager of Real Estate Services. After right-of-way tracings are revised, new prints will be released to those having sets.</li> <li>3. Termination of any raw water aqueduct right-of-way use. Notice to be supplied by the Manager of Real Estate Services.</li> </ol> <p>Revised prints shall be released following all right-of-way drawing revisions.</p>
<b>Requirements and Fees</b>	Requirements for use of raw water aqueduct right-of-way and fees for the processing of applications and documents related to such uses are included in the documents Requirements for Entry or Use and Fees and Documentation Charges, Use of Aqueduct Rights-of-Way by Others, respectively (see Supplement No. 2, attached). The Manager of Water Supply Division is responsible for periodic review and updating of Requirements for Entry or Use. The Manager of Real Estate Services is responsible for review and updating of Fees and Documentation Charges, Use of Aqueduct Rights-of-Way by Others.
<b>References</b>	<p>Policy 7.01 – Aqueduct Rights-of-Way Maintenance  Procedure 108 – Real Estate Transactions  Procedure 436 – Miscellaneous Accounts Receivable and Cash Receipts</p> <p>Requirements for Entry or Use of Mokelumne, Lafayette, and Moraga Aqueduct and Raw Water Pipeline Rights-of-Way (attached)  Fees and Documentation Charges Use of Aqueduct Rights-Of- Way by Others (attached)  Schedule of Rates and Charges to Customers of the East Bay Municipal Utility District – Real Property Use Application Fees – Resolution 33046-97</p>



**REQUIREMENTS FOR ENTRY OR USE OF  
MOKELUMNE, LAFAYETTE, AND MORAGA  
AQUEDUCTS and RAW WATER PIPELINE RIGHTS-OF-WAY**

**SUPPLEMENT NO. 1 TO PROCEDURE 718**

**East Bay Municipal Utility District  
1804 West Main Street, Stockton, CA 95203  
(209) 946-8000**

1. Requests for encroachment rights or for other uses of the District's raw water aqueduct and pipeline properties shall be directed to the Manager of Water Supply Division, 1804 West Main Street, , Stockton, California 95203. Property uses shall only be permitted subject to appropriate written permit, license, easement, or lease agreement.
2. Requests for property uses shall be in writing and accompanied by a completed application, plan and profile drawings of the area and work involved. District aqueduct stationing and adjacent above-ground structures must be shown. Applicant's horizontal and vertical control must be correlated to the District's. Drawings and maps shall be full size (11x17inch) or half-size (8½ x 11 inch). Application must include complete insurance documentation.
3. The applicant must agree to indemnify and hold harmless the District from any loss, claim, or liability which may arise by reason of applicant's use of District property and may be required to provide insurance coverage.
4. All requests for uses of District property must be consistent with requirements and limitations set forth by Procedure 718 and will be reviewed and approved on a case-by-case basis.
5. District land and facilities shall be restored to a condition as good as that which existed before applicant's entry on the right-of-way.
6. Applicant's use of property shall not increase District costs or interfere with District access, operations, maintenance, or repair of its facilities.
7. The applicant must pay the District the appraised value of the easement or lease, if appropriate, for the rights granted to the applicant. Appropriate environmental documentation must be completed in accordance with the California Environmental Quality Act before the rights can be granted.
8. For any District-approved encroachment, the applicant must pay the District for any of the following measures, as needed:
  - a. Design of structural protective measures
  - b. Design of fences or other structures
  - c. Corrosion control protective measures
  - d. District engineering, plan review, and inspection of activities
  - e. Environmental documentation
  - f. Application, permit or license fees.
9. The plan for the execution of the work must be approved by the District.
10. The type and weight of equipment working over the aqueduct must be approved by the District.
11. The use of vibratory compaction equipment is prohibited on the aqueduct right-of-way unless otherwise approved by EBMUD. Allowable compaction effort, allowable equipment, and maximum depth of each lift of fill shall be subject to District review and approval before start of construction.
12. A minimum of 48 hours notice must be given to the District before work commences. To contact the District by telephone, call: the Aqueduct Section's Stockton Office at (209) 946-8000.
13. A preconstruction meeting is required prior to start of work.
14. No building or portions of buildings shall be constructed on the property. No other types of structures shall be constructed unless specific approval is given by the District.

15. No longitudinal encroachments such as drainage ditches; gas, phone, or electrical lines; pipelines, or roads will be permitted. All property line fences (including footings) must be located completely outside the aqueduct property lines.
16. No pile driving will be allowed within 100 feet of the aqueducts.
17. Railroad, freeway and highway crossings of the aqueduct right-of-way shall be on permanent bridges with a minimum vertical clearance of 14 feet 6 inches between the finished ground surface and the underside of the bridge. Crossings on grade will be over structurally-encased aqueducts with a sleeve for a fourth aqueduct.
18. Street and road crossings constructed on grade shall incorporate protection of the aqueducts. Protective measures will be designed by the District or by applicant's licensed engineer to District standards with specific District approval of each design.
19. Existing aqueduct protective measures such as concrete slabs shall not be cut, penetrated, or otherwise disturbed. If a protective measure is cut, penetrated, or disturbed, it shall be replaced with a new protective measure, designed by a District engineer or applicant's licensed engineer to District standards with specific District approval of design.
20. Traffic control fences or approved barriers shall be installed along each side of the street, road or trail before opening to the public.
21. Temporary construction fences and barricades shall be installed by contractor as directed by the District.
22. No geotechnical exploration such as drilling or boring shall be allowed on an Aqueduct right-of-way.
23. Any changes in finished grade must be approved by the Aqueduct Section. Earthfills or cuts on adjacent property shall not encroach onto District property except where authorized for vehicular crossings on grade and where the District determines that there will be no detrimental effect on the aqueducts or their maintenance.
24. Crossings shall be at an angle not less than 45 degrees to the aqueducts and on a constant grade across District property.
25. Sanitary sewers, water lines or petroleum product lines crossing above the aqueducts must be encased in a steel or polyvinyl chloride (PVC), or reinforced concrete pipe conduit or be imbedded in reinforced concrete with a minimum vertical clearance of two (2) feet between the casing/embedment and the top of District aqueducts unless other protective measures are provided.
26. All pipelines crossing below the aqueducts must be encased in a steel or reinforced concrete conduit and provide a minimum of three (3) feet of clearance between the casing and the bottom of the District aqueducts.
27. Trenchless construction methods such as horizontal directional drilling or jack-and-bore between the top of the aqueducts and the bottom of the protective structure (slab) are prohibited.
28. On pressurized pipe crossings, shutoff valves shall be provided outside and adjacent to both sides of District property.
29. At the point of crossing, steel pipeline crossings and steel casings shall incorporate electrolysis test leads, bond leads, and leads necessary for interference testing. Corrosion control devices, when required, must be approved by the District.
30. Cathodic protection for steel encasements must be installed as follows:

- Provide a dielectric coating to the exterior surface of the steel casing within the District's right-of-way, 16 mil epoxy or equivalent.
  - Provide galvanic protection to the portion of the steel casing within the District's right-of-way in accordance with the National Association of Corrosion Engineers RP-01-69.
  - If the carrier pipe is constructed of ductile iron or steel, provide electrical isolation between the carrier and casing using casing insulators; redwood skids are not permitted.
  - Provide test results to the District demonstrating the adequacy of the cathodic protection system, and the adequacy of the electrical isolation of the carrier (if metallic) from the casing. The District reserves the right to witness any such tests.
31. Gravity drainage of District property shall be maintained. Open channels constructed across the right-of-way shall be paved with reinforced concrete. Headwalls, inlets, and other appurtenances shall be located outside District property. Drainage facilities shall be provided outside the District's property at the top and/or toe of fill slopes or cuts constructed adjacent to District property to assure adequate drainage.
  32. Overhead electrical power conductors across the property shall be a minimum of 30 feet above ground. Communication and cable TV crossings shall be a minimum of 20 feet above the ground. Supporting poles or towers shall be located outside the aqueduct right-of-way.
  33. Buried electrical cables passing over the aqueducts shall be installed in PVC conduit and encased in red concrete across the entire width of the right-of-way. In some cases, PVC-coated steel conduit with a red concrete cap may be substituted. All other buried cables shall be installed in conduits and marked in the appropriate Underground Service Alert (USA) colored marking materials and with surface signs installed at 4-foot intervals that include the utility name, type, and emergency contact information across the entire width of the aqueduct right-of-way. The minimum vertical clearance between the conduit and the top of the District's aqueducts is two (2) feet unless other protective measures are provided.
  34. Electrical or telecommunications cables passing under the aqueducts shall be encased in conduit and marked at both edges of the aqueduct right-of-way with the appropriate USA color coded markers. The minimum vertical clearance between the conduit and the bottom of the District's aqueducts is two feet. For directional bored conduits the minimum vertical clearance is five feet.
  35. Vehicular parking and storage of equipment or material on aqueduct property are specifically prohibited.
  36. Extraction of oil and gas from aqueduct properties may be permitted under appropriate lease agreements.
  37. All District survey monuments and markers shall be undisturbed. If any District survey markers or monuments must be disturbed, they will be replaced or relocated by the District at applicant's expense prior to the start of any ground disturbing work.
  38. All aqueduct crossings involving mechanical excavation on the right-of-way require potholing of all three aqueducts at the site of the proposed crossing. Visible reference markings showing the aqueduct alignments and depths to top of pipe shall be maintained for the duration of any mechanical excavation on District property. Excavations within two (2) feet of aqueducts shall be made by hand. Entry permits are required for pothole work.
  39. All grading or excavating of the right-of-way requires USA notification and the maintenance of a current inquiry identification number.



40. Certified six-sack mix is the minimum acceptable concrete batch to be used on the aqueduct right-of-way. Concrete compression strength shall be 3,000 per square inch (PSI) or better at 28 days. If samples do not reach 3,000 PSI at 28 days, the entire section of slab or encasement related to that sample must be removed and replaced at applicant's expense.
41. Each truckload of concrete to be placed on the aqueduct right-of-way may be sampled by the District. No water may be added to the mix after sampling.
42. Maximum allowable slump is three inches. All concrete exceeding three inches will be rejected and cannot be used on the aqueduct right-of-way.
43. No traffic will be allowed over protective slabs until 3,000 PSI is reached.
44. All work areas shall be inspected by the District for final approval. As-built drawing submittals are required for District approval.



**FEES AND DOCUMENTATION CHARGES  
USE OF AQUEDUCT RIGHTS-OF-WAY BY OTHERS**

**SUPPLEMENT NO. 2 TO PROCEDURE 718**

TYPE OF DOCUMENT	APPLICATION FEE		
<b>Fee Title</b> (Outright purchase of District property)			\$2,000
<b>Easement</b> (Rights for permanent use of District property such as access, utilities, etc.)			\$1,000
<b>Quitclaim</b> (Removal of District's right, title, and interest to property)			\$1,000
<b>Revocable License</b> (Permission to use District property for periods exceeding one year. Subject to revocation)			\$500
Revocable License and Application Fees:			
Applicant	Application	Property Rights	Total
Government Agencies	May be Waived	\$1,000	\$1,000
Public Utilities	May be Waived	\$1,000	\$1,000
Privately Owned Public Utilities (AT&T, PG&E, etc.)	\$500	\$1,000	\$1,500
Developers & other profit-seeking activities	\$500	\$1,000	\$1,500
Private, nonprofit organizations	\$500	\$1,000	\$1,500
<b>Lease</b> (The right to occupy and use District land for a specified time period)			\$600
<b>Telecommunication Lease</b> (The right to occupy and use District land for a specified time period)			\$2,000
<b>Information Only</b> (Request for information requiring research of District records)			\$60/hr
<b>Processing and Review of Watershed Land Use Proposals</b> (Request for District to perform a formal evaluation of watershed land use proposal)		<i>(Plus all other District costs)</i>	\$60/hr
<b>Property Entry Permits, Rights of Entry, Temporary Construction Permits</b> (Permission for temporary access onto District property)			\$100
<b>Limited Land Use Permit</b> (Allows landscaping, gardening, or other minor surface use of District property; subject to annual renewal)			\$25

1. In addition to the above charges, applicants will be required to reimburse the District for its costs of engineering, surveying, and inspection of the proposed use of encroachment.
2. Fair market value for property rights conveyed shall also be paid by the applicant, where appropriate including all costs (appraisal, recordation, title report, etc.).

## **Letter B3: East Bay Municipal Utility District, EBMUD William R. Kirkpatrick, Manager of Water Distribution Planning**

- B3-1 The comment addresses the need for a change to the text of the 2035 General Plan Background Report which has been revised accordingly.
- B3-2 The comment addresses the Mokelumne Aqueduct and the procedures for any construction in the vicinity of the Aqueduct. This comment does not address the Draft EIR or the 2035 General Plan; no action is required.

Comment Letter B4

San Joaquin County General Plan Update EIR  
Open House

→ manager / Secretary - Treasurer

Name: Mary Anne Strojan (moonstrojan@hotmail.com)

Email: farmingtonwater@velociter.net

Phone: 209-886-5346

Comments: P 4N-11 + P 4N-12

regarding the Farmington Water Company:  
Our project is completed &  
we've been up & running since 2011!

B4-1

## **Letter B4: Farmington Water Company Mary Anne Strojan, Manager/Secretary – Treasurer**

B4-1 The comment states that the Farmington Water Company completed the construction of additional wells and distribution system components in 2011. The following change is made to the first paragraph on page 4.N-12 of the Draft EIR:

“In 2011, the Farmington Water Company ~~has applied for State Revolving Funds to construct new wells and a distribution system~~ completed construction of new wells and a distribution system to address this issue.”



1231 Eleventh St.  
P.O. Box 4060  
Modesto, CA 95352  
(209) 526-7373

RECEIVED

NOV 14 2014

San Joaquin County  
Community Development

November 13, 2014

San Joaquin County Community Development Dept  
1810 E Hazelton Ave  
Stockton, CA 95205-6232

**RE: Draft 2035 General Plan & Draft EIR  
Location: San Joaquin County - Various**

Thank you for allowing the District to comment on this referral. Following are the recommendations from our Risk & Property, Electrical, Irrigation and Domestic Water Divisions:

**Irrigation**

- Project is outside Modesto Irrigation District boundaries.

**Domestic Water/Risk & Property**

- No comments at this time.

**Electrical**

- The Electric Division has no comments at this time.

B5-1

**The Modesto Irrigation District reserves its future rights to utilize its property, including its canal and electrical easements and rights-of-way, in a manner it deems necessary for the installation and maintenance of electric, irrigation, agricultural and urban drainage, domestic water and telecommunication facilities. These needs, which have not yet been determined, may consist of poles, crossarms, wires, cables, braces, insulators, transformers, service lines, open channels, pipelines, control structures and any necessary appurtenances, as may, in District's opinion, be necessary or desirable.**

If you have any questions, please contact me at 526-7433.

Sincerely,

Celia Aceves  
Risk & Property Analyst

## **Letter B5: Modesto Irrigation District, MID**

### **Celia Aceves, Risk & Property Analyst**

B5-1 The comment states that the project is outside of the service area boundaries of MID. No comments regarding the Draft EIR are made; no action is required.

# PORT OF STOCKTON

Phone: (209) 946-0246

Fax: (209) 465-7244



December 5, 2014

RECEIVED

DEC -5 2014

San Joaquin County  
Community Development

San Joaquin County Community Development Department  
Attn: Ray Hoo, Senior Planner  
1810 E. Hazelton Ave.  
Stockton, CA 95205

**RE: PORT OF STOCKTON COMMENTS ON THE SJC DRAFT 2035 GENERAL PLAN DEIR**

The Port of Stockton respectfully requests that its property (Roberts Island 1, see attached) be included and properly designated as part of the County's 2035 General Plan Update.

The County's current General Plan Land Use Diagram appears to show a Public/Quasi Public land use for this area (Figure 4.1, attached), which is consistent with the City of Stockton's 2035 General Plan. However, the County's proposed 2035 General Plan land uses contained in the "Draft Environmental Impact Report (DEIR) for the Draft 2035 General Plan of San Joaquin County" (Figure 3-3, attached) depicts the entire Roberts Island area as Agriculture.

B6-1

The Port has historically used this property for dredge placement activities associated with maintaining the Stockton Channel for maritime purposes. The Port needs to be assured that its current use and future development of this property is protected with the proper land use designation.

Sincerely,

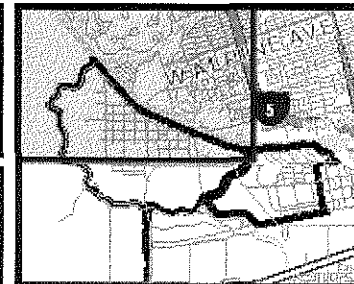
Steven W. Escobar  
Deputy Port Director, Real Estate & Port Development

cc: Richard Aschieris, Port Director  
Steven A. Herum, Port Counsel





Port of Stockton Enterprise GIS Map



Legend

- Weather Stations
- Roads**
  - Freeway
  - Freeway Ramp
  - State Route
  - State Route Ramp
  - Thoroughfare / Major Arterial
  - Collector / Minor Arterial
  - Street
- Building Footprints
- Docks
- Port Boundary

Notes

Robert's Island 1

7,177.8 0 3,588.90 7,177.8 Feet

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere © Port of Stockton 1: 43,067

This map is a user generated static output from an Intranet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



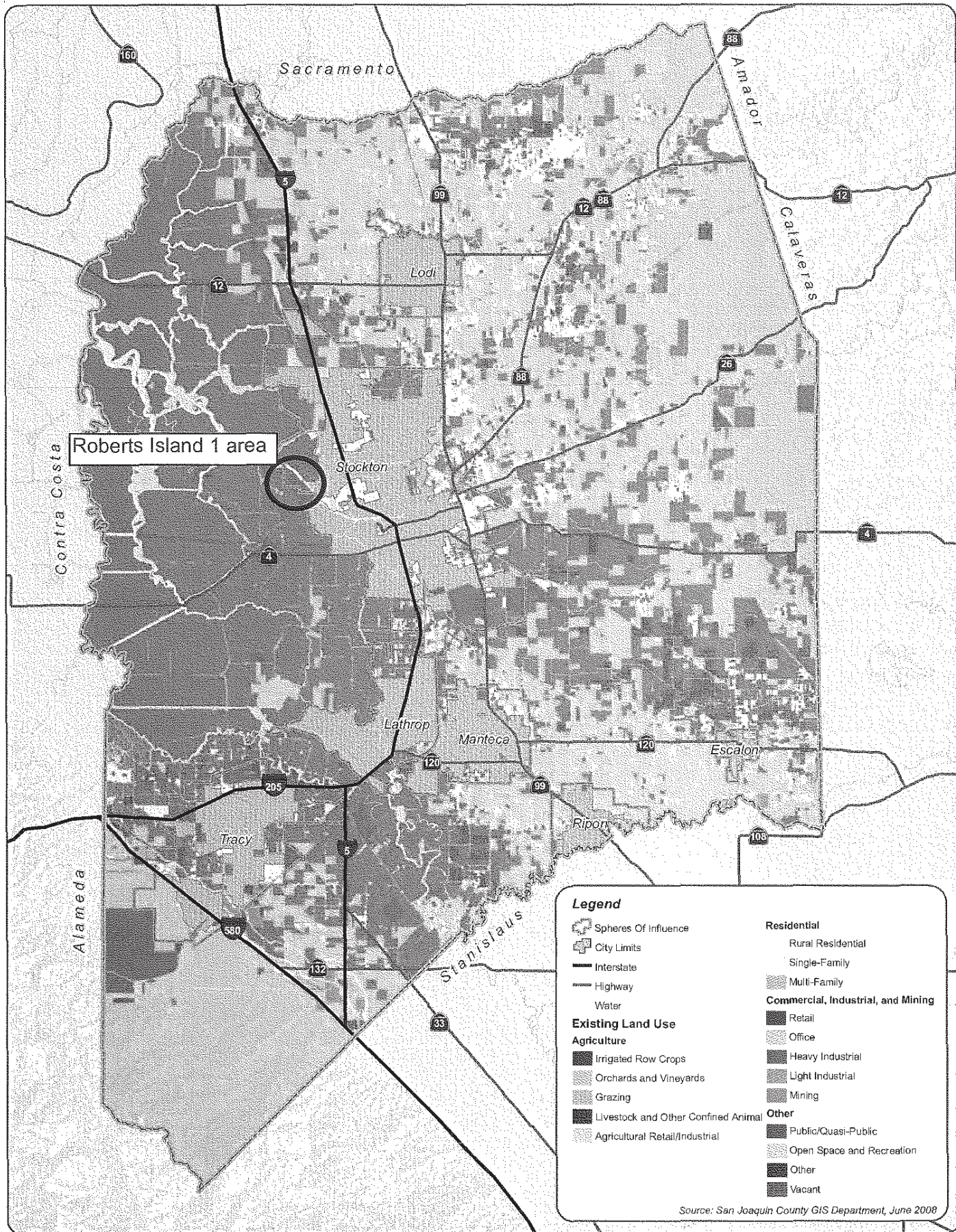
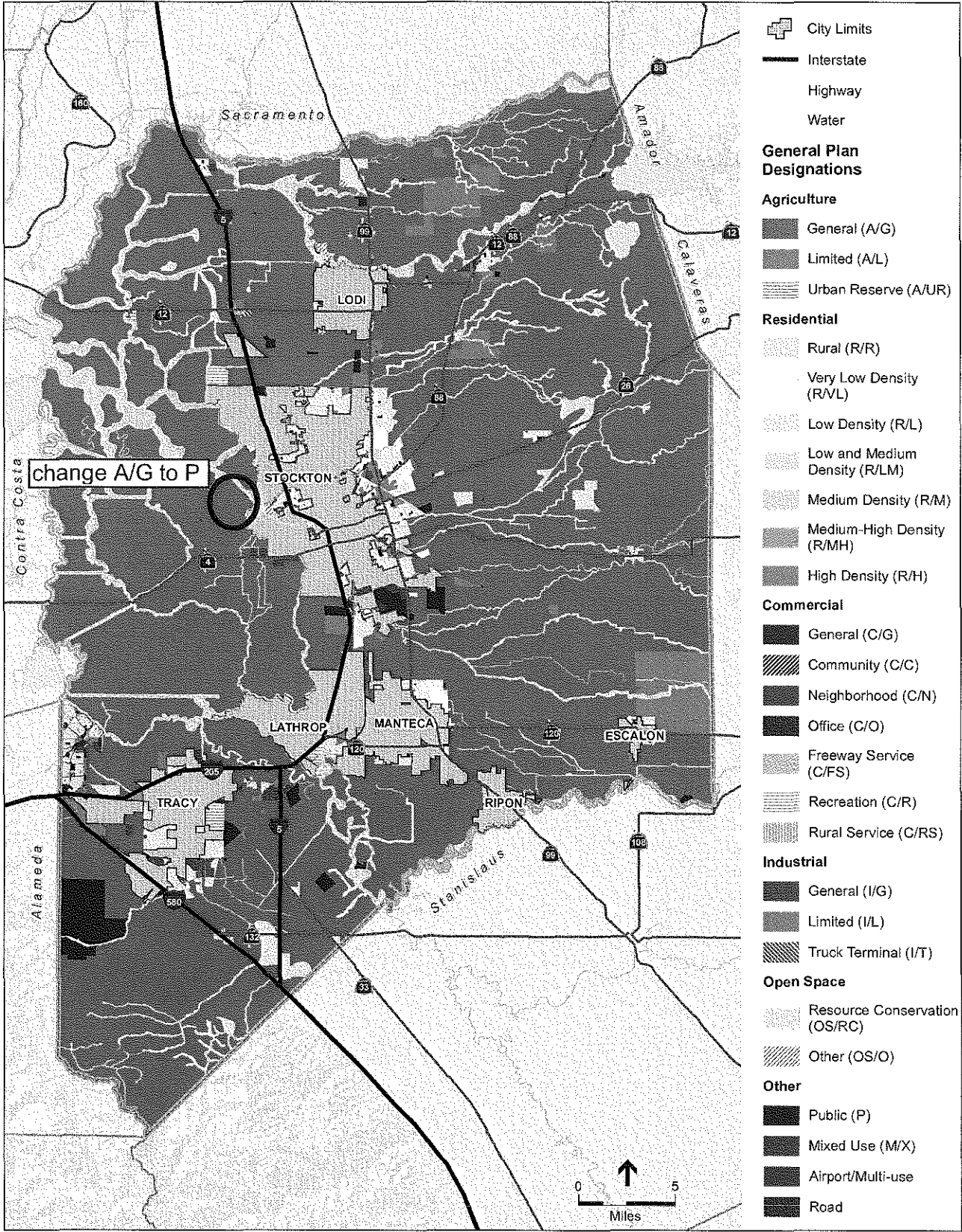


Figure 4-1  
Existing Land Use





SOURCE: Minter-Harnish, 2013

San Joaquin County 2035 General Plan . 209529

**Figure 3-3**  
General Plan Land Use Diagram

**Letter B6: Port of Stockton**  
**Steven W. Escobar, Deputy Port Director,**  
**Real Estate & Port Development**

B6-1 The comment requests a change to the designation of land belonging to the Port of Stockton which is used for dredge placement activities. The designation of “Agriculture” permits the placement of dredge materials; therefore, no designation change is required.



SAN JOAQUIN COUNCIL OF GOVERNMENTS

555 E. Weber Avenue • Stockton, California 95202

209.235.0600 • 209.235.0438 (fax)

www.sjco.org

Steve Dresser  
CHAIR

Anthony Silva  
VICE CHAIR

Andrew T Chesley  
EXECUTIVE DIRECTOR

Member Agencies

- CITIES OF
- ESCALON,
- LATHROP,
- LODI,
- MANTECA,
- RIPON,
- STOCKTON,
- TRACY,
- AND
- THE COUNTY OF
- SAN JOAQUIN

December 5, 2014

Mr. Raymond Hoo  
San Joaquin County, Community Development Department  
1810 E. Hazelton Ave., Stockton CA 95205

**Re: Notice of Availability – San Joaquin County General Plan and Draft EIR**

Dear Mr. Hoo:

Thank you for the opportunity to comment on the San Joaquin County General Plan Update and associated Draft EIR. As the County’s designated Regional Transportation Planning Agency (RTPA), the Congestion Management Agency (CMA), the Metropolitan Planning Organization (MPO), and the Airport Land Use Commission (ALUC), the San Joaquin Council of Governments (SJCOG) has the following comments:

**Policy Document Comments**

On page 3.1-13, Figure LU-1 needs to be updated to reflect recent annexations of Cordes Ranch (City of Tracy) and the ACE Maintenance Facility (City of Stockton).

One page 3.1-73, Figure C-1 needs to be updated to reflect the recent annexation of Cordes Ranch to the City of Tracy.

Page 3.1-88 describes “... three major noise sources in French Camp: Interstate 5, the Southern Pacific Railroad, and the Union Pacific Railroad.” SJCOG recommends rephrasing this to: “three major noise sources in French Camp: Interstate 5, and the former Southern Pacific Railroad and Western Pacific Railroad mainlines, which are now operated by the Union Pacific Railroad.”

Page 3.1-90 states “The townsite’s residential character should be retained, with commercial development encouraged west of the Southern Pacific railroad tracks.” SJCOG recommends providing clarity concerning the current railroad name by rephrasing the passage to: “... Union Pacific (former Southern Pacific) railroad tracks.”

B7-1

Page 3.1-96 states “The Southern Pacific Railroad (SPRR) runs east-west through the community and the Mokelumne River forms its northern border.” The UPRR abandoned and removed the Kentucky House Branch Line in the early 2000s.

Page 3.1-98 states “The railroad and State highway are major noise sources.” The UPRR abandoned and removed the Kentucky House Branch Line in the early 2000s.

Page 3.1-106 states “The Southern Pacific Railroad crosses the northern portion of the site and two minor creeks traverse the site.” SJCOG recommends providing clarity concerning the current railroad name by rephrasing the passage to “The Union Pacific Railroad Mococo Subdivision...”

The table on Page 3.1-108 states the School Districts for Mountain House are Lammersville Elementary School District and Tracy Joint Unified School District. This should be corrected to reflect that Mountain House is solely under the jurisdiction of Lammersville Unified School District. In addition, the table should be updated to reflect that one high school opened in the Fall of 2014.

The table on Page 3.1-117 incorrectly states that Woodbridge has highway access to State Route 26.

Page 3.1-119 states “The community of Acampo is located is located 1.5 miles north of Lodi, immediately west of the Southern Pacific Railroad (SPRR) at Acampo Road.” SJCOG recommends providing clarity concerning the current railroad name by rephrasing the passage to “... west of the Union Pacific (former Southern Pacific) Railroad at Acampo Road.

The table on Page 3.1-120 incorrectly states that Acampo has highway access to State Route 26.

Page 3.1-122 states “The community area is bisected by the Southern Pacific Railroad.” SJCOG recommends providing clarity concerning the current railroad name by rephrasing the passage to: “... Union Pacific (former Southern Pacific) Railroad.

Page 3.1-123 states “The community's land use pattern has been heavily influenced by the Southern Pacific Railroad, which bisects the town.” SJCOG recommends providing clarity concerning the current railroad name by rephrasing the passage to: “... Union Pacific (former Southern Pacific) Railroad”

Page 3.1-129 states “The Southern Pacific Railroad line passes through town and parallels SR 12/88.” The UPRR abandoned and removed the Kentucky House Branch Line in the early 2000s.

Page 3.1-133 states “The Southern Pacific Railroad (SPRR) line and Lower Sacramento Road border Collierville to the west.” SJCOG recommends providing clarity concerning the current railroad name by rephrasing the passage to: “The Union Pacific (former Southern Pacific) Railroad line...”

The table on Page 3.1-141 incorrectly states that Farmington has highway access to Interstate 5. The table should reflect that Farmington only has highway access to State Route 4. The table should also reflect the presence of Farmington Elementary School.



B7-1  
cont.

Page 3.1-149 states that “These sources include the Trinkle and Boys agricultural airfield located within the rural residential portion of the community, and the Union Pacific Railroad and State Route 33, which run diagonally through the community.” SJCOG recommends providing clarity concerning the current railroad name by rephrasing the passage to: “... and the Sacramento Northern Railroad (former Southern Pacific Railroad) and State Route 33, which run diagonally through the community.”

Page 3.1-149 also states “The northeastern portion of the site is within the conical surface of the nearby New Jerusalem Airport, and a small area in the extreme northeast corner of the site is within the horizontal surface of this airport.” SJCOG recommends replacing “conical surface” with “Traffic Pattern Zone” and “horizontal surface” with “Inner Turning Zone” to be consistent with the terminology used in the 2009 Airport Land Use Compatibility Plan.

The table on Page 3.1-159 incorrectly states that State Route 99 passes through Stonebridge.

Page 3.1-161 states “State Route 132, State Route 33, and the Southern Pacific Railroad all pass through and/or border the community.” SJCOG recommends providing clarity concerning the current railroad name by rephrasing the passage to: “... and the Sacramento Northern Railroad (former Southern Pacific Railroad)...”

Page 3.3-17 states “The San Joaquin County Area Land Use Commission (ALUC) makes recommendations regarding any commercial or residential development near public use airports in the County. The ALUC adopted an Airport Land Use Compatibility Plan (ALUCP) for the six airports in 1997.” SJCOG recommends correcting and rephrasing this passage to:

*The San Joaquin County Airport Land Use Commission (ALUC) makes recommendations regarding land use decisions near public use airports in the County. It is the general policy of the ALUC to review major land-use decisions as defined in Policy 1.3.3. of the ALUCP. In June 2009, the ALUC adopted an updated Airport Land Use Compatibility Plan (ALUCP) for all of the County’s public use airports with the exception of Stockton Metropolitan Airport. Stockton Metropolitan Airport will continue to use the 1993 ALUCP compatibility zones until the master plan update for the airport is complete.*

**EIR Comments**

Page 4.H-13 states “Amtrak currently operates 12 daily trains south of Sacramento and 8 daily trains west of Stockton (Bay Area). These trains are classified by Amtrak as the “San Joaquins.”” SJCOG recommends providing clarity by rephrasing this passage to:

*Amtrak currently operates the “San Joaquin” service. Twelve trains a day run between its southern terminus at Bakersfield and Stockton, where the route splits to Oakland (four trains each way per day) and Sacramento (two trains each way per day)*

Figure 4.8-8 Railroad Map on Page 4.H-13 contains some errors. The figure incorrectly labels the UPRR mainline that parallels I-5 west of Lodi as the BNSF railroad. This line was formerly part of the Western Pacific Railroad. The figure also incorrectly labels the Sacramento Northern Railroad southeast of Tracy that parallels State Route 33 as the UPRR. This branch line was formerly part of the Southern Pacific Railroad.



B7-1  
cont.



B7-2



B7-3

The figure also incorrectly includes lines that have been abandoned and removed. These include:

- The UPRR Kentucky House branch line that ran from the UPRR mainline in Lodi east through Lockeford to the Calaveras County Line
- The portion of the former Southern Pacific Railroad branch line to Peters located east of the Stockton Drainage Canal
- The portion of the former Southern Pacific Railroad mainline located west of the Alameda County Line.
- The portion of the Union Pacific Railroad branch line located south of State Route 219 (Kiernan Avenue) in Stanislaus County

↑  
B7-3  
cont.

On page 4.3-41, in reference to Table 4.D-14, Impact 4.D-2 states that “Although all of these roadway sections are also designated as part of the Regional Congestion Management Program (RCMP) for San Joaquin County, their projected ADT forecasts are within the RCMP Local Roadway LOS D Threshold. They are therefore not also considered an RCMP impact.”

↓  
B7-4

SJCOG would like to clarify that Chrisman Road is not designated as part of the RCMP network. In addition, Lower Sacramento Road north of Kettleman Lane (SR-12) is not designated as part of the RCMP network.

Page 4.K-16 states the following:

*“San Joaquin County Airport Land Use Plan (1997)*

*The 1997 San Joaquin County Airport Land Use Plan (ALUP) establishes Airport Land Use Zones for each airport in the plan.”*

SJCOG recommends correcting and rephrasing this passage to:

*San Joaquin County Airport Land Use Compatibility Plan (2009)*

*The 2009 San Joaquin County Airport Land Use Compatibility Plan (ALUCP) establishes Airport Land Use Compatibility Zones for the following public-use airports: Kingdon Executive Airport, Lodi (Lind’s) Airport, Lodi (Precissi) Airpark, New Jerusalem Airport, and Tracy Municipal Airport. Stockton Metropolitan Airport will continue to use the 1993 ALUCP compatibility zones until the master plan update for the airport is complete.*

↓  
B7-5

Page 4.K-16 also states the following:



*“San Joaquin County Airport Land Use Commission.*

*The San Joaquin Council of Governments serves as the Airport Land Use Commission (ALUC) for San Joaquin County. The Commission is updating its ALUP. As part of the update, the safety compatibility criteria and policies will be modified to reflect current legislation; anticipated growth in aircraft operations at the airports in the County; and mitigate future safety impacts.”*

SJCOG recommends correcting and rephrasing this passage to:

*San Joaquin County Airport Land Use Commission.*

*The San Joaquin Council of Governments serves as the Airport Land Use Commission (ALUC) for San Joaquin County. In June 2009, the ALUC adopted an updated Airport Land Use Compatibility Plan (ALUCP) for all of the County’s public use airports with the exception of Stockton Metropolitan Airport. The update modifies the safety compatibility criteria and policies to reflect current legislation; anticipated growth in aircraft operations at the airports in the County; and helps mitigate future safety impacts. Stockton Metropolitan Airport will continue to use the 1993 ALUCP compatibility zones until the master plan update for the airport is complete.*



B7-5  
cont.

Appendix F:

Table 4.3-C2 San Joaquin County Regional Transportation Impact Fee Projects

The list of San Joaquin County Regional Transportation Impact Fee Projects is consistent with the December 2011 RTIF Update. However, on September 25, 2014 the SJCOG Board of Directors approved an Addendum to the 2011 RTIF Update that included the addition of two projects to the RTIF project list. The complete addendum is included in this letter as Attachment A for informational purposes.



B7-6

Thank you again for the opportunity to comment. If you have any questions please call Kim Anderson at (209) 236-0565 or email to [anderson@sjcog.org](mailto:anderson@sjcog.org) or David Ripperda at (209) 235-0450 or email to [ripperda@sjcog.org](mailto:ripperda@sjcog.org) . SJCOG staff would be pleased to meet with the County to provide any necessary information, support and guidance, if needed.

Sincerely,

David Ripperda

SJCOG Regional Planner

Attachments: Attachment A: Addendum to the 2011 RTIF Update

# San Joaquin County Regional Traffic Impact Fee: 2014 Addendum

San Joaquin County, CA

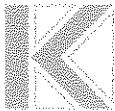
Prepared For:  
**San Joaquin Council of Governments**  
555 E. Weber Avenue  
Stockton, CA 95202-2804  
(209) 235-0600

Prepared By:  
**Kittelson & Associates, Inc.**  
428 J Street, Suite 500  
Sacramento, California 95814  
(916) 226-2190

Project Manager: Jim Damkowitz

Project No. 18173

September 25, 2014



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Addition of the Austin Road / SR-99 Project to the RTIF Project List (Appendix A p. 1, Project ID 7)... 6

Clarification for Warehouse and Industrial Land Uses ..... 7



## INTRODUCTION

Per the request of the San Joaquin Council of Governments (SJCOG), Kittelson & Associates, Inc. (KAI) has prepared this addendum to the San Joaquin Council of Governments Regional Traffic Impact Fee (December 2011). This addendum documents the following four modifications to the 2011 RTIF document:

- Selection of an Annual Fee Adjustment Procedure
- Addition of Navy Drive to the RTIF Network
- Addition of Navy Drive Corridor Project to the RTIF Project List
- Addition of Austin Road / SR-99 Interchange Project to the RTIF Project List
- Clarification for warehouse and industrial land uses for purposes of fee administration

KAI has reviewed the technical documentation and nexus analysis performed as part of the RTIF 2011 Update report, and with this addendum, the RTIF along with its documentation continue to conform to the requirements of the Mitigation Fee Act (AB 1600).

## ANNUAL FEE ADJUSTMENT PROCEDURE (P. 24 OF THE 2011 RTIF)

In May of 2011, the SICOG Board of Directors approved a temporary suspension of the RTIF annual fee adjustment. This decision was due to increasing concern that the California Construction Cost Index (CCCI) may not best reflect the realities of construction cost changes for transportation projects in the current bid environment. As part of the 2011 RTIF Update, an examination of other metrics including the Caltrans Highway Cost Index (CHCI) and the Consumer Price Index (CPI) as alternatives to calculate annual adjustments was performed. The assessment found the CHCI and CPI too variable (high / lows) to use for the annual adjustment (i.e., oscillating fee rates would introduce too much uncertainty from year to year). The 2011 RTIF also included an examination of a rolling average of the indices. The averaging exercise did not significantly reduce the fluctuations in the CHCI or CPI. As a result of this analysis, the RTIF 2011 Update recommended an annual fee adjustment procedure based on a rolling three year average calculation using data contained in the Engineering New Record California Construction Code Index (CCCI). Given that this recommendation was never formally amended into the RTIF operating agreement, per this addendum it will now be amended directly into the RTIF as well as the Operating Agreement.

The following language shall be amended into the 2011 RTIF and supersede conflicting provisions contained in Section 3.2 of the Operating Agreement.

*The RTIF shall be adjusted by each Participating Agency on an annual basis at the beginning of each fiscal year (July 1). The annual adjustment shall be calculated as the arithmetic average of the annualized change of the CCCI for each of the most recent three years.*

## ADDITION OF THE NAVY DRIVE TO THE REGIONAL TRANSPORTATION NETWORK

The Navy Drive Corridor project is added to the RTIF roadway network and the capital project list. A project must be on the regional transportation network to be eligible to receive RTIF revenue. Per the request of SJCOG and given its growing regional significance, this addendum to the 2011 RTIF will augment the regional network to include the following regional roadway:

- Navy Drive (SR 4 Extension to Washington Street)

It should be noted that in order to maintain consistency between SJCOG's RTIF Network and SJCOG's Regional Congestion Management Program, approval of this addendum will entail future inclusion of Navy Drive in SJCOG's Regional Congestion Management Program (RCMP) Network. This can occur as part of the next biennial update of the 2012 RCMP. Navy Drive will then be subject to all state congestion management requirements per Government Code Section 65088-65089.10.

The Navy Drive Corridor project is reflected on the RTIF roadway network as shown in Figure 1. This figure also highlights the other roadways amended into the RTIF network as part of the 2011 RTIF Update.



### Addition of the Navy Drive Corridor Project to the RTIF Project List (Appendix A)

In addition to the addition of Navy Drive to the Regional Transportation Network, the Navy Drive Corridor Project will be amended into the RTIF Project List. The Navy Drive Corridor Project consists of widening Navy Drive from two to four lanes between the BNSF railway undercrossing and Washington Street. The BNSF undercrossing phase of this improvement is the subject of this addendum.

Based on the required nexus assessment, the fair share cost of this improvement to future development is \$8,642,150. To ensure that the funding for this project is being accommodated within the existing RTIF fee structure, a reallocation of this amount from the maximum RTIF portion of the State Route 4 Extension project is desired. Adjustment to the current RTIF fee structure is therefore not warranted. This adjustment is also supported given that the State Route 4 Extension project is being delivered below the cost allocation budget contained in the RTIF.

This project is added to Table A.1: RTIF Update Project List as shown below.

ID	Facility Name/Route	Project Description		Project Limits		
63	Navy Drive Corridor	Reconstruct BNSF Navy Drive Undercrossing		Navy Drive at BNSF railway undercrossing		

ID	Facility Name/Route	Year Complete	Project Cost	External Trip Share	Existing Deficiency Share	RTIF Fair Share
			<i>a</i>	<i>b</i>	<i>c</i>	$d = a*(1-b)*(1-c)$
1	SR-4 Extension	2016	\$174,000,000	6%	0%	\$163,600,000 (2011 RTIF)
1	SR-4 Extension	2016	\$174,000,000	6%	0%	\$154,957,850 (2014 addendum)

ID	Facility Name/Route	Year Complete	Project Cost	External Trip Share	Existing Deficiency Share	RTIF Fair Share
			<i>a</i>	<i>b</i>	<i>c</i>	$d = a*(1-b)*(1-c)$
63	Navy Drive Corridor	2015	\$9,097,000	5%	0%	\$8,642,150





## ADDITION OF THE AUSTIN ROAD / SR-99 PROJECT TO THE RTIF PROJECT LIST (APPENDIX A P. 1, PROJECT ID 7)

The Austin Road/SR-99 interchange is on the Regional Transportation Network and its reconstruction listed in the 2014 RTP. The total updated project cost is \$5,376,930. Based on the required nexus assessment, the fair share cost of the improvement to future development is \$3,226,158. To ensure that the funding for this project is being accommodated within the existing RTIF fee structure, a reallocation from the maximum RTIF portion of the SR-99 Widening project is desired. Adjustment to the current RTIF fee structure is therefore not warranted. The External Trip Share for the SR-99/Austin Road Interchange of 40% is based on new modeling performed as part of this addendum.

The following adjustments to Appendix A in the 2011 RTIF are to be included to this addendum.

ID	Facility Name/Route	Year Complete	Project Cost	External Trip Share	Existing Deficiency Share	RTIF Fair Share
			<i>a</i>	<i>b</i>	<i>c</i>	$d = a*(1-b)*(1-c)$
7	SR-99 Widening	2015	\$210,500,000	48%	0%	\$109,500,000 (2011 RTIF)
7	SR-99 Widening	2015	\$210,500,000	48%	0%	\$106,273,842 (2014 Addendum)

ID	Facility Name/Route	Project Description	Project Limits
64	SR-99 @ Austin Road	Reconstruct Interchange	SR-99 @ Austin Road

ID	Facility Name/Route	Year Complete	Project Cost	External Trip Share	Existing Deficiency Share	RTIF Fair Share
			<i>a</i>	<i>b</i>	<i>c</i>	$d = a*(1-b)*(1-c)$
64	SR-99 @ Austin Road	2015	\$5,376,930	40%	0%	\$3,226,158

## CLARIFICATION FOR WAREHOUSE AND INDUSTRIAL LAND USES

To facilitate proper administration of the RTIF, the following additional information is provided to clarify the definitions and distinctions between the Warehouse and Industrial land use categories.

### Warehouse

The Warehouse land use category should be applied to projects that are primarily devoted to the storage of materials, but they may also contain ancillary industrial, office, or maintenance areas. When the associated industrial, office, or maintenance area is primary rather than ancillary, the Industrial land use category should be used.

Examples of warehouse land use include:

- self-storage facilities;
- distribution centers (used for storage of finished material prior to their distribution to retail centers or other storage facilities);
- data centers (primarily used for off-site storage of computer systems, components, and data systems);
- agricultural storage;
- refrigerated/cold storage; and,
- wrecking yards.

### Industrial

The Industrial land use category may be properly applied to a wide range of uses containing a mix of manufacturing, industrial, and warehouse uses. The Industrial land use category should be applied to projects partially composed of warehouse space when the project is not primarily devoted to the storage of material; for projects primarily devoted to the storage of material, the Warehouse land use category should be used.

Examples of the Industrial land use category include:

- printing;
- material testing;
- assembly plants;
- manufacturing plants (where raw materials or parts are converted to finished products); and,
- utilities.

## **Letter B7: San Joaquin Council of Governments, SJCOG David Ripperda, SJCOG Regional Planner**

B7-1 The comment refers to the 2035 General Plan. The Background Report of the General Plan has been revised as necessary.

B7-2 The comment requests the Draft EIR be revised for clarification regarding Amtrak services in San Joaquin County. The following text change is made to page 4.H-13, fourth paragraph, of the Draft EIR:

“Amtrak currently operates the “San Joaquin” service. Twelve trains a day run between its southern terminus at Bakersfield and Stockton, where the route splits to Oakland (four trains each way per day) and Sacramento (two trains each way per day) 12 daily trains south of Sacramento and 8 daily trains west of Stockton (Bay Area). These trains are classified by Amtrak as the “San Joaquins”. ACE currently operates....”

B7-3 The comment requests revisions to the labeling of railroads in Figure 4.8-8. While the comment refers to Figure 4.8-8, it is assumed that the reference was meant to be to Figure 4.H-8 on page 4.H-24 of the Draft EIR. Figure 4.H-8 has been corrected as shown in Chapter 4 of the Final EIR.

B7-4 The comment suggests noting that Chrisman Road and the segment of Lower Sacramento Road identified as impacted are not part of the Regional Congestion Management Program (RCMP). Chrisman Road did not have an identified impact, so the reference is not necessary. The following change has been made to page 4.D-41 of the Draft EIR, second paragraph, third sentence:

~~Although all of these roadway sections at issue are also designated as part of the Regional Congestion Management Program (RCMP) for San Joaquin County, their projected ADT forecasts are within the RCMP Local Roadway LOS D Threshold.~~

Seven of the impacted roadway segments, excepting Lower Sacramento Road north of Mokelumne Street, are also part of the Regional Congestion Management Program (RCMP) for San Joaquin County. None of these segments are expected to exceed the LOS D threshold which would trigger a RCMP impact.

B7-5 The comment suggests a text change for page 4.K-16 of the Draft EIR related to the Airport Land Use Plan, as a more recent citation is available. The following edit is made to the third paragraph:

**“San Joaquin County Airport Land Use Plan (1997)”**

The San Joaquin County Airport Land Use Plan (ALUP) establishes the Airport Land use Compatability Zones for each airport in the plan.

**San Joaquin County Airport Land Use Plan (2009)**

The 2009 San Joaquin County Airport Land Use Control Plan (ALUCP) establishes the Airport Land use Compatibility Zones for the following public-use airports: Kingdon Executive Airport, Lodi (Lind’s) Airport, Lodi (Precissi) Airpark, New Jerusalem Airport, and Tracy Municipal Airport. Stockton Metropolitan Airport will continue to use the 1993 ALUCP compatibility zones until the master plan update for the airport is complete.

B7-6 The comment requests the addition of projects to Table 4.D-C2, starting on page 47 of Appendix D of the Draft EIR, from the *San Joaquin County Regional Traffic Impact Fee: 2014 Addendum*. Two projects have been added to the table as follows (excerpt below):

Lathrop Road	Widen from 2 to 4 lanes	I-5 to east UPRR
Corral Hollow Road	Widen from 2 to 4 lanes	Parkside Drive to Linne Road
<u>Navy Drive</u>	<u>Reconstruct BNSF/Navy Drive Undercrossing</u>	<u>BNSF Crossing</u>
<u>SR 99</u>	<u>Reconstruct SR 99 / Austin Road Interchange</u>	<u>Austin Road</u>

EHD Comments

Draft SJC 2035 General Plan EIR

J. Hydrology and Water Quality

Page 4.J-33

**San Joaquin County Ordinances for Well Use and Groundwater Management Plan Development**

San Joaquin County has adopted an ordinance governing water well construction standards similar to the Department of Water Resource (DWR) requirements under Bulletin 74-81 and 74-90 (San Joaquin County Ordinance Code Section 9-11 15.6). This ordinance documents the permit and oversight of new monitoring wells and water well construction. The ordinance governs the construction, deepening, and destruction of any well and soil boring within the unincorporated areas of the county as well as some wells in the incorporated areas. The ordinance is enforced by the San Joaquin County Environmental Health Department. Applicants must submit plan documents and obtain permits before they are allowed to complete any of the activities covered by the ordinance. Consistent with state requirements, the San Joaquin County Environmental Health Department (SJCEHD) is mandated to track water systems with fewer than 200 service connections served by wells. This program is reviewed on an annual basis by the State Water Resources Control Board- Division of Drinking Water (SWRCB-DDW)Department of Public Health (DPH), SWRCB-DDW DPH permits and tracks public water supplies with 200 or more service connections. Between the county and state programs, over 620 water sources and associated water agencies in San Joaquin County are regulated, with some sources containing several wells. Many of the County Water Management Plan efforts are coordinated by the San Joaquin County Department of Public Works, Water Resource Division.

B8-1

K. Hazards and Hazardous Materials

Page 4.K-14

**Local**

**County Office of Emergency Services (OES)**

The responsibility of the San Joaquin County Office of Emergency Services (OES) includes effective planning for emergencies. OES provides training for governmental agencies, including California Department of Public Health (CDPH), the County Public Works Department and SJCEHD.

B8-2

The OES is also responsible for preparing a Local Hazardous Mitigation Plan (LHMP) that meets the state and federal requirement of the Disaster Mitigation Act of 2000, to develop an on-going process for mitigating disaster damages both prior to and following a disaster.

Page 4.K-28, Impact 4.K-4, Paragraph #2.

The proposed 2035 General Plan includes policies that help ensure the safety of its residents, visitors, and businesses. For example, Policy PHS-7.15 ensures that the County continues support and funding for investigations and cleanups of contaminated sites. ~~Policy PHS-7.16 would, when known, have the County refer contaminated sites to the appropriate lead agency with established authority/jurisdiction for the required assessment and cleanup activities. Policy PHS-7.16 would, where appropriate, have the County seek support from the State Department of Health Services to designate contaminated sites as hazardous waste property which would preclude development until appropriate cleanup has occurred.~~ However, in general, the discovery of legacy contaminants is revealed in the due diligence process for real estate transactions and the existing regulatory framework for the investigation and remediation of any identified contaminants is protective of human health and the environment. This process is reflected in the implementing actions of PHS-R (Hazardous Waste Inventory) which promotes the practice of seeing that historical releases are factored into land use decisions and remediation appropriate for new uses is accomplished. Therefore, with implementation of the aforementioned policies and the existing local, state and federal regulatory requirements, the potential impacts related to sites included on hazardous waste databases is less than significant.

B8-3

Comment [LT1]: Old policy language updated to be consistent with new policy language.

Page 4.K-31

**Cumulative Impacts**

**Impact 4.K-9: Hazards resulting from implementation of the proposed 2035 General Plan, in combination with past, present, and reasonable foreseeable probable future projects could contribute to cumulative hazards. (Less than Significant)**

*Greenhouse Gases.* The 2035 General Plan as well as other past, present, and reasonable foreseeable probable future projects would be required to adhere to existing regulatory requirements for the appropriate handling, storage, and disposal of hazardous materials that are designed to minimize exposure and protect human health and the environment. Cumulative increases in the transportation of hazardous materials and wastes would cause a less than significant impact because the probability of accidents is relatively low, and the use of legally required packaging minimizes the consequences of potential accidents. In addition, all projects in the area would be required to comply with the same laws and regulations as the 2035 General Plan. This includes ALUCP consistency, and federal and state regulatory requirements for transporting (Cal EPA, Federal DOT and CHP Caltrans) hazardous materials or cargo (including fuel and other materials used in all motor vehicles) on public roads or disposing of hazardous materials (Cal EPA, DTSC, SJCEHD). Therefore, this cumulative impact would be less than significant.

B8-4

Page 4.N-31

**San Joaquin County Ordinance Code**

The San Joaquin County Ordinance Code (Title 5 Health and Sanitation, Division 2 Solid Waste Collection and Disposal, with specific ordinances) is used to regulate solid and household waste facilities at the local level. SJCEHD's role in the County-wide solid waste management program is to enforce

B8-5

solid waste laws; investigate closed and abandoned landfills, and investigate citizen complaints regarding solid waste. Hazardous wastes are regulated by the State Department of Toxic Substances Control (DTSC). The authority to regulate hazardous waste can be found in the California Health and Safety Code and Title 22, CCR. The SJCEHD does not implement the enforcement program for the RWQCB. The enforcement program is handled by the RWQCB staff. The San Joaquin County Public Works Department, Solid Waste Division, is responsible for the operation of the County-owned transfer station and disposal sites. There are privately-held transfer stations and disposal sites throughout the County.

↑ B8-5  
cont.

**Comment [RE2]:** Statement does not have relevance to Solid Waste Collection and Disposal in the SIC Ordinance Code, and should be deleted.

## Letter B8: County of San Joaquin Environmental Health Department, EHD

B8-1 The comment suggests a text change in the Regulatory Setting under the San Joaquin County Ordinances for Well Use and Groundwater Management Plan Development, page 4.J-33. As such, the following text change is made:

“This program is reviewed on an annual basis by the State Water Resources Control Board-Division of Drinking Water (SWRCB-DDW), Department of Public Health (DPH), DPH SWRCB-DDW permits and tracks public water supplies with 200 or more service connections.”

B8-2 The comment suggests an editorial text change on page 4.K-14. The following change (addition of period at end of sentence) is made:

“The responsibility of the San Joaquin County Office of Emergency Services (OES) includes effective planning for emergencies.”

B8-3 The comment suggests an editorial change on page 4.K-28. The following text change is made to the first paragraph, first sentence:

~~“Policy PHS-7.16 would, where appropriate, have the County seek support from the State Department of Health Services to designate contaminated sites as hazardous waste property which would preclude development until appropriate cleanup has occurred. Policy PHS-7.16 would, when known, have the County~~ refer contaminated sites to the appropriate lead agency with established authority/jurisdiction for the required assessment and cleanup activities.”

B8-4 The comment suggests a text change on page 4.K-31. The following change is made to the first paragraph, fourth sentence:

“This includes ALUCP consistency, and federal and state regulatory requirements for transporting (Cal EPA, Federal DOT and CHP and ~~Caltrans~~) hazardous materials or cargo (including fuel and other materials used in all motor vehicles) on public roads or disposing of hazardous materials (Cal EPA, DTSC, SJCEHD).”

B8-5 The comment suggests a text change on page 4.N-31. The following change is made to the first paragraph, third sentence:

“SJCEHD’s role in the County-wide solid waste management program is to enforce solid waste laws; investigate closed and abandoned landfills, and investigate citizen complaints regarding solid waste. ~~Hazardous wastes are regulated by the State Department of Toxic Substances Control (DTSC). The authority to regulate hazardous waste can be found in the California Health and Safety Code and Title 22, CCR.~~ The SJCEHD does not implement the enforcement program for the RWQCB.”



# Comment Letter B9

Zimbra

rhoo@sjgov.org

## FW: General Plan DEIR review

**From :** Alex Chetley <achetley@sjgov.org>

Tue, Nov 18, 2014 09:09 AM

**Subject :** FW: General Plan DEIR review

**To :** Ray Hoo <rhoo@sjgov.org>

Ray.

Comments on the DEIR from transportation planning/traffic.

After some review, we have found the following eleven items still unaddressed from our prior comments:

- TM-3.13, page 4.D-26: Development Right-of-Way does not have language addressing intersection templates. Language was previously sent to consultant for inclusion, but the description remains unchanged from the Admin DEIR. B9-1
- Table 4.D-8, page 4.D-27: Expressway description is still inaccurate. Language was previously sent to consultant for inclusion, but the description remains unchanged from the Admin DEIR. B9-2
- TM-5.14, page 4.D-29: As previously commented, the County can't ensure anything within railroad rights-of-way. Language was previously sent to consultant for inclusion, but the description remains unchanged from the Admin DEIR. B9-3
- TM-6.1, page 4.D-30: Previous Admin DEIR comment "*Shorten and generalize the Policy; use language such as '...shall comply with all relevant State laws.' in place of '...encourage and support programs that...'*" has not been addressed - description remains unchanged from the Admin DEIR. B9-4
- PHS-5.3, page 4.G-15: Previous Admin DEIR comment "*What County Depart will take lead on this coordination?*" was not addressed. This work is typically the job of SJCOG; modify to reflect SJCOG's role or remove. B9-5
- PHS-5.9, page 4.G-15: Previous Admin DEIR comment "*Policy is vague - how are these reductions to be accomplished?*" was not addressed. In addition, previous request to remove " *'...to the maximum extent feasibile...'*" has not been addressed. B9-6
- Table 4.L-1, page 4.L-3: Previous Admin DEIR comment "*Austin Road is incorrectly identified as beginning at the Stanislaus County Line; it begins at Caswell State Park within San Joaquin County.*" was not addressed. B9-7
- NCR-7.1, page 4.L-13: Previous Admin DEIR comment "*This New Policy is too general - is it referring to the officially designated scenic highways (I-580, I-5) as mentioned earlier in the section, County identified scenic roadways (of which none are currently officially designated per page 4.L-2), or both?*" was B9-8

### Comment Letter B9

not addressed.

- ED-I, page 4.L-16 AND page 4.L-19: Previous Admin DEIR comment "*The County should not be in the business of maintaining private wayfinding signs (i.e. free advertising) for private uses - these should be developed and maintained by the entities receiving the benefit, and only approved by the County.*" was not addressed. Remove or modify language to address previous comments.
- IS-S, page 4.L-17: Previous Admin DEIR comment "*Add "...where feasible" to the end of the Implementation Measure*" was not addressed.

↑ B9-8  
cont.  
| B9-9  
| B9-10

In addition, I have found the following five issues that have been introduced since our previous review:

- Page 4.D-12: Comment "Sections of the following 15 county roadways..." directly below Table 4.D-7 does not match up with the 11 roads listed. Revise accordingly.
- Page 4.D-12: Add McHenry Avenue to the list of roads with planned improvements – Table 4.D-7 shows 3 lane Arterials having a capacity of 15,000, and the existing deficient ADT is only 13,100 per Appendix E. After completion, the current planned widening to 3 lanes will give this segment an acceptable LOS upon completion.
- Pages 4.D-12&27: Tables 4.D-7 and 4.D-9 have conflicting capacities. In addition, under capacities shown on Table 4.D-9, two of the roads listed on Page 4.D-12 (Escalon-Bellota Rd and Tracy Blvd) listed as currently deficient would fall well below the 14,000 threshold for a two lane Collector. Clarify these discrepancies and re-evaluate these two roads as necessary.
- Page 4.D-38: Five segments over four roads on Table 4.D-14 also conflict with the Collector capacity of 14,000 noted above. If the capacity of 14,000 is ultimately used, only Chrisman Rd, French Camp Rd, Lower Sac Rd, and McHenry Ave should remain. Clarify these discrepancies and re-evaluate these five roads as necessary.
- TM-5.12, page 4.D-29: New section is too specific – remove speeds or amend to say "a minimum of" before 79 mph & 125 mph.

| B9-11  
| B9-12  
| B9-13  
| B9-14  
| B9-15

**Jeffrey Levers**  
Associate Engineer/Transportation Planner

**County of San Joaquin**  
**Department of Public Works**  
Transportation Engineering Division  
(209) 953-7631 (209) 468-2999 fax

## Letter B9: County of San Joaquin, Department of Public Works Jeffrey Levers, Associate Engineer/Transportation Planner

B9-1 The comment states that policy language supplied for Policy TM-3.13 was not included in the Draft EIR. The following change has been made the policy on page 4.D-26 of the Draft EIR:

**TM-3.13: Development Rights-of-Way.** The County shall require dedication and improvement of necessary on and off-site rights-of-way at the time of new development, in accordance with the County’s Functional Classification, Standard Drawings, and Level of Service Standards. The County shall require that changes to existing intersections or new intersections be designed and constructed according to San Joaquin County Intersection Templates updated in 2014. (Source: Existing GP, Transportation, Roadways, Implementation 2).

B9-2 The comment requests an update to the definition of Expressway supplied in Table 4.D-8 on page 4.D-27 of the Draft EIR. The following change has been made to the description of expressways in Table 4.D-8:

Designed for high speed intercommunity traffic between important centers of activity or employment; may be a two-lane undivided roadway in rural areas or a multi-lane divided roadway in urban areas. Access in areas of development should be limited to freeways, arterials, and rural roads with minimum spacing of one-half mile.

B9-3 The comment requests changes to the language of Policy TM-5.14 on page 4.D-29 of the Draft EIR. The following change has been made to the policy:

~~**TM-5.14 Rail Crossings.** The County shall ensure all at-grade rail crossings with roads have appropriate safety equipment. (Source: Existing GP, Transportation, Transit, Implementation 9, Modified).~~

**TM-5.14: Rail Crossings.** The County shall continue to cooperate with all Railroads and the Public Utilities Commission in their efforts to enhance at-grade rail crossings. (Source: Existing GP, Transportation, Transit, Implementation 9, Modified).

B9-4 The comment requests changes to the language of Policy TM-6.1 to remove the language “encourage and support programs” and replace with “shall comply with all relevant state laws.” The changes as described are reflected in the Draft EIR. The Draft EIR and the policy document were not consistent at the time of public review. The policy document has been updated to reflect the policy language in the Draft EIR.

B9-5 The comment suggests that the San Joaquin Council of Governments typically takes the lead on cross-jurisdictional issues and suggests a text change for Policy PHS-5.3 on page 4.G-15 of the Draft EIR. The following change is made to the policy:

**PHS-5.3:** Cross-Jurisdictional Air Quality Issues. The County shall coordinate with neighboring jurisdictions and affected agencies through the San Joaquin Council of Governments to address cross-jurisdictional and regional transportation and air quality issues. (IGC) (Source: New Policy, SJVAPCD, Air Quality Guidelines for General Plan)

B9-6 The comment suggests clarification regarding Policy PHS-5.9 on page 4.G-15 of the Draft EIR. The following change is made:

**PHS-5.9:** Particulate Emissions from County Roads. The County shall require PM10 and PM2.5 emission reductions on County-maintained roads, which may involve the development of plans and funding sources where appropriate to pave heavily used unpaved roads to the maximum extent feasible and consistent with State and Federal regulations. (RDR) (Source: New Policy, SJVAPCD, Air Quality Guidelines for General Plan)

B9-7 Table 4.L-1 is corrected at the bottom of the table to show that Austin Road begins at Caswell State Park within San Joaquin County. The table has been edited as follows (excerpt below):

Road Name	Segment Begin	Segment End	Configuration	Scenic Resources
Corral Hollow Road	Alameda Co. Line	Interstate 580	east/west 2-lane rural road	range; Diablo Range foothills; Corral Hollow canyon
Austin Road	<del>Stanislaus Co. Line</del> Caswell State Park	SR 99	north/south 2-lane rural road	cropland
River Road	Ripon Road	Santa Fe Road	east/west 2-lane rural road	cropland; orchards; riparian vegetation; Stanislaus River

B9-8 This comment addresses a policy and states that it is too generalized. This comment does not address the Draft EIR. No changes to the Draft EIR, or the policy, are proposed.

B9-9 The comment addresses Implementation Program ED-1 of the 2035 General Plan rather than the Draft EIR. The program has been eliminated from the 2035 General Plan.

B9-10 The comment requests a text change that was not addressed in previous comments made on the Draft EIR. The following change is made to Mitigation Measure 4.L-1 on page 4.L-17:

**“IS-S:** The County shall work with Caltrans to ensure that any road expansions of identified scenic routes shall minimize disruption of the elements that make the route scenic (e.g., orchards, historic structures, and riparian vegetation) where feasible.”

B9-11 The comment indicates a mismatch in the number of deficient segments listed versus the count shown in the narrative. The following change has been made on page 4.D-12 of the Draft EIR made to the first paragraph, first sentence:

Sections of the following ~~fifteen~~ eleven county roadways currently exceed San Joaquin County’s average daily travel (ADT):

B9-12 The comment states that McHenry Avenue will be widened to three lanes and should therefore be added to the planned improvement list. This project is included in Table 4.D-C1 of Appendix F of the Draft EIR. The widened road would no longer have a deficient LOS rating. The impacted segment of McHenry Avenue is listed for programmed improvement in Table 4.D-C1 of the Draft EIR. Table 4.D-B5 has overlapping segments for McHenry Avenue. The following edits have been made to Table 4.D-B5 of Appendix E (excerpt below):

Mc Henry Ave	s/o SSJID Canal	13,000	2	12,500	14,100	14,100	15,200	14,600	14,300	2	12,500	14,100	14,100	15,200	14,600	14,300
McAllen Rd	e/o Holman Rd (Wine Grape Rd)	9,200	2	10,000	9,200	9,200	9,200	9,200	9,200	2	10,000	9,200	9,200	9,200	9,200	9,200
McHenry Ave	Jones To Stan Co Line	13,100	2	12,500	19,200	19,300	20,100	19,700	19,500	4	30,100	19,200	19,300	20,100	19,700	19,500

Table 4.D-B6 of Appendix E of the Draft EIR refers to the incorrect McHenry Avenue segment. The correct segment does not show a deficiency in the preferred scenario with TIMF. The table has been edited as follows (excerpt below):

Mc Henry Ave	s/o SSJID Canal	2	12,500	14,100	14,100	15,200	14,600	14,300
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B9-13 The comment points out that there are inconsistencies in the threshold capacities of roadways with different functional classifications. The capacity column has been removed from Table TM-1 and Table 4.D-9 on page 4.D-27 of the Draft EIR. Also, the Appendix showing Table 4-4 has been renamed to “Peak Hour Level of Service Criteria Example from SJCOG’s Regional Congestion Management Program.” The two lane collector capacity remains 7,000.

B9-14 The comment states that some of the deficient roadways fall between the two conflicting capacities mentioned in Comment B9-13. The lower capacity is the one that fits county standards and therefore, the deficiencies stand. The comment is noted.

B9-15 The comment requests less specificity for Policy TM-5.12 regarding passenger rail service. The following change has been made to Policy TM-5.12 on page 4.D-29:

**Policy TM-5.12: Higher Speed Rail.** The County shall support the concept of developing higher speed passenger service along existing rail corridors to Sacramento and the Bay area ~~to a capability of 79 miles per hour in the short term. In the longer term, the County supports upgrading rail service to a capability of 125 miles per hour~~ along existing or new alignments. (PSP/IGC) (Source: Existing GP, Transportation, Transit, Policy 10)



SAN JOAQUIN FARM BUREAU FEDERATION

MEETING TODAY'S CHALLENGES / PLANNING FOR TOMORROW

December 5, 2014

San Joaquin County Community Development Department
c/o Ms. Kerry Sullivan, Director
1810 E. Hazleton Avenue
Stockton, CA 95205

RE: General Plan 2035 Policies and DEIR

The San Joaquin Farm Bureau Federation is a private, not for profit volunteer organization that has been dedicated to the advancement of the agriculture industry in San Joaquin County for over one hundred years. We value to opportunity to offer comments on the San Joaquin County 2035 General Plan as the protection of the natural resources we depend on is our foremost priority. We generally support most of the policies in the General Plan. That said, we also have many concerns regarding considerable loss of farmland, the county's policy regarding small parcel viability, the new county policy to address water resources, and most importantly, implementation.

B10-1

Considering the incredible importance of the General Plan as a guiding document that will influence land use policies for the next 20 years, we formally request an extension of the public comment period due to expire on December 5th, 2014.

In the event that there is no extension, please consider the comments below on behalf of the San Joaquin Farm Bureau Federation

Land Resources

We generally support the idea of infill development and promoting growth within urban centers to minimize impacts on the surrounding agricultural land and we appreciate the focus on maintaining agricultural and open space lands in the county. However, we do have some concerns regarding the environmental impacts upon implementation of the General Plan.

a. Land Use Policies That Are Protective Of Agricultural Land

B10-2

We support LU 7.1 to protect agricultural lands needed for the continuation of viable commercial agricultural production and other agricultural enterprises. However, we find LU 7.2 to be inconsistent with the aforementioned policy. Agricultural support uses on agricultural uses are acceptable, but we do not support non-farm activities in the agricultural zone. We understand that this is intended to bring necessary services to the rural residents, but that is the express purpose of the crossroads commercial zone and all non-farm development should occur accordingly.

We support LU 4.10 that recognizes an absolute priority for agriculture and farming operations in rural areas. We also support LU 2.15 that recognizes the impacts on surrounding agricultural lands when a General Plan amendment changes the zoning for parcels within the agricultural zone. However, we recommend that this policy be implemented when evaluating all applications as subdivisions and changes of use through discretionary use permits can have similar impacts on surrounding farming operations.

We support LU 6.4 that limits industrial uses on agricultural land to facilities that are directly related to the processing of an agricultural crop produced in the county. Agricultural support services are a significant benefit to local growers and also promote job growth. The Farm Bureau supports the use of agricultural land for the processing of local commodities.

We support LU 5.15 that discourages commercial recreational uses on agricultural land as this policy will protect the agricultural land in the county. We understand that such use would still be subject to a discretionary permit that is supposed to take into consideration the impacts to the surrounding areas and cumulative impacts, but often time such review is cursory and inadequate. This policy will deter such applications and should act as guidance for the land use approval authority.

B10-2  
cont.

**b. Significant and Unavoidable Impacts to Agricultural Land**

While the policies articulated in the General Plan are written with the express intention to protect agricultural land, the DEIR shows an apparent deviation from these policies upon implementation.

Impact 4.B-1 in the DEIR identifies a significant and unavoidable impacts due to the conversion of prime farmland, unique farmland, and farmland of statewide importance to non-agricultural uses as a result of the implementation of 2035 General Plan. Both within and outside of existing spheres of influence (SOI's), we are looking at a total loss of 5,968 acres of farmland that would be converted to non-agricultural use. Furthermore, Table 3-8 in the DEIR projects a loss of 2,217 acres of land that is currently designated "general agriculture". The DEIR also correctly identifies the need for infrastructure improvements to support such development and that the implementation of the General Plan with the supporting services (water, sewage, road improvements) could result in even greater amounts of land that is converted.

B10-3

Impact 4.B-6 also recognizes significant and unavoidable cumulative impacts to the entire Central Valley. The DEIR states, "the proposed 2035 General Plan would result in conversion of almost 6,000 acres of important farmland, termination of Williamson Act contracts, development in areas currently zoned for agricultural use, and land use conflicts with existing agricultural uses." Not only will this have a significant impact on local resources, but would result in considerable contribution to the cumulative impacts on agriculture valley-wide.

The impacts are considered significant and unavoidable because once farmland is converted, it can never be recovered. While we support the policies articulated in the General Plan, it is clear that there is a disconnect between those policies and the impacts that will be created by the implementation of them. For example, Table 3-8 shows a loss of 2,217 acres of agricultural land, but shows a proposed 421 acre gain of rural residential land. It is contradictory to have policies

intended to protect agriculture and promote urban infill whilst converting almost 500 acres to rural residential housing with low density. As a document that is intended to guide the development decisions within the county for the next 20 years, it is imperative that the policies intended to minimize impacts to the county by discouraging the conversion of farmland are considered at every level by the San Joaquin County Community Development Department.

While the DEIR states that the impacts to farmland within San Joaquin County can be mitigated to a less than significant level through the implementation of the 2035 General Plan, we are concerned that there is no mitigation discussed. The loss of thousands of acres of irreplaceable farmland is significant. While the policies referenced will help to influence more urban infill, these policies are advisory in nature and do not bind governing bodies that have historically allowed such development in the agricultural zone. For that reason, there needs to be a mitigation measure that will ensure such policies are followed as to not result in increased farmland losses or create development pressure in the agricultural areas.

Also of grave concern is that the impact of implementing the 2035 General Plan will result in significant and unavoidable cumulative impacts to the entire Central Valley, yet there is no mitigation available. We cannot support these policies without a way to mitigate the impacts to the agricultural industry to a less than significant level.

**c. Williamson Act**

We appreciate the county's continued participation in the Williamson Act program and the recognition of the importance of such a program for the continued financial viability of our agrarian communities. We will continue to advocate for additional subvention funding for this program at the state level.

We are concerned that the DEIR highlights impact 4.B-2, as it would result in the termination of contracts on small acreage parcels, leading to their ultimate development. The importance of the Williamson Act as a means of protecting farmland from development cannot be overstated and we would oppose the cancellation of these contracts as it would lead to premature conversion.

We support LU 7-16 and LU7-17 as they create minimum parcel sizes for Williamson Act contracts of 20 acres for prime farmland and 40 acres for non-prime farmland and compel notices of non-renewal for parcels less than 10 acres in size. These policies will support commercial agriculture and protect agricultural production.

We are appreciative for the continued support of the Williamson Act and for the clear articulation of the county's position. However, findings of compatibility and minimum parcel sizes are habitually ignored by the governing bodies charged with enforcing the restrictions of the Act. LU 7-16 and 7-17 should include a reference to the governing statute that creates uniform minimum parcel sizes based upon conclusive presumptions of commercial agricultural production. It should be made very clear that while the policies contained in the General Plan are advisory in nature, these policies are drafted to be consistent with controlling state statutes.

We also recommend that a policy be added that would give deference to the Department of Conservation if there is a question of compatibility. We suggest that the county adopt a policy



B10-3  
cont.



B10-4



that requires a notice of non-renewal be filed before permitting an incompatible use or a subdivision that would create a parcel below the minimum size dictated by state statute.

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cont.

**d. The Agricultural Mitigation Ordinance**

We appreciate the county’s continued efforts to provide agricultural mitigation. Our main goal is to continue to enforce the ordinance per the required 1:1 mitigation that puts the burden on the developer to seek out similar land and enter into an easement agreement. We appreciate that LU-7.10 and LU- 7.12 specifically reinforce the ordinance but the language could be strengthened in a manner that results in more meaningful protections for agricultural lands within the county.

B10-5

We recommend amending LU- 7.10 to read “The County shall continue to require 1: 1 agricultural mitigation for projects that convert agricultural lands to urban uses”. We also propose amending LU-7.12 to read “The County shall maintain and implement the Agricultural Mitigation Ordinance to permanently protect agricultural land within the County *by requiring 1:1 mitigation*”. Though these suggested amendments are minor, they will reinforce the intent behind the county’s Agricultural Mitigation Ordinance and will prevent it from turning into a fee based program that offers no meaningful protection for the agricultural lands.

**e. Agri-Tourism**

We support the new Economic Development Policy ED-4 as it recognizes the significant economic contributions of San Joaquin County’s thriving agriculture industry and promotes our support services, such as processors.

Economic Development Policy 5.1 endorses agri-tourism as a way to strengthen the local economy so long as the activity is secondary and incidental to the production agriculture. We support agri-tourism as a way to showcase San Joaquin County’s vast and diverse agriculture industry, but we have concerns about promoting such activities on Williamson Act land that lead to increased temporary population and circumstances that impair neighboring farms. Agri-tourism should be a defined term that includes things such as direct to consumer sales, wine tasting, and should always include an educational component. The definition should be narrow to prohibit theme-park like attractions on agricultural land.

B10-6

We support E.D. 5.2 as we share the same desire to increase the awareness and visibility of the high quality wine that is made here in San Joaquin County.

We are concerned with E.D. H as it creates a wine and hospitality overlay zone. Agriculture and hospitality may be complimentary, but the implementation of this policy must necessarily be directed to urban centers. The best way to support the wine industry in San Joaquin County is to protect agricultural zones from development.

**f. Parcelization**

We appreciate the county’s explicit recognition that “parcelization of the land into parcels 10 acres or less in size effectively frustrates efficient use of the land for commercial agriculture.” This has been a significant problem in the agriculturally zoned lands in San Joaquin County as it is rarely enforced by governing bodies. Policy LU 7.3 addresses small parcel size viability and

B10-7  
↓

while it disallows further fragmentation of agricultural lands unless the purpose is to separate existing dwellings, it may propagate minor subdivisions of existing homes that allows for easier property transfers and sales. It is of the utmost importance that this policy is implemented in coordination with the 20 acre minimum lot size for general agriculture so as to not induce discontiguous urban growth patterns that would be detrimental to the agriculture industry and contrary to the goals articulated in the General Plan. We recommend that the language that provides an exception be stricken from this LU 7.3.

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cont.

**g.Delta Farmland**

We support LU 2.17 as it coordinates San Joaquin County policy with the Delta Protection Act of 1992. The Delta Protection Act offers statutory protection for the 700,000 acres of farmland located within the Delta from conversion to other uses. The Delta farmland is particularly unique in the diverse amount of specialty crops that can only be produced there. Subsequently, the Delta is worthy of special consideration as it is a local resource that provides many benefits to the county we support this policy in furtherance of cross-agency coordination to achieve it.

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B10-8

We support D- 3.2 that offers support to maintaining and enhancing the value of Delta agriculture and value added processing of Delta crops.

**Water Resources**

We support the county’s focus on the preservation of water resources to sustain the quality of life for both urban and agricultural water users. We appreciate the county’s continued efforts to protect water quality and area of origin water rights. New Goal IS-4, as it relates to sustainable and reliable water supplies appropriately identifies goals that will protect water supplies and enhance reliability through 2035.

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**a. The Delta**

Increased export demand and drought have been two factors that have negatively impacted Delta water quality in the recent past. Looking at the twenty year planning horizon that the General Plan is intended to provide guidance for, we need to consider that these may be recurring issues.

With respect to Delta as water source, we support the language contained in policy D-6.1 that supports projects within the Delta that protect and improve water quality for the uses within the Delta, including agriculture.

We support policy D-6.4 which states the county’s support for the “Delta Pool Concept” which places an equal burden on exporters to maintain the quality of water in the channels.

These policies should be implemented in coordination with policy IS-4.1 that offers county support to local water agencies as the local agencies often act on behalf of the landowners within their boundaries to address water quality issues.

**b. Groundwater**

We support goals IS- 4.1,4.2, and 4.11 as they relate to facilitating the recovery of the groundwater basin and protecting that resource. We support the continued efforts of the county as a local coordination agency that gives water purveyors and stakeholders a forum for discussion, collaboration, and assistance in seeking funding for projects that reduce stress on the basin. The county’s support of water agencies, facilitating interagency cooperation, and monitoring the conditions of the groundwater basin through the efforts of the GBA are incredibly valuable and should be continued.

We also support policies IS-4.6 and IS-4.7 recognizing that the best way to effect long term water supply reliability will be the implementation of surface water storage and conjunctive use projects.

We would like to offer one suggested change to policy IS- 4.10. We suggest that policy IS-4.10 be amended to read “The County shall *continue* to support cooperative, regional groundwater management planning...” This modification would properly convey the effective past and present management of the Eastern San Joaquin Groundwater Basin which is worthy of recognition and will see continued success in the future.

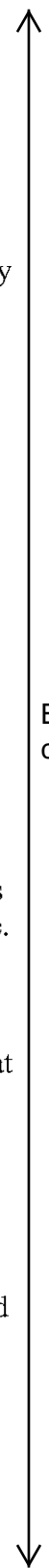
**c. Adequate Water Supplies**

Specific to agricultural water conservation, policy IS-4.21 is a continuation of current practices as the San Joaquin County Resource Conservation District works very closely with landowners to implement and test new technology that supports water conservation. We appreciate the language that encourages the implementation of irrigation practices to conserve water where it is feasible and practical, recognizing that it may not be either feasible or practical in every instance.

We have concerns regarding Table IS-1 that identifies individual wells as minimum water system requirement for agricultural areas and rural communities as long as “the underlying aquifer is not in a state of overdraft”. This table is inconsistent with the current county policy that only demands findings of adequate water supply for urban residential development of a certain density. This is a vast departure from current policy and does not give due consideration to the implications this would have on property rights or current groundwater management in the county.

This table seemingly prohibits well use if the basin is in overdraft and makes no allowances for adaptive groundwater management that may include operating in a state of strategically managed overdraft. It is the position of the Farm Bureau that is the right of the overlying property owner to pump groundwater so long as the water is put to beneficial use. The strict interpretation of the statements included in this table would have wide-spread detrimental impacts to agricultural operations in the county.

We recommend that this table either be significantly revised to support the property rights of overlying landowners or removed entirely.



B10-9  
cont.

**d. Water Quality Standards**

Policy D-6.3 should be revised as the “Delta Water Quality Coalition” is now the San Joaquin County and Delta Water Quality Coalition. Originally, the program was designed to monitor agricultural surface water discharge but has been expanded to now include all growers as of March 2014. The Waste Discharge Requirement program includes all commercial agricultural irrigators, not just those within the Delta. We support the intent behind this policy, and given the very recent changes we feel it could be expanded to include the entire coalition and possibly moved to the IS section of the General Plan.

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B10-9  
cont.

**Air Quality**

Relating to agriculture, the General Plan addresses air quality by continuing to promote the implementation of new technology that decreases emissions and offers continued support to the Carl Moyer program. (PHS 6.8)

We would welcome the opportunity to work with the county and other organizations to continue to promote this program and advocate for its continued funding. The Carl Moyer incentive program has been instrumental in assisting growers implement new technology as new farm machinery is expensive often cost prohibitive. This cost matching program is beneficial to all persons who live and work in the Central Valley.

The Sustainability Policies and Programs appendices indicate that farmland preservation supports the reduction of greenhouse gas, yet also calls for agricultural reduction of pesticide application, nitrogen application and fewer emissions from agricultural equipment. Our concern is that the reductions from the agriculture segment will come from having fewer farms. Having less land in production will be disadvantageous to the environment because crops have the unique ability to make air quality better. Growers are already implementing best management practices and pesticide use is highly regulated. The agriculture sector collaborates with research organizations and commodity groups to implement new technology and new practices as information becomes available and cost effective.

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Thank you for the opportunity to provide feedback on one of the most critical and influential policy documents that guides land use decisions in San Joaquin County. We look forward to continued involvement in this process. If you have any questions, please do not hesitate to contact the Farm Bureau at (209) 931-4931.

## Letter B10: San Joaquin Farm Bureau Federation

B10-1 The comment requests an extension on the Draft EIR comment period beyond December 5, 2014. The extension was not provided; therefore, the responses below address the comments that were submitted.

B10-2 This comment addresses general support of 2035 General Plan policies aimed at protecting agricultural resources and how such policies may be used in the discretionary review process. No changes to the Draft EIR would be necessary.

In terms of Policy LU 7.2 no changes are recommended. Policy LU-7.2 continues existing General Plan policy regarding compatible land uses in agricultural areas. This existing policy has been effective in protecting productive agricultural land while at the same time providing the Board of Supervisors and County staff flexibility in determining compatible land uses on a case-by-case basis.

B10-3 As stated in the comment, the Draft EIR clearly points out the fact that there could be a significant and unavoidable impact related to removal of agricultural lands within San Joaquin County. As described on page 4.B-27, paragraph three of the Draft EIR, there is large percentage of the agricultural lands that could be lost to development are within the Spheres of Influence of incorporated cities in the County. As historically has happened since adoption of the existing General Plan and as is projected during the future planning period (see Table 4.B-8 on page 4.B-29), much of the land that has been converted and that would be converted in the future would occur due to development at the urban fringe of the County's cities. The County does not have control over lands that are annexed into cities. It is the County's Local Agency Formation Commission that makes the determination to allow or not allow requested annexations.

The comment mentions the need to ensure that policies are followed so that farmland losses do not occur. Policies are guiding principles, and unlike regulations found in the County's Development Title, policies are not enforceable. The Draft EIR does describe the existing "Agricultural Mitigation Ordinance" on page 4.B-13. This is an enforceable action included in the County's Development Title that would serve to reduce any impacts associated with conversion of agricultural lands.

The discussion of Impact 4.B-1 lists a number of policies as well as the Agricultural Mitigation Ordinance as mechanisms to reduce the conversion of agricultural lands. However, even with these policies and regulations, some land would be lost. The commenter has not identified additional measures that could be suggested to reduce this impact to a less than significant level. Without more specificity, the Draft EIR cannot be changed and it is appropriate to leave this impact identified as significant and unavoidable. The County would be required to make Findings of Overriding Consideration for this impact as part of certification of the EIR.

- B10-4 This comment expresses general support for policies that support the Williamson Act. No changes to the Draft EIR are required. Policies LU-7.16 and LU-7.17 continue existing General Plan policy regarding Williamson Act contracts. They represent long-established County policy. The comment implies that the Board of Supervisors has, in the past, ignored provisions of the Williamson Act regarding minimum parcel sizes. A new policy giving deference to the Department of Conservation if there is a question of compatibility is not considered necessary. Policies LU-7.14 and LU-7.16 provide sufficient policy guidance for the County when considering applications for uses that may be incompatible or create substandard parcels.
- B10-5 The comment suggests revisions to Policies LU-7.10 and LU-7.12. The requested policy changes regarding the County's Agricultural Ordinance are not considered necessary. The County's Ordinance is intended to be an effective tool for protecting agricultural lands within the County and is currently being implemented in relation to any proposed conversions of agriculturally-designated lands.
- B10-6 The comment expresses support for Policies ED 4 and ED 5.2, and is concerned for the application of Policies ED 5.1, and ED H. The County believes that allowing business to promote agri-tourism is a good way of strengthening the County's agricultural industry while also protecting agricultural lands. It is not considered necessary to prevent such operations on Williamson Act lands, and any such proposals would be carefully evaluated and permitted to prevent significant impacts on adjoining agricultural lands. Policy language to prevent "theme-parks" is not considered necessary by the County. The idea of directing wine and hospitality centers to urban centers only is counterproductive in terms of allowing "agri-business" within agricultural areas of the County. A large part of the experience for visitors is associated with seeing the place of production and having a better understanding of agricultural operations.
- B10-7 The comment requests that the language providing an exemption from Policy LU 7.3 be removed. It is not considered necessary to amend Policy LU 7.3. Policy LU-7.3 continues long-standing County policy allowing, under limited circumstances, subdivision of land for the purpose of separating existing dwellings. This policy has not resulted in the fragmentation of productive agricultural lands. Instead, it acknowledges the historical use of small areas of agricultural land for residences of land owners, their families, or employees. The potential division of lands for the purpose of separating existing dwellings is considered relatively minor in terms of overall acreage that would be subject to this allowance. This only applies to existing dwellings.
- B10-8 The comment expresses support for Policies LU 2.17 and D 3.2. The comment noted; no action is required.
- B10-9 Most of this comment expresses support of an agreement with proposed policies to protect water use within the County. In terms of Policy IS 4.10, the following text change is made to Policy IS-4.10 on page 4.N-37 of the 2035 General Plan Draft EIR and to the 2035 General Plan itself:

**IS-4.10: Groundwater Management.** The County shall continue to support cooperative, regional groundwater management planning by local water agencies, water users, and other affected parties to ensure a sustainable, adequate, safe, and economically viable groundwater supply for existing and future uses within the County. (IGC) (Source: New Policy).

Concerning the adequacy of water supplies, the comment takes issue with the minimum water system requirements for agricultural and rural community land uses as provided in Table 4.N-1 under Policy IS-5.2 (referred to as Table IS-1 in the comment). First, it should be noted that these requirements are intended for water system improvements for the approval of tentative maps and zone reclassifications and so do not apply necessarily to all existing property owners. Secondly, this policy would not preclude implementation of adaptive strategies provided that these strategies show that they would not further exacerbate overdraft conditions. Finally, by definition, areas that are in a condition of overdraft simply cannot support additional water supply demands from additional pumping and thus must be managed appropriately. For clarification, the following revisions are made to Table 4.N-1 on page 4.N-39:

**TABLE 4.N-1  
WATER SYSTEM REQUIREMENTS**

<b>General Plan Area</b>	<b>Minimum Requirements</b>
Urban Communities	Public water system. For areas designated Rural Residential, private individual wells may be permitted if parcels are two acres or greater, no public water system exists, there are no groundwater quality issues, and the underlying aquifer is not in a state of overdraft.
Rural Communities	Public water system. If parcels are two acres or greater and no public water system exists, private individual wells may be permitted if there are no groundwater quality issues, <del>and the underlying aquifer is not in a state of overdraft.</del>
Freeway Service Areas Outside of Communities	Public water system serving at least each side of the freeway.
Industrial Areas Outside of Communities	Public water system serving the entire planned areas. Individual wells may be permitted in the Truck Terminals designation.
Commercial Recreational Areas	Public water system serving the entire planned area.
Agricultural Areas	Individual water wells if there are no groundwater quality issues, <del>and the underlying aquifer is not in a state of overdraft.</del>

SOURCE: Existing GP, Infrastructure, Water Supply, Policy 2, modified

B10-10 The comment expresses a willingness to work with the County and other agencies to continue to promote the Carl Moyer program to improve air quality. The comment is noted, and no response is required.



December 5, 2014

Raymond Hoo, Sr. Planner  
San Joaquin County  
Community Development Department  
1810 E. Hazelton Avenue  
Stockton, CA 95205

**Project: Draft 2035 General Plan and Draft Environmental Impact Report**

**District CEQA Reference No: 20140853**

Dear Mr. Hoo:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Draft Policy Document, the Draft Background Report, and the Draft Environmental Impact Report (DEIR) for the San Joaquin County 2035 General Plan. The District offers the following comments:

1. Page 3.3-12 of the Draft Policy Document and pages 14-136 and 14-139 of the Draft Background Report state that the San Joaquin Valley (Valley) is classified as a serious nonattainment area for the federal 8-hour ozone standard. Although the Valley was initially classified as serious nonattainment for the 1997 8-hour ozone standard, EPA approved the Valley's reclassification to extreme nonattainment in the Federal Register on May 5, 2010 (<http://www.gpo.gov/fdsys/pkg/FR-2010-05-05/pdf/2010-9599.pdf>). Please revise this statement accordingly.
2. Table 14-10 (Ambient Air Quality Standards) on page 14-134 of the Draft Background Report (page 14-134) does not list all of the applicable federal ozone and PM2.5 standards. The table lists the federal 1997 8-hour ozone standard; however, EPA has also finalized a 2008 8-hour ozone standard. Similarly, the table lists the 2006 federal PM2.5 standard, but the District still has to attain the 1997 and 2012 PM2.5 standards. Please reference the District's website (<http://www.valleyair.org/aqinfo/attainment.htm>) for the full list of applicable state and federal air quality standards.

B11-1



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Executive Director/Air Pollution Control Officer

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Bakersfield, CA 93308-9725  
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- 3. Table 14-11 (San Joaquin Valley Air Basin Attainment Status) on page 14-139 of the Draft Background Report incorrectly lists the Valley's federal and state attainment statuses for 8-hour ozone and PM2.5. Please reference the District's website (<http://www.valleyair.org/aqinfo/attainment.htm>) for the correct attainment statuses.
- 4. The "Extreme Ozone Attainment Plan" section on page 14-139 of the Draft Background Report discusses the District's 2004 *Extreme Ozone Attainment Demonstration Plan*, but does not mention the more recent 2013 *Plan for the Revoked 1-Hour Ozone Standard (2013 Ozone Plan)*. Please revise this section to also mention the 2013 Ozone Plan found here: [http://www.valleyair.org/Air\\_Quality\\_Plans/Ozone-OneHourPlan-2013.htm](http://www.valleyair.org/Air_Quality_Plans/Ozone-OneHourPlan-2013.htm).
- 5. The "Extreme Ozone Attainment Plan" section on page 14-139 of the Draft Background Report states, "EPA is expected to approve the 1-hour Ozone Plan by January 15, 2009, contingent on SJVAPCD submitting clarifications to SIP elements." EPA did approve the plan in 2010; however, the Ninth Circuit Court remanded approval of that plan in 2011 and EPA finalized withdrawal of that approval in 2012. As a result, the District submitted the 2013 *Ozone Plan* to EPA to fulfill that federal requirement and is still awaiting EPA action for that plan. Please revise this sentence accordingly. Additional information on this process can be found in Chapter 1 of the 2013 *Ozone Plan* ([http://www.valleyair.org/Air\\_Quality\\_Plans/OzoneOneHourPlan2013/01Chapter1%20Introductionv2.pdf](http://www.valleyair.org/Air_Quality_Plans/OzoneOneHourPlan2013/01Chapter1%20Introductionv2.pdf)).
- 6. The "PM2.5 Plan" section on page 14-140 of the Draft Background Report should also note that EPA set a new federal annual PM2.5 standard of 12  $\mu\text{m}^3$  in 2012.
- 7. Table 4.G-2 (State and National Criteria Air Pollutant Standards, Effects, and Sources) on page 4.G-8 of the Draft EIR states that the federal lead standard is 1.5  $\mu\text{g}/\text{m}^3$ ; however, the federal lead standard is actually 0.15  $\mu\text{g}/\text{m}^3$ . (<http://www.valleyair.org/aqinfo/attainment.htm>) Please revise this accordingly.
- 8. Impacts 4.G-2, 4.G-5, and 4.G-6 of the Draft EIR state that development and growth under the proposed 2035 General Plan could generate operational emissions that would violate an air quality standard and, as a result, the 2035 General Plan could be inconsistent with the District's air quality plans. However, within each air quality plan the District accounts for increased emissions associated with projected population growth for each county. In Appendix B (Emissions Inventory) of the District's 2012 *PM2.5 Plan*, the District accounts for population increases throughout the Valley by referencing data from the following Valley Blueprint document: [http://www.valleyblueprint.org/files/San%20Joaquin%20Valley%20Demographic%20Forecasts%20-%20Final%2027%20Mar%202012\\_0.pdf](http://www.valleyblueprint.org/files/San%20Joaquin%20Valley%20Demographic%20Forecasts%20-%20Final%2027%20Mar%202012_0.pdf).

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Just because the General Plan will facilitate growth does not necessarily mean that the increase in emissions is inconsistent with the District's air quality plans. Transportation conformity budgets are a key mechanism for ensuring consistency

between increases in motor vehicle use and the attainment plans. Towards this end, San Joaquin County should coordinate with San Joaquin Council of Governments (COG) to ensure that the motor vehicle activity and growth projections associated with this General Plan are consistent with the county's motor vehicle emissions budgets and growth accounted for in the San Joaquin County FTIP and RTP.

B11-3  
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- 9. Page 3.1-53 of the Draft Policy Document identifies Goal LU-6 which promotes the development of new industrial and employment uses that are compatible with surrounding land uses, and many policies to achieve this goal. Page 3.1-69 identifies Goal LU-9 which provides for public facilities to be located and designed to be compatible with neighborhoods and other uses, and many policies to achieve this goal. However, it appears that these policies address only nuisance issues, such as aesthetics, odors, and noise, and do not address potential compatibility issues with respect to potential health risks. Accurate quantification of health risks and operational emissions requires detailed site specific information, e.g. type of emission source, proximity of the source to sensitive receptors, and trip generation information, typically not available until project specific approvals are being granted. As some future developments may be allowed by right under the General Plan and current zoning and would not require additional environmental review under CEQA, the District recommends the inclusion of a policy requiring all new development projects with the potential to emit toxic air contaminant (TAC) emissions, directly or indirectly, to be evaluated for potential health risks to nearby receptors.

B11-4

If you have any questions or require further information, please contact Jessica Willis by phone at (559) 230-5818, or by e-mail at [jessica.willis@valleyair.org](mailto:jessica.willis@valleyair.org).

Sincerely,

Arnaud Marjollet  
Director of Permit Services

For: Chay Thao  
Program Manager

AM:jw

## Letter B11: San Joaquin Valley Air Pollution Control District, SJVAPCD

### Arnaud Marjollet, Director of Permit Services

B11-1 The Background Report will be revised as requested with updated information related to air quality.

B11-2 The comment states that the federal lead standard included in Table 4.G-2 on page 4.G-8 of the Draft EIR should be revised to 0.15 ug/m<sup>3</sup>. The following changes have been made to Table 4.G-2, row 7 (excerpt below):

Pollutant	Averaging Time	State Standard	National Standard	Pollutant Health and Atmospheric Effects	Major Pollutant Sources
Lead	Monthly Ave.	1.5 ug/m <sup>3</sup>	---	Disturbs gastrointestinal system, and causes anemia, kidney disease, and neuromuscular and neurological dysfunction.	Present source: lead smelters, battery manufacturing & recycling facilities. Past source: combustion of leaded gasoline.
	<u>Rolling 3-Month Ave. Quarterly</u>	---	<u>0.154.5</u> ug/m <sup>3</sup>		

B11-3 The comment states that within each air quality plan, the SJVAPCD accounts for increased emissions associated with projected population growth for each county and that although the General Plan will facilitate growth, it does not necessarily mean that the increase in emissions is inconsistent with the SJVAPCD air quality plans. This comment is noted. However, as stated on page 4.G-24 of the Draft EIR, “The SJVAPCD ozone attainment plan relies on yet to be identified future measures that require technological advancements for emission reductions required to achieve the ozone standards. This results in some uncertainty as to whether the growth accommodated by the 2035 General Plan would conflict with or obstruct the applicable attainment plans.”

B11-4 The comment states that a policy should be added requiring all new development projects with the potential to emit toxic air contaminants to be evaluated for potential health risks to nearby receptors. A policy that addresses this issue is included in the Draft EIR on page 4.G-22, Mitigation Measure 4.G-3 (Policy PHS-5.18 – Health Risk Evaluation).

In addition, the following new policy is proposed in the 2035 General Plan:

**TAC Exposure Reduction Measures for New Development.** The County shall require new development projects to implement all applicable best management practices that will reduce exposure of sensitive receptors (e.g., hospitals, schools, daycare facilities, elderly housing and convalescent facilities) to toxic air contaminants (TAC). (RDR) (New Policy)”



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San Joaquin County  
Community Development

**Comment Letter B12**  
**CHIEF EXECUTIVE OFFICE**

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Chief Executive Officer

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**STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE**

December 5, 2014

Raymond Hoo, Senior Planner  
San Joaquin County  
Community Development Department  
1810 E. Hazelton Avenue  
Stockton, CA 95205

**SUBJECT: ENVIRONMENTAL REFERRAL – SAN JOAQUIN COUNTY – NOTICE OF  
AVAILABILITY OF THE DRAFT 2035 GENERAL PLAN AND DRAFT EIR**

Mr. Hoo:

Thank you for the opportunity to review the Draft 2035 General Plan and Draft Environmental Impact Report (Draft EIR) for San Joaquin County.

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

The ERC appreciates the opportunity to comment on this project.

Sincerely,

Delilah Vasquez, Management Consultant  
Environmental Review Committee

DV:ss

cc: ERC Members

B12-1

**Letter B12: Stanislaus County Environmental Review  
Committee  
Delilah Vasquez, Management Consultant**

B12-1 The comment states that the Stanislaus County Environmental Review Committee has reviewed the EIR and has no comments. The comment is noted; no action is required.

Comment Letter B13

Zimbra

rhoo@sjgov.org

**RE: General Plan Update**

**From :** Duncan Jones <djones@sjgov.org>

Wed, Jan 28, 2015 12:37 PM

**Subject :** RE: General Plan Update

1 attachment

**To :** Ray Hoo <rhoo@sjgov.org>

Ray,

The Park & Recreation Commission (PRC) met last night. They only had a few comments:

1. Page 3.4-14 (Goal NCR-8) – The PRC’s greatest concern is that they felt the document did not provide a goal of increasing parkland to the standard. The EIR notes that an additional 6,263 acres would be needed, but that amount, or a portion, is not included as a goal. NCR-8.2 discusses the standard, but the PRC felt the goal was not strong enough in referencing the unmet need.
2. On page 4.M-40 of the EIR (Impact 4.M-5, second paragraph) it is not clear if the local ratio of 3.74 is the ratio for the County’s total population or the ratio for the unincorporated area of the County. The ratio for both should be shown, including the current acreage of local parks used for the calculation, as it is for regional parks. It does not appear that the ratio was determined to a level of detail to determine which rural areas (or County planning areas) are underserved, so the rural area reference should be replaced with the total unincorporated ratio. This will clarify the unmet need for County parks.
3. On page 3.4-18 under NCR-8.22, first bullet call for collecting fees “where the General Plan has identified a local recreation area”. However, the General Plan does not identify any recreation areas anymore (the 2010 Plan identified communities that needed parks, and identified regional parks, but did not specify local recreation areas). It is recommended that this bullet be changed to replace “in those communities where the General Plan has identified a local recreation area” with “in the County”. Note that the purpose of the dedication/in-lieu fee is to provide parkland for the additional population accommodated by the development, therefor the fee should always be collected in order to provide additional facilities needed for the added population to be served.
4. In the Background Report page 13-6 (Major Findings, second bullet) and in the EIR page 4.M-14 (Future Facilities, first paragraph) the reference to “Frisbee golf” should be changed to “Disc Golf” because that is the correct name for the sport. Also the word “Frisbee” is a trademark name for the Wham-O brand of disc, and that company actually does not make golfing discs.

B13-1

B13-2

B13-3

B13-4

## Comment Letter B13

The PRC is currently supporting disc golf organizations seeking to attract Professional Disc Golf Association (PDGA) national tournaments to County parks, so having the sport named correctly in the General Plan could be important. Please check if this sport is referenced elsewhere in the documents so it can be correctly named.

5. NCR 8 - In the 2010 General Plan, page II.E-9, is a statement that "Most regional parks which provide a variety of activities are more than 100 acres. Size, however, is dependent on the function of the park. A fishing access area, for example, might be smaller than two acres. ". It would be desirable for this statement, or similar, to be included somewhere in NCR-8 (perhaps in NCR-8.8) in order to clarify that County general use regional parks should be 100 acres or more. This is desirable with respect to developing new regional County parks of adequate size, and conforms with National Recreation and Park Association (NRPA) standards. This should also be an additional bullet in the Policies for Parks and Recreation Facilities on page 13-3 of the background report.

↑  
B13-4  
Cont.

↓  
B13-5

Thank you for considering these comments.

*Duncan L. Jones, P.E.*  
Parks Administrator  
11793 N. Micke Grove Rd.  
Lodi, CA 95240  
209.331.2020  
[www.sjparks.com](http://www.sjparks.com)



**From:** Ray Hoo [mailto:rhoo@sjgov.org]  
**Sent:** Thursday, January 08, 2015 4:05 PM  
**To:** Jones, Duncan  
**Cc:** Bartosch, Mike; Lim, Rob  
**Subject:** Re: General Plan Update

Hi Duncan,  
I'm sorry that you didn't receive your copies of the draft General Plan and EIR. I know that I had included you to receive a copy of the CDs. If there are any comments from you or the Commission, please forward them to me immediately after their meeting on the 27th. Thanks.

Ray

## Letter B13: San Joaquin County Park & Recreation Commission

Duncan L. Jones, P.E., Parks Administrator

B13-1 The comment addresses the 2035 General Plan and not the adequacy or accuracy of the Draft EIR. Accordingly, no further response is required. Please see the separate Policy Comment Matrix for additional discussion of comments on the 2035 General Plan.

B13-2 Text was added to page 4.M-13 at the end of the last paragraph:

“Proposed 2035 General Plan Policy NCR-8.2 would establish a countywide park ratio standard of 10 acres of regional parks and 3 acres of local parks per 1,000 residents. As noted in Chapter 3, *Project Description*, in the General Plan baseline year 2010, the unincorporated county had a population of 142,000 people. There are approximately 2,632 acres of local and neighborhood parkland and 500 acres of regional public parkland in the unincorporated county and a total of 3,381 acres including state parks. However, many of these regional parks provide recreational facilities to serve populations within incorporated areas as well as unincorporated areas. Thus, with the county’s total population of ~~704,379~~ 685,300, the regional parkland ratio would be 0.7 acres per 1,000 people, or ~~4.8~~ 6 acres per 1,000 people when including state parks. To recover the deficit of regional parkland and accommodate an additional 260,000 people under the 2035 General Plan, the county would need to expand regional park facilities by a minimum of 8,953 acres to meet the regional parkland standard of 10 acres per 1,000 residents established in Policy NCR-8.2. For local parks and recreation facilities, the countywide, ratio including City owned and operated parks, is 3.8474 acres to every 1,000 residents; most of these facilities are located near the major cities, and rural areas generally do not exceed 3.0 acres of local parkland per 1,000 people. ~~To recover the deficit of regional parkland and accommodate an additional 260,000 people under the 2035 General Plan, the county would need to expand regional park facilities by a minimum of 6,2638,953 acres to meet the regional parkland standard of 10 acres per 1,000 residents established in Policy NCR-8.2.~~ A total of ~~264204~~ acres of new local parkland and recreation facilities would be needed, throughout the county to meet the standard of 3 acres per 1,000 residents by buildout of the General Plan, as established by Policy NCR-8.2.”

B13-3 This comment recommends a change to the General Plan Background Report. The change has been made accordingly. The comment does not address the Draft EIR.

B13-4 This comment recommends a change to the General Plan Background Report. The change has been made accordingly. The comment does not address the Draft EIR.

B13-5 This comment recommends a change to the General Plan Background Report. The change has been made accordingly. The comment does not address the Draft EIR.





**League of Women Voters of San Joaquin County**

P. O. Box 4548, Stockton, CA 95204  
 www.sjc.ca.lwvnet.org  
 LWVSJC@gmail.com

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**COPY TO EACH  
 SUPERVISOR**

MAY 07 2015

RECEIVED

April 10, 2015

San Joaquin County Board of Supervisors  
 44 North San Joaquin St., Suite 627  
 Stockton, CA 95202

RE: Zoning Changes Proposed in 2035 General Plan

Honorable Board Members:

The League of Women Voters of San Joaquin County opposes several proposed zoning changes to parcels numbered A-5, A-24, A-25, A-27, F-3 and F-12 in the 2035 County General Plan. All parcels except A-25 are currently zoned as Agricultural land, and would be changed to Commercial/Industrial use. The League strongly supports preserving Agricultural lands. In addition, all parcels except A-5 and F-12 are located in a 100-year floodplain. League positions favor careful regulation of building on such "natural hazard" lands. Parcel A-27 is 90% outside the city of Stockton's "Sphere of Influence" and is in the Primary Delta Zone. The League classifies this as "fragile land", (being part of an estuary), which is "part of a valuable ecosystem". League positions call for regulation of development on such land, and also encourage development within city limits in order to preserve open space. Our position in favor of preserving open land also applies to parcel A-25, which is currently zoned Open Space/ Resource Conservation, and would be rezoned Industrial/Commercial.

Our opposition to these proposed changes is in keeping with our general position that land use planning should recognize land as a resource as well as a commodity. We understand that the Delta Stewardship Council has also objected to these proposed zone changes because they do not conform with the Council guidelines. The League believes that these guidelines are exactly the sort of regulation that should be carefully considered in the planning process and that have been ignored in development of this portion of the County General Plan.

B14-1

Thank you for your consideration of our comments.

Yours truly,

A handwritten signature in black ink, appearing to read "Kathy Schick". The signature is written in a cursive style with a large initial "K" and "S".

Kathy Schick  
President, League of Women Voters of San Joaquin County

**Letter B14: League of Women Voters for San Joaquin  
County  
Kathy Schick, President**

B14-1 The County acknowledges the comment and clarifies that the proposed changes are for General Plan land use designations and not zoning. If any changes are approved by the County Board of Supervisors, property owners would be required to update zoning through the entitlement application and review process. The County also notes that the proposed land use change request A-27 has been withdrawn by the applicant.



RECEIVED

NOV 24 2014

San Joaquin County  
Community Development

November 25, 2014

Ms. Kerry Sullivan  
Director  
San Joaquin County Community Development Department  
1810 Hazelton Street  
Stockton, California 95205

Re: A.G. Spanos Companies Comments about the Draft San Joaquin County 2035 General Plan Environmental Impact Report (October 2014)

Dear Ms. Sullivan:

The A.G. Spanos Companies (Spanos) submits this written comment regarding San Joaquin County's Draft Environmental Impact Report for the San Joaquin County draft 2035 General Plan Update (DEIR). Spanos appreciates this opportunity to offer this comment concerning the DEIR prepared for the draft County General Plan 2035. This comment is presented to improve the disclosure of information and data from the DEIR but does not suggest that the DEIR does not comply with CEQA's requirements.

**INTRODUCTION**

By way of factual background, the Spanos owns substantial land – comprising approximately 1,800 acres - immediately north of Eight Mile Road and generally bisected by Interstate 5 (Land). A diagram of the landholding is attached to this letter. An overarching topic raised by this comment letter involves the proposed general plan designation of this Land. The proposed General Plan designates the Land as "Agriculture"; however, Spanos believe that a different designation, such as "Urban Reserve" more accurately reflects anticipated development of the Land during the County General Plan time period or, as an option to changing the land use designation, appropriate text should be inserted by the County into the General Plan explaining to the reader that while this Land is designated "Agriculture" it is anticipated to be annexed to the City of Stockton and developed during the applicable General Plan period.

We believe this adjustment would better facilitate the DEIR complying with CEQA's major purpose of providing information and data about the underlying proposal. Indeed, CEQA emphasizes two overriding policies: 1) avoid, reduce or prevent environmental damage (14 Calif.C.Reg. §15002(a)(2)-(3)) and, 2) provide information to decision-makers and the public concerning the environmental effects of the proposed action. §15002(a) (1) and (4).

Spanos understands that during previous County General Plan updates territory located within Stockton's LAFCO adopted Sphere of Influence has been assigned a land use designation of "Agriculture" with an informal understanding between relevant policy makers that such land was anticipated to be annexed and developed by Stockton during the applicable County General Plan time period. While Spanos does not question such past practices it respectfully asks whether

C1-1

November 25, 2014  
Ms. Kerry Sullivan  
Page 2 of 4

disclosing to the reader that such land is expected to be annexed and developed during the County General Plan period represents a better approach for this and future General Plan updates and a superior method for the County to comply with CEQA’s information disclosure requirement.

Spanos submits that, at a minimum, an Urban Reserve land use designation offers a more accurate and precise indication of the anticipated land use decisions to be made during the General Plan time period and therefore enhances public awareness, participation and understanding of the update process. (“Public participation is an essential part of the CEQA Process.” CEQA Guidelines §15201. “People have come to expect that public participation—the process by which the public can give input or otherwise participate in decision-making—will be a part of any planning process.” General Plan Guidelines at 142.)

C1-1  
cont.

**PREVIOUS GOVERNMENTAL ACTIONS**

The General Plan Guidelines instruct local agencies that past decisions influence future actions and a local agency should “carefully review” previous actions concerning future real estate development and urban growth patterns. State of California, Governor’s Office of Planning and Research, General Plan Guidelines (2003) (General Plan Guidelines) at 41. This methodology is critical in order for a general plan to provide the required “long-term perspective.” Gov. C. §65300; General Plan Guidelines at 13. In this regard the County should refer to information and decisions rendered by other agencies including the City of Stockton and the San Joaquin Local Agency Formation Commission. General Plan Guidelines at 37.

For more than a decade Spanos has been working in a deliberate and collaborative manner with the City of Stockton concerning development of this Land. In the Fall of 2004 the Stockton City Council found and declared that a development agreement between the City and Spanos for the Land was “consistent with the goals, policies, and other provisions of the City’s General Plan“, and “consistent with the general plan of Stockton”. City of Stockton Development Agreement 6-04 at Recital G and Recital J.

C1-2

Later that Fall the San Joaquin Local Agency Formation Commission (LAFCO) revised the Stockton Sphere of Influence to include this Land. This decision is a critical “past decision” that holds considerable weight in guiding future growth patterns. “The SOI is an **important benchmark** because **it defines the primary area within which urban development is encouraged.**” State of California, Governor’s Office of Planning and Research, LAFCOs, General Plans and City Annexations (February 2012) (OPR LAFCO Report) (bolding added) at 13. The Sphere of Influence “should serve like general plans, serve as an essential planning tool to combat urban sprawl and provide well planned efficient urban development patterns.” 60 Ops.Cal.Atty.Gen. 118 (1977).

Thus, Spheres of Influence are necessary to carry out “responsibilities for planning and shaping the logical and orderly development and coordination of local agencies...to advantageously provide for the present and future needs of the county and its communities.” Gov. C. §56425(a). A Sphere of Influence promotes “logical and orderly development”. *Id.* at §56425(b).



November 25, 2014  
Ms. Kerry Sullivan  
Page 3 of 4

Indeed, the statutory definition of "Sphere of Influence" underscores the extent to which it operates as "an important benchmark". It is "a plan for the probable physical boundaries and service area of a local government agency as determined by the commission." Gov. C. §56076. (This definition is adopted by the OPR General Plan Guidelines. See General Plan Guidelines at page 270.)

↑  
C1-2  
cont.

Here LAFCO, after a noticed public hearing, concluded that the Land satisfied the definition of a SOI and the statutory criteria to be part of Stockton's sphere of influence, and accordingly made findings and revised Stockton's SOI to include the Land. Thereafter Spanos has continued to work deliberately and collaboratively with Stockton concerning development of the Land.

**THE LAND SHOULD BE ASSIGNED A MORE ILLUSTRATIVE AND ACCURATE DESIGNATION THAN "AGRICULTURE"**

The General Plan Guidelines remind us that a land use designation and general plan text should be consistent and not in conflict. General Plan Guidelines at 13. Here the General Plan text acknowledges the Land is part of Stockton's sphere of influence and, accordingly, is a place marker or benchmark for "the primary area within which urban development is encouraged." OPR LAFCO Report at 13. This distinguishes the Land from other territory that is designated Agriculture but not located within a municipality's sphere of influence and therefore not expected to or encourage to develop during the County General Plan planning period.

C1-3

Does collapsing the Land into a land use designation also shared by thousands of acres of remote farmland make sense or facilitate a reader's understanding of what may happen during the planning period? To put a finer point on it, failing to distinguish between these measurably different types of land by applying a single land use designation impairs the DEIR and General Plan's ability to publicly disclose an accurate picture to decision-makers and the public. On the one hand it is reasonable to anticipate that territory designated agriculture and located away from municipalities and the availability of municipal services will retain agricultural uses during the County General Plan time period. On the other hand, the City of Stockton and LAFCO independently concluded the Land is a primary area for expanding the City of Stockton and, in fact, is a geographic area where "urban development is encouraged". Placing both types of land under a single land use designation distorts the true picture and impedes the DEIR's information disclosure objective.

Instead the County General Plan and DEIR should be guided by earlier decisions rendered by the City of Stockton and the San Joaquin LAFCO that identified and benchmarked the Land as "the primary area within which urban development is encouraged." Locating the Land within Stockton's SOI has measurable and meaningful significance from a land use and environmental perspective and therefore the County draft General Plan and DEIR unintentionally distorts the true picture by including the Land in the Agriculture land use designation.

November 25, 2014  
Ms. Kerry Sullivan  
Page 4 of 4

CONCLUSION

By this written comment about the DEIR the A.G. Spanos Companies respectfully asks the County to consider assigning the Land an Urban Reserve designation on the 2035 San Joaquin General Plan and revising the DEIR to acknowledge that the Land is within the Stockton SOI and therefore anticipated to be annexed to Stockton and develop during the County General Plan time period.

C1-4

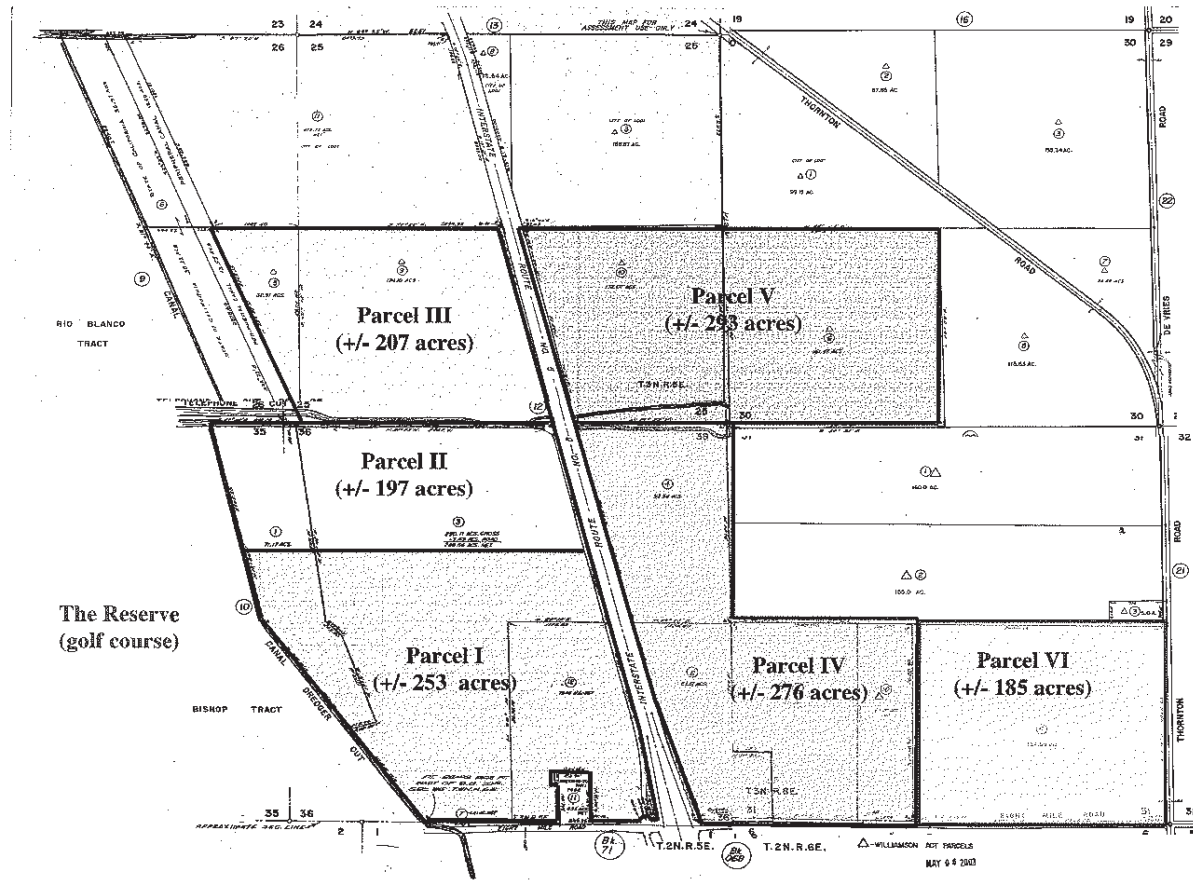
Respectfully Submitted,



David R. Nelson  
Sr. Vice President

Cc: Mr. Marc Hardy, A.G. Spanos Companies  
Mr. Steve Herum, Herum, Crabtree, Suntag  
Mr. Steve Chase, City of Stockton  
Mr. Forrest Ebbs, City of Stockton  
Mr. John Leuberkke, City of Stockton

### A.G. Spanos Properties North of Eight Mile Road

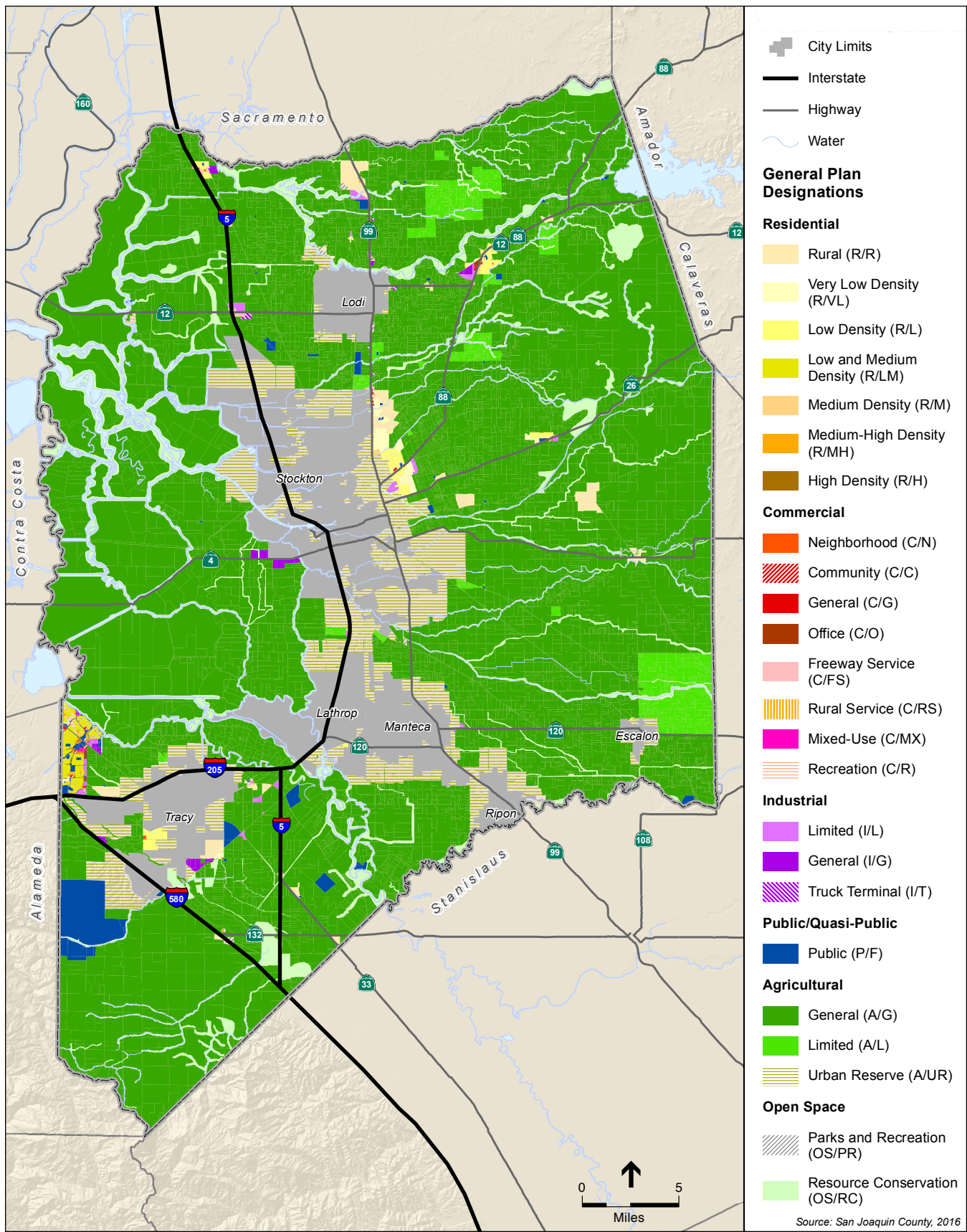


Note: Acreage reflected above are approximate. Exact acreage to be confirmed by Thompson-Hysell Engineers



## **Letter C1: A.G. Spanos Companies David R. Nelson, Sr. Vice President**

- C1-1 The comment states that the better designation for the 1,800 acres owned by the Spanos Companies north of Eight Mile Road should be “Urban Reserve”. Given the County’s policy (Policy C-4.4 on page 3.1-79 of the 2035 General Plan) about designating lands within city Spheres of Influence as Agriculture-Urban Reserve (A/UR), it is true that the General Plan map should be revised to show this acreage as “A/UR”. This edit will be made as part of the revisions to the 2035 General Plan. Consistent with this response, Draft EIR Figure 3-3, General Plan Land Use Diagram, is revised as shown on the following page.
- C1-2 The comment is noted about LAFCO review and determinations of Spheres of Influence. Please also see response to CommentC1-1.
- C1-3 Please see response to Comment C1-1.
- C1-4 Please see response to Comment C1-1.



SOURCE: Minter-Harnish, 2016

San Joaquin County 2035 General Plan . 209529

**Figure 3-3 (Revised)**  
General Plan Land Use Diagram



# Comment Letter C2

## Building Industry Association of the Greater Valley

1701 W. March Ln., Ste. F  
Stockton, CA 95207  
(209) 235-7831 • (209) 235-7837 fax

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November 4, 2014

Kerry Sullivan  
Community Development Director  
San Joaquin County

Stockton, CA 95202

Director Sullivan,

On behalf of the members of the BIA I would like to offer the following comments to the County's Draft General Plan Update:

#### *C-6.3 Net Fiscal Benefit*

*The County shall require that new Urban Communities do not significantly affect the fiscal resources of nearby cities, and demonstrate that they will result in a net fiscal benefit to the County and any community service district or special district that is expected to provide services to the new Urban Community.*

The BIA has always, and remains committed to the concept that new development will pay its fair share for all impacts caused by new development. However, we do not support policies which place an undue burden on new development. This section of the General Plan mandates a requirement that does not allow for the fiscal neutrality of new development. We request language allowing for net fiscal neutrality to be included in the General Plan Update.

#### *PHS-6.2 Community GHG Reduction Targets*

*The County shall reduce community greenhouse gas emissions by 15 percent below 2005 levels by 2020, and shall strive to reduce GHG emissions by 40 percent and 80 percent below reduced 2020 levels by 2035 and 2050 respectively.*

Although it is a lofty goal to reduce GHG by 80 percent below the 2020 levels by the year 2050, the goal is vastly more aggressive than what is called for in AB 32, and without an as yet undiscovered new form of energy this goal is unfeasible.

A somewhat more realistic goal would be the one called for in AB 32 of reducing GHG levels to 80 percent of the 1990 GHG emissions.

C2-1

*LU-1.1 Compact Growth and Development*

*The County shall discourage urban sprawl and promote compact development patterns, mixed-use development, and higher-development intensities that conserve agricultural land resources, protect habitat, support transit, reduce vehicle trips, improve air quality, make efficient use of existing infrastructure, encourage healthful, active living, conserve energy and water, and diversify San Joaquin County's housing stock.*

The term "urban sprawl" is vague and widely used as a disparagement to development. The rest of this goal is very descriptive with details of what should be promoted. Removing the term "urban sprawl" will not detract from the effectiveness of this goal. We request that the term "urban sprawl" not be included within the General Plan update.

*LU-1.3*

*Building Intensity and Population Density*

*The County shall regulate the levels of building intensity and population density according to the standards and land use designations set out in the General Plan and the San Joaquin County Development Title. Within these designations, cumulative development from 2010 shall not exceed 35,500 new dwelling units and 31,700 new employees by 2035.*

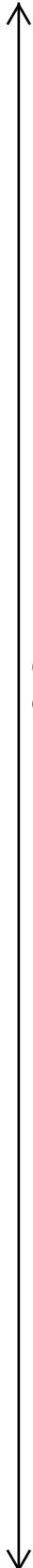
This section of the General Plan implies a moratorium on dwelling units to exist after the 35,500<sup>th</sup> unit is built. It is inappropriate to include such a restriction within a General Plan unless it is to comply with a previously existing ordinance or other restriction. We request the phrase "shall not exceed" and the reference to a limitation on dwelling units and new employees be stricken from the General Plan update.

*Page 3.1-7*

*New Development*

*How and where growth occurs within San Joaquin County over the next 20 years is a major issue. Historic inefficient development in the Central Valley and San Joaquin County cities has resulted in lower densities and rapid conversion of agricultural lands.*

Characterizing the existing built environment as inefficient within a General Plan update is, at a minimum, inappropriate. When the Central Valley and San Joaquin County cities are compared to the development patterns across the United States it shows this characterizing to be patently false. The median lot size in the U.S. is 8,712 square feet. In the North-Central part of the U.S. the median lot size is slightly larger than 10,000 square feet. The median lot size in all of the states along the Atlantic coast



C2-1  
cont.

Director Sullivan  
November 4, 2014  
Page 3 of 3

is well over 9,000 square feet. The Central Valley and specifically the cities of San Joaquin County are far more compact with average lot sizes between 5,000 and 6,000 square feet.

The historic efficiency of the Central Valley should be shown in a positive light and recognition for this efficiency should be documented. Acknowledging our compact development should not be viewed as a reason to not strive for even higher density. We can take credit for doing good while still trying to do better.

Finally, we ask that the following goal be included within the General Plan as a means of complying with state housing law:

Goal – “Mitigate any potential government constraints to housing production and productivity”

The BIA appreciates the long standing professional relationship with San Joaquin County and we look forward to continuing that relationship through the work on the General Plan Update.

Sincerely,



John R. Beckman  
Chief Executive Officer

↑  
C2-1  
cont.

**Letter C2: Building Industry Association of the Greater Valley, BIA**  
**John R. Beckman, Chief Executive Officer**

C2-1 The comment recommends a number of policy changes related to greenhouse gas emission reduction targets, discouragement of urban sprawl, and building intensity. The comments address the 2035 General Plan and not the adequacy or accuracy of the Draft EIR. Accordingly, no further response is required.

Please see the separate Policy Comment Matrix available at the San Joaquin County Community Development Department for additional discussion of comments on the 2035 General Plan.



Robert Harris & Associates

Consultants  
In Planning,  
Development and  
Entitlement  
Processing

December 3, 2014

Raymond Hoo  
Senior Planner  
San Joaquin County Community Development Department  
1810 East Hazelton Avenue  
Stockton, CA 95205

Dear Ray:

I have three comments regarding the 2035 General Plan Draft Environmental Impact Report. These comments pertain to the Lin and/or Tong properties located east of Tracy (near the Community of Banta) which have participated in the General Plan Update process.

The first comment pertains to Table 3-10 (Allocation of Future San Joaquin County Dwelling Units and Population Growth by Community Planning Area Under Proposed 2035 General Plan – 2010 to 2035). It indicates there are no 2010 population data available for the Community of Banta and that the projected population of Banta will be 161 in a total of 55 housing units in 2035. The 2010 General Plan shows Banta with a 1990 population of 250 in 118 dwelling units. The Draft 2035 GP shows Banta expanded by about 50 acres (the northern portion of the Tong property). This expansion is designated R/R so it could contain between 25 and 50 residences. Therefore, Table 3-10 should show Banta with between 143 and 168 housing units in 2035 rather than the 55 it currently shows and the population in the table should be between 325 and 400 rather than 161.

C3-1

The second comment is in regard to Figure 4.B-2 (Anticipated Converted Farmland by 2035). As far as I can tell by looking at that figure neither the Lin nor Tong properties are shown as being converted farmland but in the vicinity there are two large blocks of land (one of which may be part of the Lin property) which I don't recall being part of any request for land use designation change made as part of the Update process.

C3-2

Finally, Table 4.B-8 may be incorrect also. It may not reflect the conversion from farmland of the Lin or Tong properties unless they are included in the 537 acres shown under "Unincorporated County".

C3-3

Sincerely,

Robert J. Harris

## Letter C3: Robert Harris & Associates Robert Harris

C3-1 The comment addresses the Lin and/or Tong properties located east of Tracy. The 2010 General Plan (Volume II, pages XII-12) indicates that in 1990 Banta had 118 dwelling units and a population of 350. The 2010 Plan also projected the same population and number of dwelling units for 2010: 118 dwelling units and a population of 350. The community has no public water or wastewater facilities. The following text change is proposed to Table 3-10 on page 3-22 of the Draft EIR (note that the revision results in a negligible change in countywide population growth projections and does not alter the conclusions of the Draft EIR):

**TABLE 3-10  
ALLOCATION OF FUTURE SAN JOAQUIN COUNTY DWELLING UNITS AND  
POPULATION GROWTH BY COMMUNITY PLANNING AREA UNDER  
PROPOSED 2035 GENERAL PLAN – 2010 TO 2035**

	2010 Population <sup>1</sup>	2035 Projected Population	2010 -2035 Housing Units
<b>Rural Community Area (No Existing 2010 Population Data Available)</b>			
Banta	Not Available	<del>464</del> <u>350</u>	<del>55</del> <u>118</u>

C3-2 Each of the properties in question is depicted in Figure 4.B-2, although only a portion of each parcel is shown, owing to the mapping software employed.

C3-3 The commenter is correct that not all of the acreage of the two properties in question was included in Table 4.B-8. Accordingly, Table 4.B-8 is revised as shown below.

**TABLE 4.B-8  
ANTICIPATED FARMLAND CONVERSION BETWEEN 2010 AND 2035 WITHIN SPHERES OF  
INFLUENCE OF INCORPORATED CITIES AND WITHIN UNINCORPORATED COUNTY LANDS**

Jurisdiction Sphere of Influence	Prime Farmland	Farmland of Statewide Importance	Unique Farmland	Total
Escalaon	72	55	15	<b>142</b>
Lathrop	461	162	18	<b>641</b>
Lodi	197	14	-	<b>211</b>
Manteca	384	1,115	-	<b>1,499</b>
Ripon	156	327	12	<b>495</b>
Stockton	1,170	841	75	<b>2,086</b>
Tracy	353	-	4	<b>357</b>
Unincorporated County	<del>857</del> <u>449</u>	103	15	<del>975</del> <u>537</u>
Total	<del>3,650</del> <u>3,242</u>	<b>2,617</b>	<b>139</b>	<del>6,406</del> <u>5,968</u>

SOURCES: San Joaquin County, 2013; FMMP, 2013; Mintier-Harnish, 2014; 2016



The changes made to Table 4.B-8 do not alter the Draft EIR's conclusion, in Impact 4.B-1, that "Implementation of the proposed 2035 General Plan would result in the conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance to non-agricultural uses," and that this impact would be significant and unavoidable. Likewise, Impact 4.B-6, cumulative effects on agricultural resources, would remain significant and unavoidable, as well.

San Joaquin County General Plan Update  
Open House

Name: Walt Roberts

Email: wroberts@prestonpipelines.com

Phone: 916 386 1500

Comments:

- ① We are at 12687 S Mantney Rd and curious about the extension/improvement of the road at the back (west) side of our property.
- ② Curious if S. Mantney Rd will potentially become a designated Truck Route?
- ③ Any plans for annexation of our property into the City of Lathrop.

C4-1

## Letter C4: Matt Roberts

C4-1 The comment is requesting information regarding certain roadways and the potential for annexation of their land into the City of Lathrop. In response to future roadway extensions, the planned future road along the west side of the parcel located at 12687 South Manthey Road is known as Golden Valley Parkway, and is discussed as a part of the SJCOG San Joaquin Regional Expressway Study found at <http://www.sjcog.org/DocumentCenter/View/466>. The County has no current plans to construct any portion of Golden Valley Parkway at this time. Further inquiries about plans to construct the portion of Golden Valley Parkway from Lathrop Road north to Bowman Road should be directed to the City of Lathrop, as this road segment falls within Sub-Plan Area #2 of their General Plan, and has the layout of a portion of the segment being detailed in the Central Lathrop Specific Plan.

Regarding Manthey Road, the County has no plans and no current requests to designate Manthey Road as a Surface Transportation Assistance Act (STAA) route. It should be noted that the cost of any improvements required to designate any County road as a STAA route are borne by the requesting person and/or applicant. In addition, it is unlikely that Manthey Road will be considered for designation as a STAA route, as it has been the City of Lathrop's intention to abandon Manthey Road in part or in full as Golden Valley Parkway is gradually constructed as has already been done at locations south of Lathrop Road and Louise Avenue.

Regarding the annexation of the commenter's land, the County has no input on the timing of annexations by cities within San Joaquin County. This property is both within the City of Lathrop's Sphere of Influence and directly adjacent to existing City limits along its south and east property lines. Any inquiries regarding the potential timeline for possible annexation should be directed to the City.

ROGER TOWERS 2601 SURREY AVE., MODESTO, CA 95355

December 5, 2014

San Joaquin County Community Development Department  
Attn: Ray Hoo, Senior Planner  
1810 E. Hazelton Ave.  
Stockton, CA 95205

RE: Comments on the 2035 General Plan Draft EIR.

Dear Mr. Hoo:

Please accept the following as my comments on the General Plan DEIR.

1) BACKGROUND –

The 2010 General Plan was abandoned as soon as it was adopted in 1992; including a failure of implementation and mitigation. These facts are well documented. The process by which the 2010 Plan was adopted, however, was thorough- including environmental review. The 2010 Plan was part of a Comprehensive Planning Program inclusive of the Development Title and the General Plan 2010. Many of the policies and regulations contained in the Development were developed in response to environmental concerns and function as mitigation measures incorporated into the General Plan 2010 Mitigation and Monitoring Plan. In terms of the land use diagrams between the presently operative 2010 Plan and the proposed 2035 Plan, the vast majority of the County is relatively unchanged (Table 3-8). Key differences between the 2010 Comprehensive Planning Program and the 2035 General Plan are primarily associated with policy changes and revision of the Development Title including zoning. Since 1992, there have been two significant developments in state law mandating measurable air quality improvements by means of the General Plan. (Gov't Code 65302.1 - Air Quality Strategies, and the Global Warming Solutions Act of 2006 (AB 32).

C5-1

Ray Hoo, Senior Planner  
SJ County Community Dev. Dept.  
December 5, 2014

2) COUNTY CEQA PROCESS FAILS TO COMPLY WITH THE GUIDELINES

From the outset, it is identified that San Joaquin County has failed to comply with the requirement to identify thresholds of significance with respect to environmental review. CEQA Guidelines §15064.7 (b) requires:

Thresholds of significance to be adopted for general use as part of the lead agency's environmental review process must be adopted by ordinance, resolution, rule, or regulation, and developed through a public review process and be supported by substantial evidence.

C5-2

Accordingly, evaluation of impact significance resulting from the 2035 Plan, in terms of CEQA, can be nothing more than an arbitrary unlawful process until such time as San Joaquin County has complied with a public review requirements and supports its determinations of significance with substantial evidence.

3) IMPACT ANALYSIS MUST BE BROAD IN PERSPECTIVE DUE TO VAGUE AND IMMEASURABLE GENERAL PLAN POLICIES.

The policies of the proposed General Plan are so vague as to be inconsistent with OPR General Plan Guidelines. OPR advocates clear and specific policies: "For a policy to be useful as a guide to action it must be clear and unambiguous. Adopting broadly drawn and vague policies is poor practice. Clear policies are particularly important when it comes to judging whether or not zoning decisions, subdivisions, public works projects, etc., are consistent with the general plan." "It is better to adopt no policy than to adopt a policy with no backbone." (OPR, General Plan Guidelines, pp. 15-16 (1998).) County's incessant use of terms such as "shall consider" and "shall encourage" is spineless because it lacks meaningful policy directive. OPR's advocacy of clear, mandatory language is consistent with the Supreme Court's characterization of the general plan "as a 'constitution,' or perhaps more accurately a charter for future development." (Leshner Communications, supra, 52 Cal.3d at p. 540.)

C5-3

The utilization of vague policy has a direct impact on the appropriate environmental analysis. "Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating

Ray Hoo, Senior Planner  
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the proposal (i.e., the "no project" alternative) and weigh other alternatives in the balance. (*County of Inyo v. City of Los Angeles*, (1977) 185 Cal. App. 3d at pp. 192-193.)

In context, the impact analysis is a cynical representation of the appropriate questions that should be addressed in relation to significance criteria. For example, referencing and limiting analysis to CEQA Guidelines sample questions contained in Appendix "G" as "Significance Criteria" is plainly wrong (DEIR 4.A-11). As Appendix "G" states: "The sample questions in this form are intended to encourage thoughtful assessment of impacts, and do not necessarily represent thresholds of significance." County's obligation pursuant to CEQA and the Guidelines §15126.2, in part, is as follows:

Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects. The discussion should include relevant specifics of the area, the resources involved, physical changes, alterations to ecological systems, and changes induced in population distribution, population concentration, the human use of the land (including commercial and residential development), health and safety problems caused by the physical changes, and other aspects of the resource base such as water, historical resources, scenic quality, and public services.

Thus, not only are many of the questions addressed in the 1992 mitigation monitoring plan appropriate, a panoply of issues are raised by vague policies – issues that must be answered in the DEIR. Fairly describing the issues and providing appropriate analysis is a positive mandate upon the DEIR. By way of example only, several issues are presented.

- a. The reduction of minimum parcel size to twenty acres in General Agricultural designation will significantly impact the environment. The current proposal is to reduce the A/G minimal parcel size from 40 and 160 acres to 20 acres. This proposal will negatively affect the long-term viability of agricultural land in ways the DEIR has not considered: the price of land will increase resulting in higher farming costs, farm and non-farm conflicts will increase, traffic and GHG impacts will be increased as a result of higher VMT, and land will be taken out of agricultural production.



C5-3  
cont.

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- b. The adoption of the General Plan 2035 is in conflict with the Development Title inclusive of zoning. As such the zoning will need to be amended and the necessary amendments must be discussed. (Guidelines 15124 (d)(2).) The rescission of ARM zoning will have a significant impact on the environment. The only time the status of the 2010 General Plan was ever reviewed was in 2000/2001 when the County adopted the Agricultural Resource Management Zone. The ARM zone was intended “to assure the long-term viability of commercial agricultural properties” with the “primary objective... to permit only those uses and activities that will not compromise the viability of surrounding agricultural operations.” As referenced in the background report, none of the County is mapped with ARM zoning, yet it applies to all Williamson Act lands as of 2001- at least 60 percent of the County. Under the new Plan, ARM zoning will cease to exist. The background report is therefore flawed as is the analysis that follows. Clearly, the ARM zoning mitigates the permanent loss of farm land and is contrary to the DEIR’s assessment that no mitigation for the loss of prime farmland is available.
- c. Adoption of Policy NCR-4.4 Concurrent Reclamation will have a significant impact on the environment. Presently, Development Title §9-1415.3 (o) requires reclamation in one phase of an excavation to be initiated prior to the start of the next excavation phase with final reclamation of the phase complete within two years of initiation. Policy NCR -4.4 states: “The County shall encourage reclamation of mining sites concurrent with extraction activities rather than after extraction has been completed.” By implication, concurrent reclamation is no longer required, only encouraged- whatever that means. The potential effect of this change is to delay the reclamation of thousands of acres. Reclamation serves to put the land back to productive use after exhaustion of the resources, prevents the loss of soil and lowers dust/PM10 due to wind erosion, and eliminates the aesthetic blight of open pit mining.
- d. Adoption of the 2035 Plan will have a significant impact on scenic highways and aesthetics. These impacts were identified in association with the adoption of the 2010 plan. Mitigation included development of design

C5-4

C5-5

C5-6

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guidelines and standards which were never prepared. Some of the impacts identified in 1992 include:

4.17-1 Development in close proximity to the County's waterways could adversely affect the scenic value of the waterways, especially if vegetation adjoining the waterways were removed for new development.

4.17-3 Scattered rural development on hillsides and ridgelines can result in degradation of the aesthetic quality of the views.

4.17-4 Industrial buildings could be as tall as 100 feet, as allowed by proposed zoning. Such buildings would create a dominant visual feature, contrasting significantly with adjoining agricultural lands, and limiting the view of motorists. (\* Under the proposed 2035 General Plan, there is no limitation on the height of buildings.)

4.17-7 Uncontrolled development within the viewshed of designated scenic routes could diminish the aesthetic value of the roadside scenery.

C5-6  
cont.

The failure of the DEIR to recognize and discuss these impacts previously found to be significant, is unlawfully arbitrary. (CCP §1094.5) In *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (1st Dist. 2001) 91 Cal. App. 4th 342, 359 the court stated as follows:

*(W]hen an earlier-adopted mitigation measure has been deleted, the deference provided to governing bodies with respect to land use planning decisions must be tempered by the presumption that the governing body adopted the mitigation measure in the first place only after due investigation and consideration. We therefore hold that a governing body must state a legitimate reason for deleting an earlier-adopted mitigation measure, and must support that statement of reason with substantial evidence. If no legitimate reason for the deletion has been stated, or if the evidence does not support the governing body's finding, the land use plan, as modified by the deletion or deletions, is invalid and cannot be enforced.*

e. Policy NCR-7.5 will have a significant adverse affect upon the environment. Policy NCR-7.5 states: "Require Landscape Plans. The County shall require landscape plans for new development along State- or County-designated scenic routes." In context of designated scenic routes, the affected asset is the vista/view shed. Preparation of landscape plans screening the vista will

C5-7



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destroy the asset. As previously identified in 1992, design guidelines are necessary to address scenic highways. Such design guidelines would necessarily address the form of the landscape in context of the open pit mining adjacent to Interstates 5 and 580.

↑  
C5-7  
cont.

f. Over-drafting of groundwater supplies will continue to have a significant impact on the environment. (See General Plan MMP 2010, mitigation 4.2-2) As identified in the 2035 Plan (Impact 4.J-2): "Development under the proposed 2035 General Plan could deplete groundwater supplies or interfere substantially with recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater level." The discussion of this impact recognizes that the depletion of the groundwater is continuing, but nevertheless, concludes that the impact is not significant. The conclusion is arbitrary, not supported by the analysis and contradicted by prior General Plan 2010 analysis. Overdrafting of the water supply is clearly a significant issue. Overdraft in the eastern portion of the County can, at least in part, be attributed to the conversion of grazing lands to almond production. Restrictions on groundwater pumping and type of crops should be addressed in terms of feasible mitigation.

↑  
C5-8

g. Analyses of several issues are deceptive in representing that no impacts will result when the potential impacts are only addressed as part of discretionary project approval. For example, Development Title Chapter 9-1505 is intended to preserve native oaks, heritage oaks, or historical trees and is used as a basis to conclude that no significant impact to these trees will result from the development authorized by the General Plan. Section 9-1505.2, however, limits the applicability of the Chapter to discretionary projects. Nothing within the Development Title prohibits the clearing of land including oak groves or heritage trees prior to an application for development. The threat to these trees remains. The threat of removal remains significant.

↑  
C5-9

h. The extraction of aggregate mineral resources within the County could cause adverse environmental effects, including health and safety risks, noise, dust, and changes to surface and subsurface water flow and quality. (2010 General Plan MMP 4.13-7) The 2035 General Plan DEIR does not assess the cumulative impacts associated with open pit mining on land designated

↑  
C5-10  
↓

significant or potentially significant for sand and gravel. In the Vernalis area, these designated resource areas are adjacent to and within the viewshed of scenic highways and otherwise located on prime farmland.

↑ C5-10  
cont.

4) **BASELINE TRAFFIC ANALYSIS IS FLAWED**

The baseline traffic analysis for Highway 132 is understated by failing to recognize several thousands of acres approved for gravel mining in the Vernalis area. The baseline uses a 2009 traffic count. Quarry operations approved, but not yet in operation have not been counted as part of the traffic operations. The traffic study contained in the Vernalis East West project (Teichert 2007) recognizes that even with construction of the Highway 132/Bird Road interchange, some turning movements will not meet level of service requirements. (This conclusion was edited out of the Final EIR without further study.)

C5-11

5) **THE 2035 PLAN FAILS TO COMPLY WITH THE REQUIREMENTS FOR REDUCTION OF AIR QUALITY STRATEGIES**

Pursuant to Government Code 65302.1 (c) The adoption of air quality amendments to a general plan to comply with the requirements of subdivision (d) shall include all of the following:

(1) A report describing local air quality conditions including air quality monitoring data, emission inventories, lists of significant source categories, attainment status and designations, and applicable state and federal air quality plans and transportation plans.

C5-12

(2) A summary of local, district, state, and federal policies, programs, and regulations that may improve air quality in the city or county.

(3) A comprehensive set of goals, policies, and objectives that may improve air quality consistent with the strategies listed in paragraph (3) of subdivision (a).

(4) A set of feasible implementation measures designed to carry out those goals, policies, and objectives.

Ray Hoo, Senior Planner  
SJ County Community Dev. Dept.  
December 5, 2014

The 2035 Plan fails to comply with sub-paragraphs 3 and 4 above. The policies and implementation measures contain no concrete measures to actually carryout air quality improvement. The DEIR fails to note this inconsistency with state law.

↑  
C5-12  
cont.

6) THE 2035 PLAN FAILS TO COMPLY WITH THE REQUIRMENTS FOR REDUCTION OF GREENHOUSE GAS EMISSIONS

The DEIR identifies the following impacts:

**Impact 4.P-1: Implementation of the proposed 2035 General Plan could result in the wasteful, inefficient or unnecessary consumption of energy by residential, commercial, or industrial uses associated with increased demand. (Less than Significant)**

**Impact 4.P-2: Implementation of the proposed 2035 General Plan would generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment or could conflict with the applicable plan, policy or regulation adopted for the purpose of reducing GHG. (Less than Significant)**

**Impact 4.P-3: Implementation of the proposed 2035 General Plan, combined with other projects, could result in the wasteful, inefficient or unnecessary consumption of energy, or generate GHG emissions that have significant adverse cumulative impacts on the environment or conflict with the applicable plan, policy or regulation adopted for the purpose of reducing GHG. (Less than Significant)**

C5-13

The representation that these impacts are less than significant is arbitrary, and contrary to the analysis. As previously identified (CEQA Guidelines §15064.7 (b)), the authors of the DEIR have no basis to conclude the failure to attain state mandated GHG emission reduction levels is not significant.

Just as important, the baseline analysis is flawed in that fails take into account projects that have been approved, but not yet operational. Specifically relevant to this assessment are the several thousand acres of quarrying activity approved or pending, but not yet operational in the Vernalis area (Teichert Vernalis East West, Cemex, etc.). These quarry operations are associated with considerable truck traffic as identified in the associated EIR's. Partial mitigation of GHG emissions could be off-set through parking operations which reduce the VMT of trucks generating far more emissions than

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Ray Hoo, Senior Planner  
SJ County Community Dev. Dept.  
December 5, 2014

passenger cars: e.g. – park the trucks at the quarries instead of using them as commute vehicles.



C5-13  
cont.

Furthermore, San Joaquin County premises compliance with air quality standards “primarily through land use patterns”. (Appendix A-3) This is a disingenuous representation as land use designations remain relatively unchanged and proposed plan policies reduce minimum acreage requirements for rural residential development with the obvious result of increasing VMT.

7) THE 2035 PLAN VIOLATES THE REQUIREMENT FOR AN OPEN SPACE ACTION PLAN

The DEIR fails to identify that the 2035 Plan is contrary to State law in that fails to contain an open space action plan as required by Government Code section 65564. Key to this action plan would be the adoption of open space zoning as required by Government Code section 65910.



C5-14

8) FUTURE STUDY IS NOT PERMISSABLE MITIGATION

Many of the impacts that are identified are proposed to be mitigated by future study. Future study of issues, without a commitment to a measurable standard is contrary to law. (Gray v. County of Madera (2008) 167 Cal.App.4th 1099)



C5-15

CONCLUSION

The DEIR is fundamentally flawed and substantial revision is necessary. Prior to that revision, however, San Joaquin County must define the standards of significance associated with environmental procedures through a public process. I request to be notified of that public process at such time as the hearing may be set.



C5-16

Sincerely,

*Roger Towers*

## Letter C5: Roger Towers

- C5-1 The comment provides a background to the current General Plan as compared to the 2010 General Plan. It is true that one of the main differences is the development of new policies for this updated General Plan.
- C5-2 The comment states that the County has failed to comply with the requirement to identify thresholds of significance with respect to environmental review. It is true that CEQA *Guidelines* Section 15064.7(b) requires that the County formally adopt thresholds of significance. The County does not have formal thresholds adopted, but has an informal policy similar to what many jurisdictions do (e.g., City of San Rafael, Marin County). Rather, the County relies on several sources to determine if an impact is potentially significant. Sources include, among others, the policies of the County's General Plan, the regulations and provisions of the County's Development Title, and the CEQA Guidelines. Some of the thresholds are quantitative and others are qualitative. The County Community Development Department defers to the appropriate agencies for making the call on issues within their purview, such as Public Works. Many of these agencies have their own thresholds for determining significance.
- C5-3 The comment is not clear as to which specific policies are "broadly drawn and vague". Yes, it is true that terms such as "shall consider" or "shall encourage" are used for certain policies but this is very common for many jurisdictions that are updating their General Plans. Many of the policies are very specific about the direction the County proposes to take in terms of future development, environmental protections, economic development, etc. and these have been adequate to provide an informed environmental impact analysis. The commenter states that the "impact analysis is a cynical representation of the appropriate questions that should be addressed"; however, there is no documentation of what this criticism means or where this has taken place.

Appendix G questions are often used to determine thresholds of significance and have been used for numerous environmental documents throughout the State of California. While it is true that the opening to Appendix G states "The sample questions in this form are intended to encourage thoughtful assessment of impacts, and do not necessarily represent thresholds of significance," CEQA does not prohibit Appendix G questions from being used as the basis for thresholds of significance. In addition, the EIR clarifies specific thresholds when appropriate. For example, pages 4.D-20 and 21 of the Draft EIR identify very specific transportation-related thresholds of significance. Page 4.H-41 of the Draft EIR addresses specific thresholds of significance related to noise impacts that go above and beyond the wording used in Appendix G.

The reduction of minimum parcel size for the General Agriculture designation has not taken place with the updated General Plan. As explained in Volume I of the existing General Plan on page VI-10 in reference to the General Agriculture designation:  
 "Development density shall be a maximum of one primary dwelling unit per 20 gross

- acres. This requirement does not apply to Lot Line Adjustments if the dwelling unit density for the affected parcels is not increased as a result of the Lot Line Adjustment. Additional dwelling units for farm employee housing and farm labor camps may be permitted. Minimum parcel sizes shall be 20-40 acres where irrigation water is available; 80-160 acres where water is not available for irrigation. The designation of appropriate parcel sizes shall be based on the predominant existing parcel size and residential density in the area."
- C5-4 The comment states that the 2035 General Plan is in conflict with the Development Title, inclusive of zoning, with respect to Agricultural Resource Management (ARM). In terms of ARM zoning, the Background Report is a fact-based, policy neutral document that is not intended to analyze the results of policy adoption or program implementation. No change to the Background Report is necessary.
- C5-5 The comment suggests that Policy NCR-4.4 would have a significant impact on the environment. Policy NCR-4.4 is not meant to conflict with the Development Title Section 9-1415.3. The County continues to promote reclamation that occurs prior to completion of resource excavation. Section 9-1415.3 of the Development Title is not proposed to be altered.
- C5-6 The comment suggests that the Draft EIR fails to acknowledge significant impacts previously identified for the 2010 General Plan in the 1992 EIR. The impacts identified in the 1992 EIR were very different from what is currently evaluated in this EIR because the 1992 General Plan had significantly more areas for development shown than what is now proposed with this General Plan Update. The comments in this EIR are meant to address the current project, and the EIR is not meant to compare the old General Plan to the new General Plan. Also, the County has not "deleted" mitigation measures from the old EIR as implied by the comment. The quoted passage from the Napa case identifies a rule that applies when an agency has adopted mitigation measures and then within the same project later determines that the mitigation measures are not feasible. The comment however, only recites impacts identified in the 2010 General Plan, not mitigation measures.
- C5-7 The comment suggests that Policy NCR-7.5 would have a significant impact on scenic resources in the county. Landscape plans for projects near scenic routes would not necessarily "destroy the asset" as claimed by the comment. The impacts of the 2035 General Plan are not related to current mining operations that are ongoing. No changes to the Draft EIR are considered necessary.
- C5-8 The comment suggests that the overdraft of groundwater resources is a significant issue and that mitigations should be included to put restrictions on groundwater pumping and certain crops should be included in the Draft EIR. As stated in the Draft EIR on page 4.J-46, development associated with the 2035 General Plan would include conversion of agricultural land to other land uses and would result in a reduction of groundwater supply needs. Otherwise, the overdraft conditions are an existing condition within the County. In

addition, policies proposed as part of the 2035 General Plan would aid in reducing the demands on groundwater supplies such as preserving groundwater recharge areas (NCR-3.1), promotion of development of artificial recharge projects (NCR-3.2), coordinated monitoring efforts by multiple agencies (NCR-3.3) to reduce groundwater overdraft, LID development design measures (NCR 3.5), and a focus on maintaining sufficient river flows which can also provide groundwater recharge to underlying aquifers (NCR-3.8). Implementation of these policies along with adherence to the San Joaquin County Groundwater Banking Authority's Eastern San Joaquin Integrated Regional Water Management Plan (IRWMP) provides the basis for a conclusion that the 2035 General Plan would have a less than significant impact on groundwater supply resources.

- C5-9 The comment asserts the statement that no impacts will result from the project is deceptive because the impacts are only addressed as part of discretionary project approval. As an example, it discusses how Development Title Chapter 9-1505 is meant to protect native heritage oaks and historical trees. The comment then states that the threat to native heritage oaks and historical trees still exists because nothing explicitly prohibits the clearing of these trees. Impacts due to conflicts with local policies or ordinances, including impacts to significant oak trees, heritage trees or legacy trees, are discussed under Impact 4.F-5. In addition, because this is a Program EIR, analysis of impacts from specific projects is not included in the discussion. Subsequent analysis would be required for development of any projects that may impact significant oak trees, heritage trees or legacy trees.
- C5-9 The comment suggests the threat of removal of oak trees is significant, due to a conflict of implementation of Development Title Chapter 9-1505 and Section 9-1505.2. Section 9-1505.3 of the County's Development Title clarifies limitations on tree removal. The 2035 General Plan would not have impacts related to this issue because any major land use changes which are proposed as part of the General Plan would entail discretionary approvals such as rezonings, subdivisions, or use permits which would be subject to these regulations.
- C5-10 The comment suggests that the EIR should address the adverse environmental effects of the extraction of aggregate mineral resources, including health and safety risks, noise, dust, and changes to groundwater flow and quality. The CEQA *Guidelines* stipulate that the environmental analysis consider the potential for: 1) the loss of availability of a known mineral resource that would be of value to the region and the residents of the state, and/or 2) 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; thus, the Draft EIR analyzes the impact of development under the 2035 General Plan on known mineral resources. The incompatibility of land uses surrounding mineral resource extraction sites is addressed through local land use plans and policies. As shown on page 4.O-6 the 2035 General Plan includes Policies NCR-4.1 and NCR-4.2 which would require lands surrounding future mining sites remain in agricultural or open space use, or obtain a discretionary permit for development, which would protect the resources as well as prevent the location of sensitive land uses near future mining sites. In addition,

Mitigation Measure 4.O-1 adds an implementation program to the 2035 General Plan to further discourage the location of incompatible land uses near future mining sites.

C5-11 The comment states that the less than significant conclusions of Impacts 4.P-1 through 4.P-3 are arbitrary and should have been deemed significant. The comment does not provide any substantive support for this recommendation.

The comment also suggests that approved but not operational projects should have been included in the baseline inventory. The baseline GHG emissions accounts for emissions generated in the unincorporated county for the baseline year, rather than speculatively projecting emissions for approved projects that could be developed and operational in future years. The development and purpose of the baseline GHG inventory is included in the Draft EIR on pages 4.P-4 and 4.P-5.

Additionally, the comment questions the benefit of land use patterns to air quality. As described on page 4.P-21 of the Draft EIR notes that “future development subsequent to the 2035 General Plan would primarily occur in, adjacent to, or in the vicinity of existing developed urban areas. These land use patterns allow for the logical extension and utilization of existing utilities, and public services, and other amenities such as proximity to employment centers, commercial uses, and public transit. Such land use patterns reduce dependence on motor vehicles and allow for stronger public transportation systems and development of pedestrian and bicycle paths.”



# CHAPTER 4

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## Revisions to the Draft EIR

Subsequent to the release of the Draft EIR, revisions have been made as a result of public comments received or were initiated by County staff. Revised or new text is underlined. Deleted text is indicated by ~~striketrough~~ text.

The revisions in this chapter do not identify any new significant impacts other than those already identified in the Draft EIR, nor do they reveal any substantial increase in the severity of an environmental impact in comparison to the analyses contained in the Draft EIR. The revisions also do not describe any project impact or mitigation measure that is considerably different from those identified in the Draft EIR. Accordingly, the revisions in this chapter do not constitute “significant new information” and it is, therefore, not necessary to recirculate the Draft EIR for public comment prior to certification of the Final EIR (CEQA *Guidelines* Section 15088.5).

Section A, below, identifies staff-initiated changes made to the Draft EIR. Section B identifies changes made to the EIR in response to public comments received.

### A. Staff-Initiated Changes to the Draft EIR

The text changes presented in this section were initiated by Lead Agency staff. Revised text is underlined; deleted text is shown in ~~striketrough~~.

None of the revisions results in fundamental alterations of the conclusions of the Draft EIR. The following text changes have been made:

*On page 4.A-2 in Section 4.A, Land Use, the legend of Figure 4.A-1, “Existing Land Use,” is revised such that the cross-hatched area at the bottom left of the legend reads, “Unincorporated Fringe,” rather than “~~Incorporated Fringe~~.” (This revision brings Figure 4.A-1 into consistency with Figure 3-2, “San Joaquin County Communities,” in Chapter 3, Project Description.)*

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### B. Changes to the Draft EIR in Response to Comments

The text changes presented in this section were initiated by comments on the Draft EIR. Revised text is underlined; deleted text is shown in ~~striketrough~~.

None of the revisions results in fundamental alterations of the conclusions of the Draft EIR. The following text changes have been made:

*Table 3-10 on page 3-22 is revised as follows to correct the projected population for the unincorporated rural community area of Banta, in response to Letter C3:*

**TABLE 3-10  
ALLOCATION OF FUTURE SAN JOAQUIN COUNTY DWELLING UNITS AND  
POPULATION GROWTH BY COMMUNITY PLANNING AREA UNDER  
PROPOSED 2035 GENERAL PLAN – 2010 TO 2035**

	2010 Population <sup>1</sup>	2035 Projected Population	2010 -2035 Housing Units
<b>Urban Community Area</b>			
French Camp	4,421	4,421	0
Linden	1,814	2,782	330
Lockeford	3,301	6,230	998
Morada	4,387	4,446	20
Mountain House	9,996	45,234	12,008
Thornton	809	1,176	125
Woodbridge	3,787	3,831	15
<b>Subtotal:<sup>2</sup></b>	<b>28,515</b>	<b>68,120</b>	<b>13,496</b>
<b>Rural Community Area</b>			
Acampo	462	462	0
Collierville	2,345	2,870	179
Farmington	249	672	144
Peters	520	520	0
Victor	395	483	30
<b>Subtotal:</b>	<b>3,971</b>	<b>5,007</b>	<b>353</b>
<b>Rural Community Area (No Existing 2010 Population Data Available)</b>			
Banta	Not Available	<del>464</del> <u>350</u>	<del>55</del> <u>118</u>
Chrisman	Not Available	0	0
Clements	Not Available	0	0
Coopers Corner	Not Available	0	0
Glenwood	Not Available	0	0
Lammersville	Not Available	94	32
New Jerusalem	Not Available	6	2
Noble Acres	Not Available	18	6
Stoneridge	Not Available	0	0
Vernalis	Not Available	0	0
<b>Subtotal:</b>		<b>279</b>	<b>95</b>

## NOTES:

<sup>1</sup> 2010 population estimate based on Census Defined Place (CDP) boundaries covering each community boundary. May include areas beyond the community boundary.

<sup>2</sup> From Spheres of Influence Table, population growth (2010-2035) in unincorporated county is 43,200 and net new units (2010 -2035) in unincorporated county is 14,700. The difference is due to unincorporated development located outside a community boundary and city Spheres of Influence (i.e., rural residential or City Fringe Areas outside a Sphere of Influence).

SOURCE: San Joaquin County, 2014a.

*The following change is made on page 4.A-14 to incorporate protection of habitat restoration opportunities into the criteria for consideration for potential General Plan or zoning changes that would eliminate an agricultural designation, in response to Letter A2:*

**LU-2.15: Agricultural Conversions.** When reviewing proposed General Plan amendments to change a land use diagram or zoning reclassification to change from an agricultural use to non-agricultural use, the County shall consider the following:

- potential for the project to create development pressure on surrounding agricultural lands;
- potential for the premature conversion of prime farmland, farmland of statewide importance, unique farmland, farmland of local importance, and confined animal agriculture;
- protection of potential habitat restoration opportunities in the Delta;
- potential for impacts on surrounding farming operations and practices; and
- provision of infrastructure and services to the new use and the potential impact of service demands or on the surrounding area (PSP) (Source: Existing GP, CODP, Growth Accommodation, Implementation 13, Implementation 14, modified)

*The following text change is made to the first line of page 4.A-26, of the Draft EIR, in response to Letter A2:*

...to a General Industrial designation. The proposed land use change would conflict with Delta Plan Policy DP P1 which addresses the location of new urban development per the Delta Reform Act (Public Resources Code Section 29702).

*The following change is made on page 4.B-19 to incorporate protection of habitat restoration opportunities into the criteria for consideration for potential General Plan or zoning changes that would eliminate an agricultural designation, in response to Letter A2:*

**LU-2.15: Agricultural Conversions.** When reviewing proposed General Plan amendments to change a land use diagram or zoning reclassification to change from an agricultural use to non-agricultural use, the County shall consider the following:

- potential for the project to create development pressure on surrounding agricultural lands;
- potential for the premature conversion of prime farmland, farmland of statewide importance, unique farmland, farmland of local importance, and confined animal agriculture;
- protection of potential habitat restoration opportunities in the Delta;
- potential for impacts on surrounding farming operations and practices; and
- provision of infrastructure and services to the new use and the potential impact of service demands or on the surrounding area (PSP) (Source: Existing GP, CODP, Growth Accommodation, Implementation 13, Implementation 14, modified)

The following text change is made on page 4.B-25 to ensure consistency with the Delta Plan Policy D-4.9, in response to Letter A2:

**D-4.9: Conversion of Delta Farmland to Wetlands.** The County shall not allow the conversion of prime farmland within the Delta into wetlands, unless located within the Lower San Joaquin River Floodplain. (RDR/PSP) (Source: New Policy, County staff)

The following revision is made to the second sentence of the second paragraph under Impact 4-B.1 on page 4.B-27, in response to Letter C3, to achieve consistency with revised Table 4.B-8 (see below):

As shown in **Table 4.B-8**, a total of ~~5,968~~ 6,406 acres of Prime, Unique, and Statewide-Important farmland are anticipated to be converted between 2010 and 2035.<sup>[footnote omitted]</sup>

The following revisions are made to the third paragraph under Impact 4-B.1 on page 4.B-27, in response to Letter C3, to achieve consistency with revised Table 4.B-8 (see below):

Development of county farmland outside these SOIs pursuant to the proposed 2035 General Plan would result in conversion of ~~537~~ 975 acres of the total ~~5,968~~ 6,406 acres. The County would not have any control on agricultural land conversion once agricultural land within SOIs is annexed to incorporated cities.

The following revisions are made to Table 4.B-8 on page 4.B-29, in response to Letter C3:

**TABLE 4.B-8  
ANTICIPATED FARMLAND CONVERSION BETWEEN 2010 AND 2035 WITHIN SPHERES OF INFLUENCE OF INCORPORATED CITIES AND WITHIN UNINCORPORATED COUNTY LANDS**

Jurisdiction Sphere of Influence	Prime Farmland	Farmland of Statewide Importance	Unique Farmland	Total
Escalaon	72	55	15	<b>142</b>
Lathrop	461	162	18	<b>641</b>
Lodi	197	14	-	<b>211</b>
Manteca	384	1,115	-	<b>1,499</b>
Ripon	156	327	12	<b>495</b>
Stockton	1,170	841	75	<b>2,086</b>
Tracy	353	-	4	<b>357</b>
Unincorporated County	<del>857</del> <u>449</u>	103	15	<del>975</del> <u>537</u>
<b>Total</b>	<del>3,650</del> <u>3,212</u>	<b>2,617</b>	<b>139</b>	<del>6,406</del> <u>5,968</u>

SOURCES: San Joaquin County, 2013; FMMP, 2013; Mintier-Harnish, 2014; 2016

The following revisions are made to the first partial paragraph on page 4.B-30, in response to Letter C3, to achieve consistency with revised Table 4.B-8:

As shown in Table 4.B-4, as of 2010, the county had 385,337 acres of Prime Farmland, 83,307 acres of Farmland of Statewide Importance, and 69,481 acres of Unique Farmland. Development pursuant to the proposed 2035 General Plan would convert ~~5,968~~

6,406 acres, or ~~1.1~~ 1.2 percent, of these important farmlands to other uses. The majority of these lands are located within existing city SOIs, although they would remain under county jurisdiction until they are annexed. Of these ~~5,968~~ 6,406 acres, ~~537~~ 975 acres are located outside SOIs. Conversion that does occur would be directed toward designated locations in unincorporated rural or urban communities.

*The following change is made on page 4.D-12 of the Draft EIR made to the first paragraph, first sentence in response to Letter B9:*

Sections of the following ~~fifteen~~ eleven county roadways currently exceed San Joaquin County's average daily travel (ADT):

*The following changes is made to the policy on page 4.D-26 of the Draft EIR in response to Letter B1:*

**TM-3.12: Rural Traffic Management Areas.** The County shall mitigate excessive commuter diversion traffic through the development and adoption of rural traffic management plans. Where applicable, the County shall prepare a rural traffic management plan, in coordination with neighboring jurisdictions where appropriate, when public concerns are raised about excessive traffic or the County identifies issue areas, the County Public Works Director confirms that a defined rural area is experiencing excessive commuter traffic due to diversion, and a survey of an area's property owners, with at least 33 percent responding, shows at least 50 percent are in support the preparation of a plan. (PSP) (Source: New Policy)

*The following changes is made to the policy on page 4.D-26 of the Draft EIR in response to Letter B9:*

**TM-3.13: Development Rights-of-Way.** The County shall require dedication and improvement of necessary on and off-site rights-of-way at the time of new development, in accordance with the County's Functional Classification, Standard Drawings, and Level of Service Standards. The County shall require that changes to existing intersections or new intersections be designed and constructed according to San Joaquin County Intersection Templates updated in 2014. (Source: Existing GP, Transportation, Roadways, Implementation 2).

*The following change is made to the description of expressways in Table 4.D-8 on page 4.D-27 in response to Letter B9:*

Designed for high speed intercommunity traffic between important centers of activity or employment; may be a two-lane undivided roadway in rural areas or a multi-lane divided roadway in urban areas. Access in areas of development should be limited to freeways, arterials, and rural roads with minimum spacing of one-half mile.

*The following change is made to Policy TM-5.12 on page 4.D-29 in response to Letter B9:*

**Policy TM-5.12: Higher Speed Rail.** The County shall support the concept of developing higher speed passenger service along existing rail corridors to Sacramento and the Bay area

to a capability of 79 miles per hour in the short term. In the longer term, the County supports upgrading rail service to a capability of 125 miles per hour along existing or new alignments. (PSP/IGC) (Source: Existing GP, Transportation, Transit, Policy 10)

The following change is made to Policy TM-5.14 on page 4.D-29 in response to Letter B9:

~~**TM-5.14 Rail Crossings.** The County shall ensure all at-grade rail crossings with roads have appropriate safety equipment. (Source: Existing GP, Transportation, Transit, Implementation 9, Modified).~~

**TM-5.14: Rail Crossings.** The County shall continue to cooperate with all Railroads and the Public Utilities Commission in their efforts to enhance at-grade rail crossings. (Source: Existing GP, Transportation, Transit, Implementation 9, Modified).

The following change is made to page 4.D-41 of the Draft EIR, second paragraph, third sentence, in response to Letter B7:

~~Although all of these roadway sections at issue are also designated as part of the Regional Congestion Management Program (RCMP) for San Joaquin County, their projected ADT forecasts are within the RCMP Local Roadway LOS D Threshold.~~

Seven of the impacted roadway segments, excepting Lower Sacramento Road north of Mokelumne Street, are also part of the Regional Congestion Management Program (RCMP) for San Joaquin County. None of these segments are expected to exceed the LOS D threshold which would trigger a RCMP impact.

The following changes are made to Table 4.F-2 in response to Letter A3 (excerpt below):

<i>Aquila chrysaetos</i> Golden eagle	--/SFP/--	Found primarily in mountains up to 12,000 feet, canyonlands, rimrock terrain, and riverside cliffs and bluffs. Golden eagles nest on cliffs and steep escarpments in grassland, chaparral, shrubland, forest, and other vegetated areas.	<b>Medium.</b> Suitable habitat is present within the mountainous ridge area in the southwest corner of the county. Only one CNDDB recorded occurrence exists within the county.
<i>Elanus leucurus</i> White-tailed kite	--/SFP/--	Nests in shrubs and trees next to grasslands, forages over grasslands and agricultural lands	<b>High.</b> Suitable habitat is present within the grasslands and agricultural areas throughout the county. The CNDDB reports two recorded occurrences.
<i>Laterallus jamaicensis coturniculus</i> California black rail	--/ST, SFP/--	Majority of population found in the tidal salt marshes of the northern San Francisco Bay region, primarily in San Pablo and Suisun Bays; also found in freshwater marshes in the foothills of the Sierra Nevada.	Low. Suitable habitat is only present within the far western portion of the county within the Delta cuts around Bacon and King Island and Empire Tract. CNDDB occurrences are from the late 1980s and early 1990s.

The following change is made to Table 4.F-2 on page 4.F-15 in response to Letter A3 (excerpt below):

<i>Sylvilagus bachmani</i> <i>riparius</i> riparian brush rabbit	FE/SE/--	Found in dense, brushy areas of Valley riparian forests, marked by extensive thickets of wild rose ( <i>Rosa</i> spp.), blackberries ( <i>Rubus</i> spp.), and willows ( <i>Salix</i> spp.).	<del>Low. Currently only High.</del> Suitable habitat found in remnant patches of riparian forest along the Stanislaus River and known populations occur within Caswell State Park and in the Lathrop area.
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The following change is made to Table 4.F-2 on page 4.F-19 of the Draft EIR in response to Letter A3 (excerpt below):

<i>Agelaius tricolor</i> tricolored blackbird	-- <del>/SE,SSC/--</del>	Nests in freshwater marshes with dense stands of cattails or bulrushes, occasionally in willows, thistles, mustard, blackberry brambles, and dense shrubs and grains	<b>Medium.</b> Nesting sites available at disjunctive locations along drainages and other watercourses with freshwater marsh habitat. The CNDDDB reports occurrences scattered along the valley floor within the county.
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The following change is made to Table 4.F-2 on page 4.F-20 of the Draft EIR in response to Letter A3 (excerpt below):

<i>Xanthocephalus</i> <i>xanthocephalus</i> yellow-headed blackbird	<del>--/SE</del> <u>SSC/--</u>	Nests in freshwater marshes or reedy lakes; during migration and winter prefers open cultivated lands, fields, and pastures.	<b>Medium.</b> Suitable habitat is present within the undeveloped areas consisting of marsh and lake habitat within the county. The CNDDDB reports one recorded occurrence however it was from 1894.
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The following change is made to the footnote of Table 4.F-2 on page 4.F-26 of the Draft EIR in response to Letter A2 (excerpt below):

KEY:

**Federal: (USFWS)**

FE = Listed as Endangered by the Federal Government

FT = Listed as Threatened by the Federal Government

FC = Candidate for listing by the Federal Government

**State: (CDFW)**

SE = Listed as Endangered by the State of California

ST = Listed as Threatened by the State of California

SR = Listed as Rare by the State of California (plants only)

SCT = Candidate for listing (Threatened) by the State of California

SSC = California Species of Concern

FP = Fully Protected

WL = Watch List

**CNPS: (California Native Plant Society)**

Rank 1A = Plants presumed extirpated in California and either rare or extinct elsewhere

Rank 1B = Plants rare, threatened, or endangered in California and elsewhere

Rank 2A = Plants presumed extirpated in California, but more common elsewhere

Rank 2B = Plants rare, threatened, or endangered in California but more common elsewhere

Rank 3 = Plants about which more information is needed – a review list

Rank 4 = Plants of limited distribution – a watch list

0.1 = Seriously endangered in California

0.2 = Fairly endangered in California

0.3 = Not very endangered in California

-- = No Listing

SOURCE: USFWS, 2014; CDFW, 2014; CNPS, 2014.

The following change is made to Table 4.F-2 on page 4.F-22 of the Draft EIR in response to Letter A3:

<i>Castilleja campestris</i> var. <i>succulenta</i> succulent owl's-clover	<del>FT</del> <u>SE</u> /1B.2	A hemiparasitic annual herb generally found in vernal pools (often acidic) at 50-750 meters in elevation. Blooms April-May.	<b>Medium.</b> The CNDDDB has one historic occurrence, presumed extant, located northeast of Lodi.
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The following change is made to Table 4.F-2 on page 4.F-23 of the Draft EIR in response to Letter A3 (excerpt below):

<i>Eryngium racemosum</i> Delta button-celery	<del>SE</del> /1B.1	An annual/perennial herb generally found in vernal mesic clay depressions within riparian scrub habitat between 3-30 meters in elevation. Blooms June-October.	<b>Medium.</b> The CNDDDB has four historic occurrences located near Lathrop and Stockton, all possibly extirpated.
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The following change is made to Table 4.F-2 on page 4.F-24 of the Draft EIR in response to Letter A3 (excerpt below):

<i>Lilaeopsis masonii</i> Mason's lilaeopsis	<del>SR</del> /1B.1	A perennial rhizomatous herb that generally occurs in riparian scrub, freshwater-marsh and brackish-marsh habitats at 0-35 feet in elevation. Blooms April-November.	<b>High.</b> The CNDDDB has numerous recorded occurrences in the Delta region near the western county boundary.
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The following change is made to paragraph 2, sentence 4 on page 4.F-39 of the Draft EIR in response to Letter A3:

The SJMSCP Covered Species includes 27 plants (6 listed), 4 fish (2 listed), 4 amphibians (4 listed), 4 reptiles (1 listed), 33 birds (7 listed), 15 mammals (3 listed) and 10 invertebrates (5 listed).

The following change is made to paragraph 3, sentence 3 on page 4.F-39 of the Draft EIR in response to Letter A3:

Activities impacting anadromous fish and waters of the United States are subject to NMFS and ~~Alameda County Office of Education~~ U.S. Army Corps of Engineers (ACOE) regulations, respectively, and are not covered under the SJMSCP.

The following changes have been made to Table 4.G-2, row 7, on page 4.G-8, in response to Letter B11 (excerpt below):

Pollutant	Averaging Time	State Standard	National Standard	Pollutant Health and Atmospheric Effects	Major Pollutant Sources
Lead	Monthly Ave.	1.5 ug/m <sup>3</sup>	---	Disturbs gastrointestinal system, and causes anemia, kidney disease, and neuromuscular and neurological dysfunction.	Present source: lead smelters, battery manufacturing & recycling facilities. Past source: combustion of leaded gasoline.
	<u>Rolling 3-Month Ave.</u> <u>Quarterly</u>	---	<u>0.154-5</u> ug/m <sup>3</sup>		



*The following text change is made to Policy PHS-5.3 on page 4.G -15 of the Draft EIR in response to Letter B9:*

**PHS-5.3:** Cross-Jurisdictional Air Quality Issues. The County shall coordinate with neighboring jurisdictions and affected agencies through the San Joaquin Council of Governments to address cross-jurisdictional and regional transportation and air quality issues. (IGC) (Source: New Policy, SJVAPCD, Air Quality Guidelines for General Plan)

*The following text change is made to Policy PHS-5.9 on page 4.G-15 of the Draft EIR in response to Letter B9:*

**PHS-5.9:** Particulate Emissions from County Roads. The County shall require PM10 and PM2.5 emission reductions on County-maintained roads, which may involve the development of plans and funding sources where appropriate to pave heavily used unpaved roads to the maximum extent feasible and consistent with State and Federal regulations. (RDR) (Source: New Policy, SJVAPCD, Air Quality Guidelines for General Plan)

*The following text change is made to page 4.H-13, fourth paragraph, of the Draft EIR in response to Letter B7:*

Amtrak currently operates the “San Joaquin” service. Twelve trains a day run between its southern terminus at Bakersfield and Stockton, where the route splits to Oakland (four trains each way per day) and Sacramento (two trains each way per day) 12 daily trains south of Sacramento and 8 daily trains west of Stockton (Bay Area). ~~These trains are classified by Amtrak as the “San Joaquins”.~~ ACE currently operates....

*The following language is added to page 4.J-24 of the Draft EIR under the Porter-Cologne Water Quality Control Act, in response to Letter B2:*

Regional plan objectives and discharge requirements are implemented through the issuance of waste discharge requirements (WDRs) or NPDES permits (discussed above) including the Construction General Permit, Phase I and II Municipal Separate Storm Sewer System (MS4) Permits, Industrial Storm Water General Permit, Commercially Irrigated Agriculture, and Low or Limited Threat General NPDES permit.

*The following text change is made to the seventh and eighth sentences of the first paragraph on page 4.J-33 in response to Letter B8:*

This program is reviewed on an annual basis by the State Water Resources Control Board-Division of Drinking Water (SWRCB-DDW). ~~Department of Public Health (DPH).~~ DPH SWRCB-DDW permits and tracks public water supplies with 200 or more service connections.

*The following text change is made on page 4.J-38, in response to Letter A2:*

**PHS-2.13 Delta Emergency Flood Response:** The County shall continue to work with the Sacramento-San Joaquin Delta Flood Response Group and responsible Federal, State, and local agencies to implement the Sacramento-San Joaquin Delta Multi-Hazard Coordination Task Force and coordinate emergency flood response efforts in the Delta.

*The following text change is made to the first sentence of the first paragraph under the heading, “County Office of Emergency Services (OES)” on page 4.K-14 in response to Letter B8:*

The responsibility of the San Joaquin County Office of Emergency Services (OES) includes effective planning for emergencies.

*The following edit is made to the third paragraph of page 4.K-16 in response to Letter B7:*

**San Joaquin County Airport Land Use Plan (1997)**

~~The San Joaquin County Airport Land Use Plan (ALUP) establishes the Airport Land use Zones for each airport in the plan.~~

**San Joaquin County Airport Land Use Plan (2009)**

The 2009 San Joaquin County Airport Land Use Control Plan (ALUCP) establishes the Airport Land use Compatibility Zones for the following public-use airports: Kingdon Executive Airport, Lodi (Lind’s) Airport, Lodi (Precissi) Airpark, New Jerusalem Airport, and Tracy Municipal Airport. Stockton Metropolitan Airport will continue to use the 1993 ALUCP compatibility zones until the master plan update for the airport is complete.

*The following text change is made to the first paragraph, first full sentence, of page 4.K-28 in response to Letter B8:*

~~Policy PHS-7.16 would, where appropriate, have the County seek support from the State Department of Health Services to designate contaminated sites as hazardous waste property which would preclude development until appropriate cleanup has occurred.~~  
Policy PHS-7.16 would, when known, have the County refer contaminated sites to the appropriate lead agency with established authority/jurisdiction for the required assessment and cleanup activities.

*The following change is made to the first paragraph, fourth sentence on page 4.K-31 in response to Letter B8:*

This includes ALUCP consistency, and federal and state regulatory requirements for transporting (Cal EPA, Federal DOT and CHP and ~~Caltrans~~) hazardous materials or cargo (including fuel and other materials used in all motor vehicles) on public roads or disposing of hazardous materials (Cal EPA, DTSC, SJCEHD).

Table 4.L-1 on page 4.L-3 is corrected at the bottom of the table as requested in Letter B9 (excerpt below):

Road Name	Segment Begin	Segment End	Configuration	Scenic Resources
Corral Hollow Road	Alameda Co. Line	Interstate 580	east/west 2-lane rural road	range; Diablo Range foothills; Corral Hollow canyon
Austin Road	<del>Stanislaus Co. Line</del> Caswell State Park	SR 99	north/south 2-lane rural road	cropland
River Road	Ripon Road	Santa Fe Road	east/west 2-lane rural road	cropland; orchards; riparian vegetation; Stanislaus River

The following change is made to Mitigation Measure 4.L-1 on page 4.L-17 in response to Letter B9:

**IS-S:** The County shall work with Caltrans to ensure that any road expansions of identified scenic routes shall minimize disruption of the elements that make the route scenic (e.g., orchards, historic structures, and riparian vegetation) where feasible.

Text was added to page 4.M-13 at the end of the last paragraph in response to Letter B9:

Proposed 2035 General Plan Policy NCR-8.2 would establish a countywide park ratio standard of 10 acres of regional parks and 3 acres of local parks per 1,000 residents. As noted in Chapter 3, *Project Description*, in the General Plan baseline year 2010, the unincorporated county had a population of 142,000 people. There are approximately 2,632 acres of local and neighborhood parkland and 500 acres of regional public parkland in the unincorporated county and a total of 3,381 acres including state parks. However, many of these regional parks provide recreational facilities to serve populations within incorporated areas as well as unincorporated areas. Thus, with the county's total population of ~~704,379~~ 685,300, the regional parkland ratio would be 0.7 acres per 1,000 people, or ~~4.8~~ 6 acres per 1,000 people when including state parks. To recover the deficit of regional parkland and accommodate an additional 260,000 people under the 2035 General Plan, the county would need to expand regional park facilities by a minimum of 8,953 acres to meet the regional parkland standard of 10 acres per 1,000 residents established in Policy NCR-8.2. For local parks and recreation facilities, the countywide, ratio including City owned and operated parks, is 3.8474 acres to every 1,000 residents; most of these facilities are located near the major cities, and rural areas generally do not exceed 3.0 acres of local parkland per 1,000 people. ~~To recover the deficit of regional parkland and accommodate an additional 260,000 people under the 2035 General Plan, the county would need to expand regional park facilities by a minimum of 6,263,953 acres to meet the regional parkland standard of 10 acres per 1,000 residents established in Policy NCR-8.2.~~ A total of ~~261,204~~ acres of new local parks parkland and recreation facilities would be needed, throughout the county to meet the standard of 3 acres per 1,000 residents by buildout of the General Plan, as established by Policy NCR-8.2.

The following change is made to the first paragraph on page 4.N-12 of the Draft EIR in response to Letter B4:

In 2011, the Farmington Water Company has applied for State Revolving Funds to construct new wells and a distribution system completed construction of new wells and a distribution system to address this issue.

The following change is made to the first paragraph, third sentence on page 4.N-31 in response to Letter B8:

SJCEHD’s role in the County-wide solid waste management program is to enforce solid waste laws; investigate closed and abandoned landfills, and investigate citizen complaints regarding solid waste. ~~Hazardous wastes are regulated by the State Department of Toxic Substances Control (DTSC). The authority to regulate hazardous waste can be found in the California Health and Safety Code and Title 22, CCR.~~ The SJCEHD does not implement the enforcement program for the RWQCB.

The following revisions are made to Table 4.N-1 on page 4.N-39 in response to Letter B10:

**TABLE 4.N-1  
WATER SYSTEM REQUIREMENTS**

General Plan Area	Minimum Requirements
Urban Communities	Public water system. For areas designated Rural Residential, private individual wells may be permitted if parcels are two acres or greater, no public water system exists, there are no groundwater quality issues, and the underlying aquifer is not in a state of overdraft.
Rural Communities	Public water system. If parcels are two acres or greater and no public water system exists, private individual wells may be permitted if there are no groundwater quality issues, <del>and the underlying aquifer is not in a state of overdraft.</del>
Freeway Service Areas Outside of Communities	Public water system serving at least each side of the freeway.
Industrial Areas Outside of Communities	Public water system serving the entire planned areas. Individual wells may be permitted in the Truck Terminals designation.
Commercial Recreational Areas	Public water system serving the entire planned area.
Agricultural Areas	Individual water wells if there are no groundwater quality issues, <del>and the underlying aquifer is not in a state of overdraft.</del>

SOURCE: Existing GP, Infrastructure, Water Supply, Policy 2, modified

The following edits have been made to Table 4.D-B5 of Appendix E (excerpt below) in response to Letter B9:

McHenry Ave	s/o SSJD Canal	13,000	2	12,500	14,100	14,100	15,200	14,600	14,300	2	12,500	14,100	14,100	15,200	14,600	14,300
McAllen Rd	e/o Holman Rd (Wine Grape Rd)	9,200	2	10,000	9,200	9,200	9,200	9,200	9,200	2	10,000	9,200	9,200	9,200	9,200	9,200
McHenry Ave	Jones To Stan Co Line	13,100	2	12,500	19,200	19,300	20,100	19,700	19,500	4	30,100	19,200	19,300	20,100	19,700	19,500

Table 4.D-B6 of Appendix E of the Draft EIR is edited as follows in response to Letter B9 (excerpt below):

Mc Henry Ave	s/o SSJID Canal	2	12,500	14,100	14,100	15,200	14,600	14,300
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Two projects have been added to Table 4.D-C2 of Appendix F in response to Letter B7 as follows (excerpt below):

Lathrop Road	Widen from 2 to 4 lanes	I-5 to east UPRR
Corral Hollow Road	Widen from 2 to 4 lanes	Parkside Drive to Linne Road
<u>Navy Drive</u>	<u>Reconstruct BNSF/Navy Drive Undercrossing</u>	<u>BNSF Crossing</u>
<u>SR 99</u>	<u>Reconstruct SR 99 / Austin Road Interchange</u>	<u>Austin Road</u>

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# CHAPTER 5

## Mitigation Monitoring and Reporting Program

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### A. Introduction

When approving projects with Environmental Impact Reports (EIRs) that identify significant impacts, the California Environmental Quality Act (CEQA) requires public agencies to adopt monitoring and reporting programs or conditions of project approval to mitigate or avoid the identified significant effects (Public Resources Code Section 21081.6(a)(1)). A public agency adopting measures to mitigate or avoid the significant impacts of a proposed project is required to ensure that the measures are fully enforceable, through permit conditions, agreements, or other means (Public Resources Code Section 21081.6(b)). The mitigation measures required by a public agency to reduce or avoid significant project impacts not incorporated into the design or program for the project may be made conditions of project approval as set forth in a Mitigation Monitoring and Reporting Program (MMRP). The program must be designed to ensure project compliance with mitigation measures during project implementation.

The MMRP includes the mitigation measures identified in the EIR required to address the significant impacts associated with the proposed project. The required mitigation measures are summarized in this program; the full text of the impact analysis and mitigation measures is presented in the Draft EIR in Chapter 2, Summary, except as revised in the Final EIR.

### B. Format

The MMRP is organized in a table format (see **Table 5-1**), keyed to each significant impact and each EIR mitigation measure. Only mitigation measures adopted to address significant impacts are included in this program. Each mitigation measure is set out in full, followed by a tabular summary of monitoring requirements. The column headings in the tables are defined as follows:

- **Mitigation Measures:** This column presents the mitigation measure identified in the EIR.
- **Implementation Procedures:** This column identifies the procedures associated with implementation of the mitigation measure.
- **Monitoring Responsibility:** This column contains an assignment of responsibility for the monitoring and reporting tasks.
- **Monitoring and Reporting Action:** This column refers to the outcome from implementing the mitigation measure.

- **Mitigation Schedule:** The general schedule for conducting each mitigation task, identifying, where appropriate, both the timing and the frequency of the action.

## C. Enforcement

If the project is approved, the MMRP would be incorporated as a condition of such approval. Therefore, all mitigation measures for significant impacts must be carried out in order to fulfill the requirements of approval. A number of the mitigation measures would be implemented during the course of the development review process.



**TABLE 5-1  
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Mitigation Schedule
<b>Land Use</b>				
<p><b>Mitigation Measure 4.A-1:</b> The following new policy shall be included in the 2035 General Plan as a means of reducing the impact of division of an existing community:</p> <p><u><b>LU-1-14: New Infrastructure Developments.</b> The County shall work to reduce or eliminate potential impacts of any new major infrastructure development, especially those that are linear in nature (freeways, utility corridors, rail lines, roadways, etc.), that could physically divide an established community. In this case, the term “established community” shall mean residential neighborhoods or urban communities.</u></p> <p>A corresponding implementation program shall also be included in the 2035 General Plan:</p> <p><u><b>LU-G: Review of New Infrastructure.</b> The County shall comment on any plan that would result in new infrastructure (e.g., freeways/roads, transmission lines, rail lines, surface water conveyance facilities) that would physically divide an established community and shall require that any routing be revised to protect existing communities. The County shall work with special districts, community service districts, public utility districts, mutual water companies, private water purveyors, sanitary districts, and sewer maintenance districts to provide adequate public facilities and to plan/coordinate, as appropriate, future above-ground utility corridors in an effort to minimize future land use conflicts.</u></p>	<p>Inclusion in 2025 General Plan</p>	<p>San Joaquin County Community Development Department</p>	<p>Verify prior to adoption of General Plan</p>	<p>Prior to adoption of General Plan</p>
<p><b>Mitigation Measure 4. A-2:</b> The 2035 General Plan shall be revised to retain the existing agricultural land designations for the approximately 607 acres at the southwestern edge of Stockton that are within the Primary Zone of the Delta and are subject to the Delta Protection Commission Land Use and Resources Management Plan (LURMP).</p>	<p>The 2015 General Plan map shall be revised prior to adoption of the 2035 General Plan</p>	<p>San Joaquin County Community Development Department</p>	<p>Verify prior to adoption of General Plan</p>	<p>Prior to adoption of General Plan</p>
<b>Transportation and Circulation</b>				
<p><b>Mitigation Measure 4.D-1:</b> The following new policy shall be included in the 2035 General Plan:</p> <p><u><b>TM-1.19:</b> At the time these sections of State Route 88 are shown through Regional Congestion Management Plan (RCMP) traffic count monitoring to exceed the RCMP standards, the County of San Joaquin shall coordinate with the San Joaquin Council of Governments (SJCOG) to evaluate the need for a RCMP Deficiency Plan. If needed, the RCMP Deficiency Plan shall identify improvements to add roadway capacity to allow the facility to achieve the RCMP level of service (LOS) standard (“direct fix”). Alternatively, the County may prepare an RCMP system-wide deficiency plan to improve multi-modal circulation and air quality. Improvements identified in the RCMP Deficiency Plan shall be programmed for inclusion and construction under the Regional</u></p>	<p>Inclusion in 2025 General Plan</p>	<p>San Joaquin County Community Development Department</p>	<p>Verify prior to adoption of General Plan</p>	<p>Prior to adoption of General Plan</p>

**TABLE 5-1 (Continued)  
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Mitigation Schedule
<b>Transportation and Circulation (cont.)</b>				
<p><u>Transportation Impact Fee (RTIF) program, payable at the time of building permit applications. Construction of the "direct fix" improvements would improve LOS at both of these segments to an acceptable LOS D or better.</u></p>				
<p><b>Mitigation Measure 4.D-2:</b> The following new implementation program shall be included in the 2035 General Plan:</p> <p><b><u>TM-K:</u></b> <u>The County shall widen the following local roadways from two to four lanes or, alternatively, implement demand management strategies to reduce daily traffic to less-than-significant levels. As part of the next Traffic Impact Mitigation Fee (TIMF) update, the County shall consider including these roadways improvements in the TIMF Capital Improvement Program where they are not already addressed in the Regional Transportation Improvement Fee Program.</u></p> <ul style="list-style-type: none"> <li>• <u>Chrisman Road, North of Schulte Road</u></li> <li>• <u>Escalon-Bellota Road from Mahon Ave to Magnolia Lane</u></li> <li>• <u>French Camp Road, East of Airport Way</u></li> <li>• <u>Howard Road from Clifton Court Road to Grimes Road</u></li> <li>• <u>Jack Tone Road from French Camp Road to SR 120</u></li> <li>• <u>Jack Tone Road from Leroy Ave to Graves Road</u></li> <li>• <u>Lower Sac Road, North of Mokelumne Street</u></li> <li>• <u>McHenry Ave from Jones Road to the Stanislaus County Line</u></li> <li>• <u>Tracy Boulevard, South of Finck Road</u></li> </ul>	<p>Inclusion in 2025 General Plan</p>	<p>San Joaquin County Community Development Department</p>	<p>Verify prior to adoption of General Plan</p>	<p>Prior to adoption of General Plan</p>
<p><b>Mitigation Measure 4.D-10:</b> Implement Mitigation Measures 4.D-1 and 4.D-2.</p>	<p>Inclusion in 2025 General Plan</p>	<p>San Joaquin County Community Development Department</p>	<p>Verify prior to adoption of General Plan</p>	<p>Prior to adoption of General Plan</p>
<b>Cultural and Paleontological Resources</b>				
<p><b>Mitigation Measure 4.E-1:</b> The following revision to NCR-6.7 "Adaptive Reuse of Historic Structures," in the 2035 General Plan would reduce the impact of the inappropriate adaptive reuse efforts of designated or eligible historical resources in San Joaquin County.</p> <p><b><u>NCR-6.7: Adaptive Reuse of Historic Structures.</u></b> The County shall encourage the adaptive reuse of architecturally significant or historical buildings if the original use of the structure is no longer feasible and the new use is allowed by the underlying land use designation and zoning district. <u>Adaptive reuse efforts shall conform to the Secretary of the Interior's Standards for the Treatment of Historic Properties and Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings.</u></p>	<p>Inclusion in 2025 General Plan</p>	<p>San Joaquin County Community Development Department</p>	<p>Verify prior to adoption of General Plan</p>	<p>Prior to adoption of General Plan</p>

**TABLE 5-1 (Continued)  
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Mitigation Schedule
<b>Cultural and Paleontological Resources (cont.)</b>				
<p><b>Mitigation Measure 4.E-2:</b> The following revision to NCR-6.5 “Protect Archaeological and Historical Resources,” in the 2035 General Plan would reduce impacts to significant archaeological resources from issuance of any discretionary permit or approval in San Joaquin County. [Note that revisions address both Impact 4.E-2 and 4.E-3].</p> <p><b>NCR-6.5: Protect Archaeological, Paleontological, and Historical Resources.</b> The County shall protect significant archaeological, paleontological, and historical resources by requiring <del>an archaeological a cultural resources</del> report be prepared by a qualified cultural resource specialist prior to the issuance of any discretionary permit or approval in areas determined to contain significant historic or prehistoric archaeological artifacts or paleontological resources that could be disturbed by project construction. The County shall require feasible mitigation identified in the report, such as avoidance, testing, or data recovery efforts, to be implemented.</p>	Inclusion in 2025 General Plan	San Joaquin County Community Development Department	Verify prior to adoption of General Plan	Prior to adoption of General Plan
<p><b>Mitigation Measure 4.E-3:</b> The following new policy “Inadvertent Discovery of Cultural Resources,” in the 2035 General Plan would reduce impacts to accidentally discovered archaeological resources during ground disturbing activities in San Joaquin County.</p> <p><b>NCR-6.10: Inadvertent Discovery of Cultural Resources.</b> <u>If prehistoric or historic-period archaeological resources are encountered during ground disturbing activities in the county, all activities within 100 feet shall halt and the County shall be notified. A Secretary of the Interior-qualified archaeologist shall inspect the findings within 24 hours of discovery. If it is determined that a project could damage a unique archaeological resource (as defined pursuant to the CEQA Guidelines), mitigation shall be implemented in accordance with PRC Section 21083.2 and Section 15126.4 of the CEQA Guidelines, with a preference for preservation in place. Consistent with Section 15126.4(b)(3), this may be accomplished through planning construction to avoid the resource; incorporating the resource within open space; capping and covering the resource; or deeding the site into a permanent conservation easement. If avoidance is not feasible, a qualified archaeologist shall prepare and implement a detailed treatment plan in consultation with the County. Treatment of unique archaeological resources shall follow the applicable requirements of PRC Section 21083.2. Treatment for most resources would consist of (but would not be not limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in the portion(s) of the significant resource to be impacted by the project. The treatment plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, curation of artifacts and data at an approved facility, and dissemination of reports to local and state repositories, libraries, and interested professionals.</u></p>	Inclusion in 2025 General Plan	San Joaquin County Community Development Department	Verify prior to adoption of General Plan	Prior to adoption of General Plan

**TABLE 5-1 (Continued)  
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Mitigation Schedule
<b>Cultural and Paleontological Resources (cont.)</b>				
<p><b>Mitigation Measure 4.E-4:</b> The following revision to NCR-6.5 “Protect Archaeological and Historical Resources,” in the 2035 General Plan would reduce impacts to paleontological resources from issuance of any discretionary permit or approval in San Joaquin County. [Note that revisions address both Impact 4.E-2 and 4.E-3]</p> <p><b>NCR-6.5: Protect Archaeological, Paleontological, and Historical Resources.</b> The County shall protect significant archaeological, <del>paleontological,</del> and historical resources by requiring <del>an archaeological a</del> <u>cultural resources</u> report be prepared by a qualified cultural resource specialist prior to the issuance of any discretionary permit or approval in areas determined to contain significant historic or prehistoric archaeological artifacts <u>or paleontological resources</u> that could be disturbed by project construction. The County shall require feasible mitigation identified in the report, such as avoidance, testing, or data recovery efforts, to be implemented. (Source: Existing GP, Heritage Resources, Policy 2, modified)</p>	Inclusion in 2025 General Plan	San Joaquin County Community Development Department	Verify prior to adoption of General Plan	Prior to adoption of General Plan
<p><b>Mitigation Measure 4.E-6:</b> Implement Mitigation Measures 4.E-1.</p>	Inclusion in 2025 General Plan	San Joaquin County Community Development Department	Verify prior to adoption of General Plan	Prior to adoption of General Plan
<p><b>Mitigation Measure 4.E-7:</b> Implement Mitigation Measures 4.E-2 and 4.E-3.</p>	Inclusion in 2025 General Plan	San Joaquin County Community Development Department	Verify prior to adoption of General Plan	Prior to adoption of General Plan
<b>Air Quality</b>				
<p><b>Mitigation 4.G-1:</b> The following additional policy shall be included to address potential construction emissions from new development under the 2035 General Plan:</p> <p><b>PHS-5.15: Construction Emissions.</b> <u>The County shall require that new development projects incorporate feasible measures to reduce emissions from construction, grading, excavation, and demolition activities to avoid, minimize, and/or offset their impacts consistent with San Joaquin Valley Air Pollution Control District requirements.</u></p>	Inclusion in 2025 General Plan	San Joaquin County Community Development Department	Verify prior to adoption of General Plan	Prior to adoption of General Plan
<p><b>Mitigation 4.G-2:</b> The following additional policies shall be included to address potential operational emissions from new development under the 2035 General Plan:</p> <p><b>PHS-5.16: Operational Emissions.</b> <u>The County shall require that new development projects incorporate feasible measures that reduce operational emissions through project and site design and use of best management practices to avoid, minimize, and/or offset their impacts consistent with San Joaquin Valley Air Pollution Control District requirements.</u></p>	Inclusion in 2025 General Plan	San Joaquin County Community Development Department	Verify prior to adoption of General Plan	Prior to adoption of General Plan

**TABLE 5-1 (Continued)  
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Mitigation Schedule
<b>Air Quality (cont.)</b>				
<p><b>PHS-5.17: Wood Burning Devices.</b> The County shall require the use of natural gas where service is available or the installation of low-emission, EPA-certified fireplace inserts in all open hearth fireplaces in new homes as required under the SJVAPCD Rule 4901– Woodburning Fireplaces and Woodburning Heaters. The County shall promote the use of natural gas over wood products in space heating devices and fireplaces in all existing and new homes.</p>				
<p><b>Mitigation 4.G-3:</b> The following additional policy shall be included to address potential health risks from new development under the 2035 General Plan:</p> <p><b>PHS-5.185: Health Risk Evaluation.</b> Prior to project approval, the County shall evaluate health risks when proposed developments would result in new sensitive receptors near existing sources of substantial toxic air contaminants (TACs) or the development of sources of substantial toxic air contaminants near existing sensitive receptors. Evaluation would be based on consideration of the California Air Resource’s Board Air Quality and Land Use Handbook: A Community Health Perspective distance recommendations between sources and receptors. If the project would not meet the distance recommendations between sources and receptors, the County shall require the applicant to ensure TAC impacts would be below the carcinogenic threshold (i.e., probability of contracting cancer for the Maximally Exposed Individual would be less than 10 in one million) and below the non-carcinogenic threshold (i.e., result in a Hazard Index less than 1 for the Maximally Exposed Individual). In addition, several measures to reduce potential risk from commercial or industrial land uses that would be considered include:</p> <ul style="list-style-type: none"> <li>• Proposed commercial or industrial land uses that have the potential to emit toxic air contaminants (such as loading docks for diesel delivery trucks) would be located as far away as possible from existing and proposed sensitive receptors.</li> <li>• Signs would be posted at all loading docks and truck loading areas which indicate that diesel-powered delivery trucks must be shut off when not in use for longer than 5 minutes on the premises in order to reduce idling emissions.</li> <li>• Proposed commercial and industrial land uses that have the potential to host diesel trucks would incorporate idle reduction strategies that reduce the main propulsion engine idling time through alternative technologies such as, IdleAire, electrification of truck parking, and alternative energy sources for transport refrigeration units to allow diesel engines to be completely turned off.</li> </ul>	Inclusion in 2025 General Plan	San Joaquin County Community Development Department	Verify prior to adoption of General Plan	Prior to adoption of General Plan
<p><b>Mitigation Measure 4.G-5:</b> Implement Measures 4.G-1 and 4.G-2.</p>	Inclusion in 2025 General Plan	San Joaquin County Community Development Department	Verify prior to adoption of General Plan	Prior to adoption of General Plan

**TABLE 5-1 (Continued)  
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Mitigation Schedule
<b>Noise</b>				
<p><b>Mitigation 4.H-1:</b> The following additional policy and implementation program shall be included to address potential construction noise from new development under the 2035 General Plan:</p> <p><u><b>PHS-9.10: Construction Noise Time Limitations.</b> The County shall seek to limit the potential noise impacts of construction activities on surrounding land uses by limiting construction activities to the hours of 7 am to 7pm, Monday through Saturday. Exceptions to these allowable hours could be allowed if approved beforehand by the County.</u></p> <p><u><b>PHS-AA: Revise Construction Noise Hours of Exemption.</b> The County Code shall be revised to incorporate the more conservative allowable hours of construction of 7am to 7pm for noise exemption in order to reduce the potential for nuisance and/or sleep disturbance from construction noise.</u></p>	Inclusion in 2025 General Plan	San Joaquin County Community Development Department	Verify prior to adoption of General Plan	Prior to adoption of General Plan
<p><b>Mitigation 4.H-5:</b> Policy PHS-9.7 shall be revised as follows to address potential non-transportation-source noise impacts from new development under the 2035 General Plan:</p> <p><u><b>PHS-9.7: Require Acoustical Study.</b> The County shall require a project applicant to prepare an acoustical study for any proposed new residential or other noise-sensitive development when the County determines the proposed development may expose people to noise levels exceeding acceptable General Plan noise levels. Based on this acoustical study, the applicant shall incorporate mitigation measures into the project design in order to achieve the County noise standards.</u></p>	Inclusion in 2025 General Plan	San Joaquin County Community Development Department	Verify prior to adoption of General Plan	Prior to adoption of General Plan
<b>Geology, Soils, and Seismicity</b>				
<p><b>Mitigation Measure 4.I-1:</b> The proposed 2035 General Plan Policies PHS-3.1 and PHS-3.2 shall be modified as follows:</p> <p><u><b>PHS-3.1: Consider Geologic Hazards for New Development.</b> The County shall consider the risk to human safety and property from seismic and geologic hazards (e.g., slope/levee stability, unstable soils, expansive soils, etc.) as identified through a geotechnical investigation by a California licensed geotechnical engineer in designating the location and intensity for new development and the conditions under which that development may occur in accordance with the most current version of the County's building code. The County shall require feasible mitigation identified in the geotechnical investigations to be implemented. (Source: Existing GP, Seismic and Geologic Hazards, Policy 1, modified by EIR analysis)</u></p>	Inclusion in 2025 General Plan	San Joaquin County Community Development Department	Verify prior to adoption of General Plan	Prior to adoption of General Plan

**TABLE 5-1 (Continued)  
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Mitigation Schedule
<b>Geology, Soils, and Seismicity (cont.)</b>				
<p><b>PHS-3.2: Location of Sensitive Land Uses.</b> The County shall not approve any of the following land uses if they are located within one-eighth of a mile of any active fault or on soil that is highly susceptible to liquefaction <u>as identified in a geotechnical investigation by a California licensed geotechnical engineer</u>: facilities necessary for emergency services; major utility lines and facilities; manufacturing plants using or storing hazardous materials; high occupancy structures, such as multifamily residences and large public assembly facilities; and facilities housing dependent populations, such as prisons, schools, and convalescent centers. (Source: Existing GP, Seismic and Geologic Hazards, Policy 2; modified by Local Hazard Mitigation Plan and EIR analysis)</p>				
<p><b>Mitigation Measure 4.1-2:</b> The proposed 2035 General Plan Policies PHS-3.4 and PHS-3.5 shall be modified as follows:</p> <p><b>PHS-3.4: Liquefaction Studies.</b> The County shall require proposals for new development in areas with high liquefaction potential to include detailed site-specific liquefaction studies <u>by a California licensed geotechnical engineer or engineering geologist in accordance with the most current County building code.</u> (Source: New Policy, Consultants; <u>modified by EIR analysis</u>)</p> <p><b>PHS-3.5: Subsidence or Liquefaction.</b> The County shall require that all proposed structures, utilities, or public facilities within recognized near-surface subsidence or liquefaction areas be located and constructed in a manner that minimizes or eliminates potential damage. (Source: New Policy, Consultants)</p>	Inclusion in 2025 General Plan	San Joaquin County Community Development Department	Verify prior to adoption of General Plan	Prior to adoption of General Plan
<p><b>Mitigation Measure 4.1-3:</b> Implement Mitigation Measure 4.1-1.</p>	Inclusion in 2025 General Plan	San Joaquin County Community Development Department	Verify prior to adoption of General Plan	Prior to adoption of General Plan
<p><b>Mitigation Measure 4.1-5:</b> Implement Mitigation Measure 4.1 -1.</p>	Inclusion in 2025 General Plan	San Joaquin County Community Development Department	Verify prior to adoption of General Plan	Prior to adoption of General Plan
<p><b>Mitigation Measure 4.1-6:</b> Implement Mitigation Measure 4.1 -1.</p>	Inclusion in 2025 General Plan	San Joaquin County Community Development Department	Verify prior to adoption of General Plan	Prior to adoption of General Plan
<p><b>Mitigation Measure 4.1-7:</b> Implement Mitigation Measure 4.1 -1 and 4.1-2.</p>	Inclusion in 2025 General Plan	San Joaquin County Community Development Department	Verify prior to adoption of General Plan	Prior to adoption of General Plan

**TABLE 5-1 (Continued)  
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Mitigation Schedule
<b>Aesthetics</b>				
<p><b>Mitigation Measure 4.L-1:</b> The following implementation program shall be added to the 2035 General Plan:</p> <p><u>IS-S: The County shall work with Caltrans to ensure that any road expansions of identified scenic routes shall minimize disruption of the elements that make the route scenic (e.g., orchards, historic structures, and riparian vegetation) where feasible.</u></p>	Inclusion in 2025 General Plan	San Joaquin County Community Development Department	Verify prior to adoption of General Plan	Prior to adoption of General Plan
<p><b>Mitigation Measure 4.L-2:</b> Implement Mitigation Measure 4.L-1.</p>	Inclusion in 2025 General Plan	San Joaquin County Community Development Department	Verify prior to adoption of General Plan	Prior to adoption of General Plan
<p><b>Mitigation Measure 4.L-3:</b> Implement Mitigation Measures 4.L-1 and 4.A-2.</p>	Inclusion in 2025 General Plan	San Joaquin County Community Development Department	Verify prior to adoption of General Plan	Prior to adoption of General Plan
<p><b>Mitigation Measure 4.L-4:</b> Policy NCR-7.7 shall be revised as follows:</p> <p><b>NCR-7.7: Reducing Glare and Light Pollution.</b> The County shall encourage project designs, lighting configurations, <u>complementary land uses</u>, and operational practices that <u>reduce the potential for glare during daytime hours and reduce nighttime light pollution and to protect adjacent land uses from light and glare</u> and preserve views of the night sky. (RDR) (Source: New Policy, Consultants)</p> <p>To reduce lighting impacts from new signage, Implementation Measure ED-I shall be revised as follows:</p> <p><b>ED-I: Signage and Wayfinding Program.</b> The County, in coordination with Caltrans, chambers of commerce, and the Lodi Winegrowers Association, shall develop, adopt, and maintain a comprehensive signage and wayfinding program for agritourism, wineries, recreation, and heritage sites that will help tourists easily navigate from one destination to another throughout the county. <u>Lighting of any signage shall be designed to minimize glare for the surroundings.</u> (Source: New Program, Consultants)</p>	Inclusion in 2025 General Plan	San Joaquin County Community Development Department	Verify prior to adoption of General Plan	Prior to adoption of General Plan
<p><b>Mitigation Measure 4.L-5:</b> Implement Mitigation Measures 4.L-1 and 4.L-4.</p>	Inclusion in 2025 General Plan	San Joaquin County Community Development Department	Verify prior to adoption of General Plan	Prior to adoption of General Plan
<p><b>Mitigation Measure 4.M-5:</b> The following new policy shall be included in the 2035 General Plan as a means of reducing the impact on regional parkland:</p> <p><b>NCR-8.26: Regional Parkland Development.</b> The County shall assess the feasibility of adopting a development fee program for new development to contribute to the acquisition and development of new regional parkland.</p>	Inclusion in 2025 General Plan	San Joaquin County Community Development Department	Verify prior to adoption of General Plan	Prior to adoption of General Plan



**TABLE 5-1 (Continued)**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Mitigation Schedule
<b>Aesthetics (cont.)</b>				
<b>Mitigation Measure 4.M-7:</b> Implement Mitigation Measure 4.M-5.	Inclusion in 2025 General Plan	San Joaquin County Community Development Department	Verify prior to adoption of General Plan	Prior to adoption of General Plan
<b>Utilities and Service Systems</b>				
<p><b>Mitigation Measure 4.N-5:</b> The County shall include the following new policy in the proposed 2035 General Plan:</p> <p><b>IS-1.18: Landfill Capacity.</b> <u>The County shall analyze remaining landfill capacity and continue to implement solid waste diversion programs in order to increase the rate of diversion across all communities and increase the usable life of existing landfill disposal facilities.</u></p>	Inclusion in 2025 General Plan	San Joaquin County Community Development Department	Verify prior to adoption of General Plan	Prior to adoption of General Plan
<b>Mitigation Measure 4.N-9:</b> Implement Mitigation Measure 4.N-5.	Inclusion in 2025 General Plan	San Joaquin County Community Development Department	Verify prior to adoption of General Plan	Prior to adoption of General Plan
<b>Mineral Resources</b>				
<p><b>Mitigation Measure 4.O-1:</b> The following implementation measures shall be added to the 2035 General Plan:</p> <p><b>NCR-NEW1: Protection of Mineral Resource Sites.</b> The County shall discourage the development of incompatible land uses, as defined by the State Mining and Geology Board (SMGB), within or immediately adjacent to existing and potential mineral resource sites, including existing and new MRZ-2 (Mineral Resource Zone 2) zones identified by Surface Mining and Reclamation Act (SMARA) and locally important mineral resource sites as they are identified in the future such that the development would impede or preclude mineral extraction or processing.</p>	Inclusion in 2025 General Plan	San Joaquin County Community Development Department	Verify prior to adoption of General Plan	Prior to adoption of General Plan
<b>Mitigation Measure 4.O-2:</b> Implement Mitigation Measure 4.O-1.	Inclusion in 2025 General Plan	San Joaquin County Community Development Department	Verify prior to adoption of General Plan	Prior to adoption of General Plan