

STAFF REPORT - Variance

Application Information

Owner: **Nancy, Richard and Frances Bozzano**
Applicant: **Dillon & Murphy**
File Number: **PA-1800216**
Location: **On the south side of East Arata Road, 550 feet west of North Arata Road, Stockton**
Address: **7116 E. Arata Road, Stockton**

General Plan:	A/G	Community:	None
Zoning:	AG-40	APN:	101-130-57
Project Size:	45.35 acres	Parcel Size:	45.35 acres
Water Supply:	Well	Sewage Disposal:	Septic system
Storm Drainage:	On-site	100-Year Flood:	Yes
Williamson Act:	Yes	Supervisory District:	4
Staff:	Giuseppe Sanfilippo	CEQA Determination:	Negative Declaration

Project Description

This project is a Variance application to vary the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 22.7 acres. The underlying project is a Minor Subdivision application to subdivide an existing 45.35-acre parcel into two (2) parcels. Each parcel to contain 22.7 acres.

Recommendation

Denial.

Referrals and Replies

The application referrals were mailed on September 14, 2018, with responses due by October 3, 2018.

AGENCY	RESPONSE DATE (through February 13, 2014)
Department of Public Works	September 25, 2018
Environmental Health Department	September 28, 2018
San Joaquin Air Pollution Control District	
San Joaquin County Sheriff	
Building Division	
Surveyor	
Assessor	
Council of Governments	September 20, 2018
Ag Commissioner	
C.V.F.P.B.	September 25, 2018
C.R.W.Q.C.B.	
County Assessor	
Woodbridge Irrigation District	
U.S. Fish and Wildlife	
P G & E	September 20, 2018
A T & T	
Precessi Flying Service	
Haley Flying Services	
Reclamation District 17 (Mossdale)	
Kathy Perez	
C.A. Department of Fish and Wildlife	
Department of Conservation	
San Joaquin County Resource Conservation	
Waterloo Morada Fire District	
Fire Prevention Bureau	
Linden Unified School District	
SEWD Irrigation District	
F.E.M.A	
Mosquito & Vector Control	
Farm Bureau	October 4, 2018
Sierra Club	

A legal ad for the public hearing was published in the **Stockton Record** on October 29, 2018 .

Public hearing notices were mailed on October 19, 2018.

Analysis

Background

On March 13, 1980, the Board of Zoning Adjustment approved Variance application No. V-80-0045 to vary the minimum lot size in the GA-40 (General Agriculture, 40-acre minimum) zone from 40 acres, to 22.5 acres. The applicant stated the proposed subdivision was to finance the planting of a walnut orchard. On June 26, 1980, the Board of Supervisors approved Minor Subdivision application No. PM-80-0151 to create two (2) parcels below 40 acres, and the subject parcel, containing 45.35 acres.

Policy Consideration

In order to approve a Variance application, three (3) Findings must be made in the affirmative. The applicant submitted findings for the approval of the application. The Community Development Department has reviewed the applicant's findings and is recommending that the Planning Commission deny the Variance application because Findings Number 1 and Number 2 cannot be made in the affirmative. If the Planning Commission approves this Variance application, the applicant will need to submit a Minor Subdivision application for review and approval by staff.

Finding No. 1: Special Circumstances

Because of the special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the regulation deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Applicant's Statement:

"The property is in a unique location and surrounded by multiple parcels that are inconsistent with the zoning of AG-40. Specifically, out of the 40 total parcels there are only 3 parcels that 40-acres or more and 34 of the 40 parcels are at 20 acres or less."

- **This finding cannot be made because the subject parcel has no special circumstances which would deprive it of privileges enjoyed by other property in the vicinity and under identical zoning classification. The applicant's proposed finding that the parcels surrounding the subject parcel are smaller does not constitute a finding of deprivation. The surrounding parcels that are below 40 acres in size are non-conforming parcels in the AG-40 zone. These parcels were created consistent with the General Plan, zoning, and code requirements that were in effect at that time. The parcels are under the purview of the current Development Title. Surrounding property owners within the same vicinity and with the same zoning classification are not able to divide their parcels smaller than 40 acres unless a specific Development Title exception applies, such as homesite parcels, homesite parcels for financing purposes, parcels for certain specified uses, parcels for dwellings on the same lot, or parcels based on lot size averaging.**

Finding No. 2: No Special Privileges

The granting of the Variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.

Applicant's Statement

- A) Due to its unique location and surroundings, the property would enjoy no more than the privileges already enjoyed by the properties adjacent to, in the vicinity of, and in the same zone as the property.
 - B) All but 3 of the 40 parcels are well below the 40-acre minimum and 34 of the 40 parcels are below 20 acres.
 - C) The granting of the Variance will not constitute a grant of special privilege as the use is consistent with the majority of the other existing uses in the immediate area.
 - D) The Planning Commission has previously approved a Variance for a factual situation analogous to ours. (PA-1400007)"
- **This finding cannot be made because granting this Variance will constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated. Parcels in the vicinity of the project that are similar in size or smaller, were created consistent with the General Plan, zoning, and code requirements that were in effect at that time. There are no limitations upon this property that are not also on the properties in the vicinity and within the same zone. Additionally, each application is evaluated on its own merit, and prior approvals by the Planning Commission have no precedential value.**

Finding No. 3: Use Authorized

The Variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property.

Applicant's Statement

"The Variance Application is for lot size only and would not authorize a use or activity which is not otherwise expressly authorized by the regulation(s) governing this parcel or property."

- **This finding can be made because the Variance application does not authorize a use that is not otherwise expressly authorized by the General Plan or Development Title. The underlying Subdivision is to facilitate the existing agricultural use, cherry and walnut production, which is a permitted use (crop production) in the Development Title in the AG-40 (General Agriculture, 40-acre minimum) zone.**

Recommendations

Action

It is recommended that the Planning Commission:

1. **Deny Variance Application No. PA-1800216 based on the inability to make Findings Number 1 and 2 contained in the staff report.**

Findings

1. Because of the special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the regulation deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning classification.
 - **This finding cannot be made because the subject parcel has no special circumstances which would deprive it of privileges enjoyed by other property in the vicinity and under identical zoning classification. The applicant's proposed finding that the parcels surrounding the subject parcel are smaller does not constitute a finding of deprivation. The surrounding parcels that are below 40 acres in size are non-conforming parcels in the AG-40 zone. These parcels were created consistent with the General Plan, zoning, and code requirements that were in effect at that time. The parcels are under the purview of the current Development Title. Surrounding property owners within the same vicinity and with the same zoning classification are not able to divide their parcels smaller than 40 acres unless a specific Development Title exception applies, such as homesite parcels, homesite parcels for financing purposes, parcels for certain specified uses, parcels for dwellings on the same lot, or parcels based on lot size averaging.**
2. The granting of the Variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.
 - **This finding cannot be made because granting this Variance will constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated. Parcels in the vicinity of the project that are similar in size or smaller, were created consistent with the General Plan, zoning, and code requirements that were in effect at that time. There are no limitations upon this property that are not also on the properties in the vicinity and within the same zone. Additionally, each application is evaluated on its own merit, and prior approvals by the Planning Commission have no precedential value.**
3. The Variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property.
 - **This finding can be made because the Variance application does not authorize a use that is not otherwise expressly authorized by the General Plan or Development Title. The underlying Subdivision is to facilitate the existing agricultural use, cherry and walnut production, which is a permitted use (crop production) in the Development Title in the AG-40 (General Agriculture, 40-acre minimum) zone.**

NEGATIVE DECLARATION

TO: _____ Office of Planning & Research
P. O. Box 3044
Sacramento, California 95812-3044

County Clerk, County of San Joaquin

FROM: San Joaquin County Community Development Department
1810 East Hazelton Avenue
Stockton, California 95205

PROJECT TITLE: Variance application NO. PA-1800216 (VR)

PROPONENT: Nancy Bozzano and Richard & Frances Bozzano

PROJECT LOCATION: The project site is located on the south side of East Arata Road, 3,000 feet west of North Arata Road, Stockton. (APN/Address: 101-130-57/7116 East Arata Road, Stockton) (Supervisory District 4)

PROJECT DESCRIPTION: A Variance application to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum lot size) zone from 40 acres to 22.7 acres. The underlying project is a Minor Subdivision application to subdivide a 45.35-acre parcel into two (2) smaller parcels. This parcel is under a Williamson Act contract.

The Property is zoned AG-40 (General Agriculture, 40-acre minimum) and the General Plan designation is A/G (General Agriculture)

Based on the attached Initial Study, it has been found that the project will not have a significant effect on the environment.

Date: 10/1/19

Contact Person: Giuseppe Sanfilippo

Phone: (209) 468-0227

**SAN JOAQUIN COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT
INITIAL STUDY**

FILE NO: PA-1800216 (VR)

PROJECT/APPLICANT: BOZZANO/ DILLON AND MURPHY

PROJECT DESCRIPTION: This project is a Variance application to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40-acres to 22.7- acres. The underlying project is a Minor Subdivision. Parcel One to contain 22.7-acres. Parcel Two to contain 22.7-acres. The project site is located on the south side of East Arata Road, 550 feet west of North Arata Road, Stockton.

RECOMMENDED ENVIRONMENTAL DETERMINATION:

The proposed project could not have a significant effect on the environment, and a Negative Declaration will be prepared.

X

Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A Negative Declaration will be prepared.

The proposed project may have a significant effect on the environment, an Environmental Impact Report is required.

ASSESSOR PARCEL NO: 101-130-57

ACRES: 45.35 acres

GENERAL PLAN: A/G

ZONING: AG-40

CURRENT SITE CONDITIONS (topography, uses): Relatively flat land with a planted orchard.

POTENTIAL POPULATION, NUMBER OF DWELLING UNITS, OR SQUARE FOOTAGE OF USE(S): One single family residence, one second unit dwelling, and accessory buildings on each parcel.

SURROUNDING LAND USES:

North: Agriculture with scattered residences/Industrial/Stockton Terminal and Eastern Railroad

South: Agriculture with scattered residences/Commercial

East: Agriculture with scattered residences

West: Agriculture with scattered residences/City of Stockton

GENERAL CONSIDERATIONS:

- 1. Does it appear that any environmental feature of the project will generate significant public concern or controversy?
 Yes No Nature of concern(s): _____

- 2. Will the project require approval or permits by agencies other than the County?
 Yes No Agency name(s): _____

- 3. Is the project within the Sphere of Influence, or within two miles, of any city?
 Yes No City: Stockton

ENVIRONMENTAL IMPACTS:

"Yes" may only be checked in situations where there is substantial evidence to indicate that there may be a significant adverse impact on the environment if there is no change in the project description. (CEQA Guidelines, Sec. 15064)

See the "Discussion" section at the end of the Initial Study for explanation of any impacts checked "Yes", or any "No" answer marked with an asterisk (*).

Sources: The following sources of information have been used in determining environmental impacts:

Original source materials and maps on file in the Community Development Department including: all County and City general plans and community plans; assessor parcel books; various local and FEMA flood zone maps; service district maps; maps of geologic instability; maps and reports on endangered species such as the Natural Diversity Data Base; noise contour maps; specific roadway plans; maps and/or records of archeological/historic resources; soil reports and maps; etc. Many of these original source materials have been collected from other public agencies or from previously prepared EIR's and other technical studies. Copies of these reports can be found by contacting the Community Development Department.

Additional standard sources which should be specifically cited below include on-site visits by staff (note date); staff knowledge or experience; and independent environmental studies submitted to the County as part of the project application (note report title; date, and consultant).

1. Water:

- a. Is any portion of the project subject to flood hazard?
Flood zone: X(500) Yes No*

- b. Will the project result in reduction of surface or ground water quality or quantity? Yes No

- c. Will the project result in increases to surface, channel or stream volumes, or alterations to drainage patterns and streams? Yes No

- d. Will the project result in erosion of or sedimentation to a channel, river, or body of water? Yes No

Other sources used: _____

2. **Earth:**

- a. Will the project result in or be subject to potentially hazardous geologic or soils conditions on or immediately adjoining the site (slides, springs, erosion, liquefaction, earthquake faults; steep slopes, septic tank limitations)? Yes No

- b. Will the project involve substantial grading which could result in secondary impacts (consider amount, steepness, and visibility of proposed slopes; consider effect of grading on trees and creek channels)? Yes No

- c. Will there be conversion of prime farmland (over 40 acres and not shown for development in the General Plan)? Yes No*

Other sources used: San Joaquin County Soil Survey

3. **Plant/Animal Life:**

- a. Will there be a reduction or disturbance to any habitat for plants and animals (including removal or disturbance of trees, riparian areas, or migration routes)? Yes No *

- b. Will the project impact any rare, endangered, threatened, or recreational species located on or near the site? (Check the Natural Diversity Data Base) Yes No *

Other sources used: Natural Diversity Database

4. **Air/Climate:**

- a. Will the project make a significant contribution to the deterioration of existing air quality, including creation of objectionable odors; will future project residents be subjected to significant pollution levels? Yes No

- b. Will the project result in any impact to current climatic conditions? (Consider the introduction of water features, loss of wetland, etc.) Yes No

Other sources used: _____

5. **Noise:**

- a. Will the project expose people to high noise or vibration levels (over 65db/Ldn for residential uses or 75db/Ldn for industrial uses at the property line)? (Check 2010 projected noise contours.) Yes No

- b. Will the project result in increased noise or vibration levels? Yes No

Other sources used: _____

6. **Energy/Natural Resources:**

- a. Will the project use substantial amounts of fuel or energy, require a substantial increase in demand upon existing sources, or require the development of new sources of energy? Yes No

- b. Will the project affect the potential use, extraction, conservation, or depletion of a natural resource (other than agricultural land)? Yes No

Other sources used: _____

7. Hazards:

- a. Will the project create a risk of explosion; release, generate or store Any hazardous substances; or cause other dangers to public health and safety? Yes No
- b. Are there any known hazardous substances located within 500 feet of the boundaries of this project, if in an existing or proposed residential area (this could include possible groundwater contamination)? Yes No
- c. Will the project result in interference with, or need, for emergency plans? Yes No

Other sources used: _____

8. Utilities and Public Service:

- a. **Will the project require alteration of, addition to, or the need for new utility systems (water, sewer, drainage, solid waste), including a sphere of influence or district boundary change? Yes No*
- b. **Will the project result in the need for or the expansion of the following services: fire and police protection; schools, parks and recreation, libraries, roads, flood control, solid waste or other public works facilities, public transit, or governmental services? Yes No
- c. Will the project adversely impact existing recreational/park opportunities or require new park/recreation opportunities? Yes No

Note: ** "Yes" answers to these two questions and 9 (b) below will require additional discussion, but do not necessarily indicate a potentially significant impact.

Other sources used: _____

9. Transportation/Circulation:

- a. Will the project generate significant traffic volumes and/or make a significant contribution to an existing circulation problem (consider existing LOS on nearby arterials and highways, road design, access, parking, accident potential)? Yes No
- b. **Will the project cause special transportation considerations (consider water-borne, rail, air, pedestrian, and bicycle traffic, and public transportation systems and parking facilities)? Yes No
- c. Will the project result in a significant increase in commuting to and from the local community? Yes No
- d. Will the project be impacted by or interfere with an airport flight path? Yes No
- e. Will the project restrict access to the surrounding area? Yes No

Other sources used (note travel studies): _____

10. Cultural Resources:

- a. Will the proposal result in an alteration of a significant archeological, or historical site, structure, or building? Yes No

Other sources used: _____

11. Housing:

- a. Will the proposal adversely affect the existing housing stock or create a demand for additional housing (more than 50 units)? Yes No

Other sources used: _____

12. Aesthetics:

- a. Will the project obstruct any public scenic vista or view, create an aesthetically offensive site open to public view, or produce new light or glare? Yes No

Other sources used: _____

13. Land Use:

- a. Is this project a growth-inducing action: Will it encourage additional requests for related uses, or will it set a significant land use precedent in the area? Yes No*
- b. Will the project conflict with existing or planned land uses; is the project in conflict with any adopted plans? Yes No*
- c. Will the project disrupt a natural or recreation area, impact access to waterways, or allow trespass onto surrounding land? Yes No

14. Cumulative:

- a. Will the project create any impacts which may not be significant for the project alone, but may be significant when combined with other anticipated development of similar type and or location? Yes No

Other sources used: _____

- 15. Other Impacts:** Identify any other impact(s) not noted above which may be significant, and cite source(s). **NONE KNOWN.**

16. Mandatory Findings of Significance:

(A "Yes" answer to any of the following questions requires preparation of an EIR.)

- a. Does the project have the potential to degrade the quality of the environment or curtail the diversity in the environment? Yes No
- b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? Yes No

INITIAL STUDY (ATTACHMENT)
PA-1800216 (VR)
BOZZANO/DILLON AND MURPHY

PROJECT DESCRIPTION: This project is a Variance application to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40-acres to 22.7- acres. The underlying project is a Minor Subdivision. Parcel One to contain 22.7-acres. Parcel Two to contain 22.7-acres. The General Plan designation is General Agriculture (A/G) and the zoning designation is General Agriculture, 40-acre minimum (AG-40). The project site is located on the south side of East Arata Road, 550 feet west of North Arata Road, Stockton.

ENVIRONMENTAL ISSUES:

1. Water

1.a. The project site is located in the Flood Zone X (500) designation. If approved any new developments will have to comply with Development Title Section 9-1605 regarding flood hazards.

2. Earth

2.c. The Soil Survey of San Joaquin County classifies the soil on the parcel as *Archerdale clay loam, 0 to 2-percent slopes; Finrod Clay loam, 0 to 2 percent slopes and Vignolo silty clay loam, 0 to 2 percent slopes*

Archerdale clay loam's permeability is slow and available water capacity is high. This unit is suited for irrigated row, field, orchard crops. *Archerdale clay loam* has a storie index rating of 65 and a land capability of IVs nonirrigated and IIs irrigated.

Finrod Clay loam's permeability is slow and available water capacity is high. This unit is suited for irrigated row, field, and orchard. *Finrod Clay loam* has a storie index rating of 40 and a land capability of IVs nonirrigated and IIs irrigated.

Vignolo silty clay loam's permeability is moderately slow and available water capacity is moderate. This unit is suited for irrigated row, field, orchard crops. *Vignolo silty clay loam* has a storie index rating of 30 and a land capability of IVs nonirrigated and IIIs irrigated.

The project site is under Williamson Act Contract No. WA-72-C1-0457. The underlying project of this Variance application is a Minor Subdivision application to subdivide the existing 45.35-acre parcel into two parcels; Parcel One to contain 22.7-acres and Parcel Two to contain 22.7-acres. Pursuant to Government Code Section 51222, parcels are presumed large enough to sustain their agricultural use if the land is at least 10.0 acres in size. A 22.7-acre parcel does meet the minimum size requirements to maintain agricultural viability. Referrals have been sent to the San Joaquin Farm Bureau and Department of Conservation for review.

3. Plant/Animal Life

3.a.&b. The Natural Diversity Database list the giant garter snake (*Thamnophis gigas*), Swainson's hawk (*Buteo swainsoni*), and the Suisun marsh aster (*Desmodocerus Californiacus dimorphus*) as rare, endangered, or threatened species as potentially occurring in or near the project area. If SJCOG determines that the applicant may participate in the San Joaquin Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), and if the applicant chooses to participate, then the proposed project is consistent with the SJMSCP, as amended, as reflected in the conditions of project approval for this proposal. Pursuant to the *Final EIR/EIS for San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP)*, dated November 15, 2000, and certified by SJCOG on December 7, 2000, implementation of the

SJMSCP is expected to reduce impacts to biological resources resulting from the proposed project to a level of less-than-significant. If the applicant chooses not to participate, then the applicant will be required to participate in a similar mechanism that provides the same level of mitigation.

8. Utilities and Public Services

8.a. The underlying project of this Variance application is a Minor Subdivision application to subdivide the existing 45.35-acre parcel into two parcels; Parcel One to contain 22.7-acres and Parcel Two to contain 22.7-acres. The resulting parcels of the subdivision will not be required to be served by public services. Water will be provided by an on-site well. Sewer services will be through a septic system. Storm water drainage will be retained on-site. The Department of Public Works and the Environmental Health Department will determine the feasibility of these systems.

13. Land-Use

13. a. & b. A Variance application is intended to provide a means of altering the requirements of the Development Title in specific instances where the strict application of those requirements would deprive a property of privileges enjoyed by other properties in the vicinity and under identical zoning because of special circumstances applicable to the property involved. The existing parcel totaling 45.35-acres in the AG-40 (General Agriculture, 40-acre minimum) zone is considered to be a conforming lot because it is above the zone minimum. The subdividing of the parcel into two parcels, each to contain 22.7-acres, requires a Variance application and a public hearing for approval. The Planning Commission must make the three findings regarding special circumstances, special privileges, and use authorization in the affirmative in order to approve a Variance application. If this Variance application is approved, the applicant shall submit a Minor Subdivision application to subdivide the existing 45.35-acre parcel into two parcels. The project site is under a Williamson Act Contract. The underlying project is subdividing the existing parcel into two pieces each to contain 22.7-acres. A 22.7-acre parcel is enough to sustain the parcel's agricultural viability pursuant to Government Code Section 51222. Referrals have been sent to the San Joaquin Farm Bureau and Department of Conservation for review.



SAN JOAQUIN
 COUNTY
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Department of Public Works

Kris Balaji, Director of Public Works

Fritz Buchman, Deputy Director/Development

Michael Selling, Deputy Director/Engineering

Jim Stone, Deputy Director/Operations

Kristi Rhea, Manager of Strategic Initiatives

September 25, 2018

MEMORANDUM

TO: Community Development Department
 CONTACT PERSON: Giuseppe Sanfilippo

FROM: Alex Chetley, Engineering Services Manager
 Development Services Division *AC*

SUBJECT: PA-1800216; A Variance application to reduce the minimum lot size in the AG-40 zone from 40 acres minimum to 22.7 acres. The underlying project is a Minor Subdivision application to subdivide a 45.35 acre parcel into two (2) smaller parcels; located on the south side of East Arata Road 3,000 feet south of North Arata Road, Stockton. (Supervisory District 4)

PROPERTY OWNER: Nancy, Richard & Frances Bozzano

APPLICANT: Dillon & Murphy

ADDRESS: 7116 East Arata Road, Stockton

APN: 101-130-57

INFORMATION:

The site is not currently located within a Federal Emergency Management Agency Designated Flood Hazard Area.

Arata Road has an existing right-of-way width of 40 and a planned right-of-way width of 50 feet.

RECOMMENDATIONS:

1. None.

AC:CH



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—COUNTY—
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Environmental Health Department

Linda Turkatte, REHS, Director

Kasey Foley, REHS, Assistant Director

PROGRAM COORDINATORS

Robert McClellon, REHS

Jeff Carruesco, REHS, RDI

Willy Ng, REHS

Muniappa Naidu, REHS

Michael Kith, REHS

September 28, 2018

To: San Joaquin County Community Development Department
Attention: Giuseppe Sanfilippo

From: Jeffrey Wong; (209) 468-0335
Lead Senior Registered Environmental Health Specialist

RE: PA-1800216 (VR), SU0011957
7116 E. Arata Rd., Stockton

The Environmental Health Department has no comments or recommendation for this application at this time.



SJCOG, Inc.

555 East Weber Avenue • Stockton, CA 95202 • (209) 235-0600 • FAX (209) 235-0438

San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP)

SJMSCP RESPONSE TO LOCAL JURISDICTION (RTLJ) ADVISORY AGENCY NOTICE TO SJCOG, Inc.

To: Giuseppe Sanfilippo, San Joaquin County, Community Development Department
From: Laurel Boyd, SJCOG, Inc.
Date: September 20, 2018
Local Jurisdiction Project Title: PA-1800216 (VR)
Assessor Parcel Number(s): 101-130-57
Local Jurisdiction Project Number: PA-1800216 (VR)
Total Acres to be converted from Open Space Use: 45.35 acres
Habitat Types to be Disturbed: Agricultural Habitat Land
Species Impact Findings: Findings to be determined by SJMSCP biologist.

Dear Mr. Sanfilippo:

SJCOG, Inc. has reviewed the application referral for PA-1800216 (VR). This project consists of a Variance application to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum lot size) zone from 40 acres to 22.7 acres. The underlying project is a Minor Subdivision application to subdivide a 45.35-acre parcel into two (2) smaller parcels. The project site is located on the south side of East Arata Road, 3,000 feet west of North Arata Road, Stockton (APN/Address: 101-130-57/7116 East Arata Road, Stockton).

San Joaquin County is a signatory to San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). Participation in the SJMSCP satisfies requirements of both the state and federal endangered species acts, and ensures that the impacts are mitigated below a level of significance in compliance with the California Environmental Quality Act (CEQA). The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measure are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP. Although participation in the SJMSCP is voluntary, Local Jurisdiction/Lead Agencies should be aware that if project applicants choose against participating in the SJMSCP, they will be required to provide alternative mitigation in an amount and kind equal to that provided in the SJMSCP.

At this time, the applicant is requesting a Minor Subdivision with no ground disturbance. Any future structures that require ground disturbance on this or subsequent divided parcels will be subject to participate in the SJMSCP and should be resubmitted to this agency. Current or future owners of this-or subdivided properties should be made aware of the conditions that are placed by the SJMSCP on future development on the created parcels.

This Project is subject to the SJMSCP. This can be up to a 30 day process and it is recommended that the project applicant contact SJMSCP staff as early as possible. It is also recommended that the project applicant obtain an information package. <http://www.sjco.org>

Please contact SJMSCP staff regarding completing the following steps to satisfy SJMSCP requirements:

- Schedule a SJMSCP Biologist to perform a pre-construction survey ***prior to any ground disturbance***
- SJMSCP Incidental take Minimization Measures and mitigation requirement:
 1. Incidental Take Minimization Measures (ITMMs) will be issued to the project and must be signed by the project applicant prior to any ground disturbance but no later than six (6) months from receipt of the ITMMs. If ITMMs are not signed within six months, the applicant must reapply for SJMSCP Coverage. Upon receipt of signed ITMMs from project applicant, SJCOG, Inc. staff will sign the ITMMs. This is the effective date of the ITMMs.
 2. Under no circumstance shall ground disturbance occur without compliance and satisfaction of the ITMMs.
 3. Upon issuance of fully executed ITMMs and prior to any ground disturbance, the project applicant must:

- a. Post a bond for payment of the applicable SJMSCP fee covering the entirety of the project acreage being covered (the bond should be valid for no longer than a 6 month period); or
 - b. Pay the appropriate SJMSCP fee for the entirety of the project acreage being covered; or
 - c. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
 - d. Purchase approved mitigation bank credits.
4. Within 6 months from the effective date of the ITMMs or issuance of a building permit, whichever occurs first, the project applicant must:
- a. Pay the appropriate SJMSCP for the entirety of the project acreage being covered; or
 - b. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
 - c. Purchase approved mitigation bank credits.

Failure to satisfy the obligations of the mitigation fee shall subject the bond to be called.

- Receive your Certificate of Payment and release the required permit

It should be noted that if this project has any potential impacts to waters of the United States [pursuant to Section 404 Clean Water Act], it would require the project to seek voluntary coverage through the unmapped process under the SJMSCP which could take up to 90 days. It may be prudent to obtain a preliminary wetlands map from a qualified consultant. If waters of the United States are confirmed on the project site, the Corps and the Regional Water Quality Control Board (RWQCB) would have regulatory authority over those mapped areas [pursuant to Section 404 and 401 of the Clean Water Act respectively] and permits would be required from each of these resource agencies prior to grading the project site.

If you have any questions, please call (209) 235-0600.



S J C O G , I n c .

San Joaquin County Multi-Species Habitat Conservation & Open Space Plan

555 East Weber Avenue • Stockton, CA 95202 • (209) 235-0600 • FAX (209) 235-0438

SJMSCP HOLD

TO: Local Jurisdiction: Community Development Department, Planning Department, Building Department, Engineering Department, Survey Department, Transportation Department,
Other: _____

FROM: Laurel Boyd, SJCOG, Inc.

**DO NOT AUTHORIZE SITE DISTURBANCE
DO NOT ISSUE A BUILDING PERMIT
DO NOT ISSUE _____ FOR THIS PROJECT**

The landowner/developer for this site has requested coverage pursuant to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). In accordance with that agreement, the Applicant has agreed to:

- 1) SJMSCP Incidental Take Minimization Measures and mitigation requirement:
 1. Incidental Take Minimization Measures (ITMMs) will be issued to the project and must be signed by the project applicant prior to any ground disturbance but no later than six (6) months from receipt of the ITMMs. If ITMMs are not signed within six months, the applicant must reapply for SJMSCP Coverage. Upon receipt of signed ITMMs from project applicant, SJCOG, Inc. staff will sign the ITMMs. This is the effective date of the ITMMs.
 2. Under no circumstance shall ground disturbance occur without compliance and satisfaction of the ITMMs.
 3. Upon issuance of fully executed ITMMs and prior to any ground disturbance, the project applicant must:
 - a. Post a bond for payment of the applicable SJMSCP fee covering the entirety of the project acreage being covered (the bond should be valid for no longer than a 6 month period); or
 - b. Pay the appropriate SJMSCP fee for the entirety of the project acreage being covered; or
 - c. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
 - d. Purchase approved mitigation bank credits.
 4. Within 6 months from the effective date of the ITMMs or issuance of a building permit, whichever occurs first, the project applicant must:
 - a. Pay the appropriate SJMSCP for the entirety of the project acreage being covered; or
 - b. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
 - c. Purchase approved mitigation bank credits.

Failure to satisfy the obligations of the mitigation fee shall subject the bond to be called.

Project Title: PA-1800216 (VR)

Landowner: Nancy Bozzano; Richard & Frances Bozzano

Applicant: Dillion & Murphy

Assessor Parcel #s: 101-130-57

T _____, R _____, Section(s): _____

Local Jurisdiction Contact: Guisepppe Sanfilippo

The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measures are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP.



September 20, 2018

Giuseppe Sanfilippo
San Joaquin County
1810 East Hazelton Ave
Stockton, CA 95205

Ref: Gas and Electric Transmission and Distribution

Dear Mr. Sanfilippo,

Thank you for submitting PA-1800216 (VR) plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page.
2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.
3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851 filing is required.

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team
Land Management



Attachment 1 – Gas Facilities

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <http://usanorth811.org/wp-content/uploads/2017/05/CA-LAW-English.pdf>

1. **Standby Inspection:** A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.
2. **Access:** At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.
3. **Wheel Loads:** To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

4. **Grading:** PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.
5. **Excavating:** Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 12 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches [$24/2 + 24 + 36/2 = 54$] away, or be entirely dug by hand.)



Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

6. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 12 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible (90° +/- 15°). All utility lines crossing the gas pipeline must have a minimum of 12 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E's ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.

11. Cathodic Protection: PG&E pipelines are protected from corrosion with an "Impressed Current" cathodic protection system. Any proposed facilities, such as metal conduit, pipes,



service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.



Attachment 2 – Electric Facilities

It is PG&E's policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples/restrictions are as follows:

1. **Buildings and Other Structures:** No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as **"RESTRICTED USE AREA – NO BUILDING."**
2. **Grading:** Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.
3. **Fences:** Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&'s facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.
4. **Landscaping:** Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 15 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.
5. **Reservoirs, Sumps, Drainage Basins, and Ponds:** Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.
6. **Automobile Parking:** Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.
7. **Storage of Flammable, Explosive or Corrosive Materials:** There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.
8. **Streets and Roads:** Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for



proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

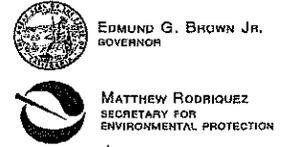
10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (<https://www.dir.ca.gov/Title8/sb5g2.html>), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 (http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.



Central Valley Regional Water Quality Control Board

25 September 2018

Giuseppe Sanfilippo
San Joaquin County
Community Development Department
1810 East Hazelton Avenue
Stockton, CA 95205

CERTIFIED MAIL
7014 3490 0001 3008 4279

COMMENTS TO REQUEST FOR REVIEW FOR THE APPLICATION REFERRAL, PA-1800216 (VR) PROJECT, SAN JOAQUIN COUNTY

Pursuant to the State Clearinghouse's 14 September 2018 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Application Referral* for the PA-1800216 (VR) 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.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments

KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley

only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:
http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/.

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Policy is available on page IV-15.01 at:
http://www.waterboards.ca.gov/centralvalleywater_issues/basin_plans/sacsjr.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit

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

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

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

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

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

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

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

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

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (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.

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

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.

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 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

Waste Discharge Requirements – Discharges to Waters of the State

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 may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the 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.

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver)

R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf

Regulatory Compliance for Commercially Irrigated Agriculture

If the property will be used for commercial irrigated agriculture, 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/for_growers/apply_coalition_group/index.shtml or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 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 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

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

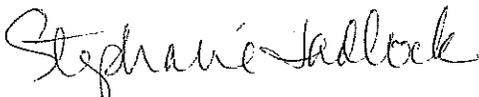
NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/help/business_help/permit3.shtml

If you have questions regarding these comments, please contact me at (916) 464-4644 or Stephanie.Tadlock@waterboards.ca.gov.



Stephanie Tadlock
Senior Environmental Scientist

Zimbra**gsanfilippo@sjgov.org**

PA-1800216

From : Amber McDowell <amber@sjfb.org>

Thu, Oct 04, 2018 09:29 AM

Subject : PA-1800216**To :** gsanfilippo@sjgov.org

Our committee did not have any comments for PA-1800216 (VR).

Amber McDowell

San Joaquin Farm Bureau

3290 N Ad Art Rd

Stockton, CA 95215

(209) 931-4931

*Join our Farm Team to receive our weekly electronic, **Friday Review**, the CFBF legislative Friday Review, and other occasional Rural Crime and Caltrans notifications.*

Email me that you want to be added.
