

# STAFF REPORT - Zone Reclassification

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## Application Information

Owner: **Christopher and Diane Knoll**  
Applicant: **Dillon & Murphy**  
File Number: **PA-1800064**  
Location: **On the south side of East State Route 12, 1,525 feet west of North Locust Tree Road, Victor.**

General Plan:	<b>R/R</b>	Community:	<b>Victor</b>
Zoning:	<b>AG-40</b>	APN:	<b>051-120-56</b>
Project Size:	<b>14.57 acres</b>	Parcel Size:	<b>14.57 acres</b>
Water Supply:	<b>Well</b>	Sewage Disposal:	<b>Septic System</b>
Storm Drainage:	<b>On-Site</b>	100-Year Flood:	<b>No</b>
Williamson Act:	<b>No</b>	Supervisorial District:	<b>4</b>
Staff:	<b>Giuseppe Sanfilippo</b>	CEQA Determination:	<b>Negative Declaration</b>

## Project Description

This project is a Zone Reclassification application to reclassify the zoning designation of a 14.57-acre parcel from AG-40 (General Agriculture, 40-acre minimum) to R-R (Rural Residential). The underlying project is a seven (7) lot rural residential subdivision, with two (2) net acre parcels; the Major Subdivision application will be submitted at a later date, and is not part of this approval.

## Recommendation

Approval.

# Referrals and Replies

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The application referrals were mailed on November 6, 2018, with responses due by December 6, 2018.

<b>AGENCY</b>	<b>RESPONSE DATE (through February 14, 2019)</b>
Public Works	December 3, 2018
Environmental Health	December 11, 2018, February 14, 2019
San Joaquin Council of Governments	November 13, 2018
Ag Commissioner	
County Assessor	
Board of Supervisors District	
Building Division	
Fire Prevention Bureau	
Mosquito Abatement	
County Sheriff	
County Surveyor	
Air Pollution Control District	
California Highway Patrol	
Delta Commission	
L.A.F.C.O.	
Caltrans District 10	February 12, 2019
C.R.W.Q.C.B.	November 29, 2018
C.V.F.P.B.	
NSJWCD	
Delta Stewardship Council	
Department of Fish & Wildlife Region - 2	
Pacific Gas & Electric	
PGE EEP	
Union Pacific Railroad	
Mokelumne Fire District	
Lodi Unified School District	
SJC Resource Conservation	
A.T.&T.	
F.E.M.A.	
U.S. Fish & Wildlife	
U.S. Army Corp of Engineers	
Audubon Society	
Delta Keeper	
Farm Bureau	November 28, 2018
Haley Flying	
John Glick	
Kathy Perez	
Precissi Flying Service	
Sierra Club	

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A legal ad for the public hearing was published in the Stockton Record on March 4, 2019.

Two hundred and forty-seven (247) Public Hearing notices were mailed on February 22, 2019.

The Development Committee reviewed this proposal on April 25, 2018.



# Analysis

## Background

On December 13, 2016, the Board of Supervisors adopted a comprehensive update of the San Joaquin County General Plan. As part of the review process for the General Plan update, the County accepted landowner requests to change the General Plan designations of properties to reflect preferred designations for the properties. After review and analysis within the project Environmental Impact Report, the Board of Supervisors approved twenty-five (25) of the landowner requests as part of the 2035 General Plan update.

The subject parcel was included in the landowner request, and the General Plan designation was changed from General Agriculture (A/G) to Rural Residential (R/R). Pursuant to the General Plan, the Rural Residential designation is intended for use in rural communities, and the subject parcel is within the boundary of the rural community of Victor.

If the proposed Zone Reclassification is approved, the applicant will be able to apply for the underlying seven (7) lot rural residential subdivision, with each parcel containing two (2) net acres, for review. This application will require review by the Planning Commission.

## Bases for Zone Reclassification

Development Title Section 9-812.4 states that, prior to approving an application for a Zone Reclassification, the Planning Commission and Board of Supervisors shall determine that all of the following are true:

a) The proposed zone is consistent with the General Plan, any applicable Master Plans, and any applicable Specific Plan:

- **The R-R (Rural Residential) zone is an implementing zone of the R/R (Rural Residential) General Plan designation and therefore is consistent with the General Plan. There are no applicable Master Plans or Specific Plans in the vicinity.**

**General Plan Policy Document: Communities Goal C-3.1: Rural Community Growth (pp. 3.1-77), states that “The County shall plan Rural Communities to have minimal growth, mainly infill development in those communities with available land within their established boundaries, with expansion discouraged.” The project site is located within the established boundaries of the rural community of Victor.**

**General Plan Policy Document: Land Use Goal (LU-4.3) states that “The County shall limit Rural Residential (R/R) development to Rural Communities and areas of existing R/R densities in urban Communities.” The project site is located within the established boundaries of the rural community of Victor.**

b) The proposed zone district is reasonable and beneficial at the time.

- **The proposed Zone Reclassification is reasonable and beneficial at this time as the landowner request to change the General Plan designation to Rural Residential (R/R) was approved and adopted in 2016 with the 2035 General Plan.**

## General Plan Policies

### Rural Community of Victor (p. 3.1-165)

Victor is a rural residential and agriculturally-oriented community. The 2035 General Plan Land Use Diagram shows the planned land use in the southeast portion of the community as Rural Residential. The

proposed project is located in the southeast portion of the community of Victor, on property with a General Plan designation of R/R (Rural Residential). The request for R-R (Rural Residential) zoning would implement the R/R (Rural Residential) General Plan Designation.

#### Land Use: Residential Development (p. 3.1-28)

The General Plan allows for the application of the rural residential designation, aside from existing areas with the designation, in Rural Communities where full urban services are not available or expected.

#### Minimum Services (Pages 3.2-37 to 3.2-41)

For the approval of zone reclassifications, the County requires minimum standards for water, stormwater and wastewater system improvements. The minimum standards in rural communities are as follows:

Water: In rural communities, if parcels are two acres in size or greater and public water is not available, private individual wells may be permitted if there are no groundwater quality issues. (General Plan IS-5.3)

Wastewater Treatment Systems: In rural communities, the County may allow private wastewater systems or septic systems if the County Environmental Health Director determines that the systems meet the State Water Resources Control Board Onsite Wastewater Treatment Systems Policy and the approved Local Agency Management Plan. (General Plan IS-6.5)

Stormwater Drainage: In rural communities, the County may permit on-site drainage if parcels are two acres in size or greater. (General Plan IS-7.1)

#### Agricultural Mitigation

On November 28, 2018, the Farm Bureau submitted a comment letter stating the subject application would be subject to the San Joaquin Agricultural Mitigation Ordinance. Pursuant to Development Title Section 9-1080.3(a)(2), a Zone Reclassification that changes the permitted uses of a parcel from an agricultural to a nonagricultural use shall require agricultural mitigation. The underlying project of this Zone Reclassification application is a rural residential subdivision. Therefore, if approved, future development will be subject to agricultural mitigation.

Pursuant to Development Title Section 9-1080.3(c), agricultural mitigation shall be satisfied by granting a farmland conservation easement or other farmland conservation mechanism set forth in San Joaquin County Development Title Section 9-1080.3(d) to or for the benefit of a Qualifying Entity. Pursuant to Development Title Section 9-1080.3(f), final approval of any project subject to agricultural mitigation is contingent upon the execution of the legal instrument to provide agricultural mitigation land and payment of the administrative fee, or approval and payment of an in-lieu fee. Final approval for a subdivision will require submission of the required legal instrument prior to recordation of the Final Map.

#### Community Response

The Community Development Department has received two (2) letters of opposition of the Zone Reclassification. The opposition sites their right to farm, their driveway, ground water quality, and the private sewage disposal of the proposed parcels in the underlying subdivision

**Right-to-Farm:** The neighbor on the adjacent parcel to the south, APN: 051-120-45, raised the concern regarding residents of parcels created by the underlying subdivision complaining about agricultural operations.

**Response:** *All uses are subject to the San Joaquin County Right-to-Farm Ordinance (Ordinance Code of San Joaquin County Section 6-9004[C]), which states, that "San Joaquin County recognizes and supports the right to farm agricultural lands in a manner consistent with accepted customs, practices, and standards." The Right-to-Farm Ordinance states, "residents of property on or near agricultural land should be prepared to accept the inconveniences or discomforts associated with agricultural operations or*

activities. Such inconveniences or discomforts shall not be considered to be a nuisance." Therefore, the underlying rural residential subdivision is subject to the Right-to-Farm Ordinance and must accept any inconveniences related to agricultural operations or activities as a normal and necessary aspect of residing in an agricultural area.

As a Condition of Approval for the future subdivision application, a "Right-to-Farm" notice will be included on any approved Final Map and recorded as a separate instrument with the ordinance clearly stated.

**Driveway:** The neighbor on parcel APN 051-120-45 also raised the concern regarding the underlying subdivision affecting their access to State Route 12.

**Response:** This parcel has direct access to State Route 12, and the proposed parcels of the underlying subdivision are not proposed encroach on the access for the neighboring parcel. Access will be reviewed in depth with the underlying Major Subdivision application.

**Ground Water Quality:** A neighbor cited concerns with septic tanks affecting the ground water quality of adjacent parcels.

**Response:** In rural communities, the County may permit private wastewater systems or septic systems if the County Environmental Health Director determines that the systems meet the State Water Resources Control Board Onsite Wastewater Treatment Systems Policy and the approved Local Agency Management Plan. Soil Suitability and Nitrate Loading Studies were conducted as part of this application, and any septic system installed for future development will be required to be constructed under permit by the Environmental Health Department. Therefore, any impacts to the ground water quality of adjacent parcels are anticipated to be less than significant.

# Recommendations

## Action

It is recommended that the Planning Commission:

1. Approve the Negative Declaration; and
2. Forward Zone Reclassification Application No. PA-1800064 to the Board of Supervisors with a recommendation of intent to approve based on the ability to make the required “Bases for Zone Reclassification.”

## Bases for Zone Reclassification

a) The proposed zone is consistent with the General Plan, any applicable Master Plans, and any applicable Specific Plan:

- The R-R (Rural Residential) zone is an implementing zone of the R/R (Rural Residential) General Plan designation and therefore is consistent with the General Plan. There are no applicable Master Plans or Specific Plans in the vicinity.

**General Plan Policy Document: Communities Goal C-3.1: Rural Community Growth (pp. 3.1-77), states that “The County shall plan Rural Communities to have minimal growth, mainly infill development in those communities with available land within their established boundaries, with expansion discouraged.” The project site is located within the established boundaries of the rural community of Victor.**

**General Plan Policy Document: Land Use Goal (LU-4.3) states that “The County shall limit Rural Residential (R/R) development to Rural Communities and areas of existing R/R densities in urban Communities.” The project site is located within the established boundaries of the rural community of Victor.**

b) The proposed zone district is reasonable and beneficial at the time.

- The proposed Zone Reclassification is reasonable and beneficial at this time as the landowner request to change the General Plan designation to Rural Residential (R/R) was approved and adopted in 2016 with the 2035 General Plan.

NEGATIVE DECLARATION

Filed Doc #: 39-02052019-041  
02/05/2019 02:02:10 PM

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

Steve J. Bestolarides  
San Joaquin County Clerk

County Clerk, County of San Joaquin

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

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PROJECT TITLE: Zone Reclassification application No. PA-1800064 (ZR)

PROPOSER: Christopher and Diane Knoll

PROJECT LOCATION: The project site is on the south side of East State Route 12, 1,525 feet west of North Locust Tree Road, Victor. (APN/Address: 051-120-56/9296 East State Route 12 Highway, Lodi) (Supervisorial District 4)

PROJECT DESCRIPTION: A Zone Reclassification application to rezone a 14.57-acre parcel from General Agriculture, 40-acre minimum (AG-40) to Rural Residential (R-R). The underlying project is a major subdivision to result in seven (7) 2-acre parcels. This parcel is not under Williamson Act contract.

The Property is zoned AG-40 (General Agriculture, 40-acre minimum) and the General Plan designation is R/R (Rural Residential).

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

Date: 2/5/2019

Contact Person: Giuseppe Sanfilippo

Phone: (209) 468-0227

SAN JOAQUIN COUNTY  
COMMUNITY DEVELOPMENT DEPARTMENT  
INITIAL STUDY

FILE NO: PA-1800064 (ZR)

PROJECT/APPLICANT: KNOLL/ DILLON & MURPHY

PROJECT DESCRIPTION: A Zone Reclassification application to change the zoning designation of a 14.57-acre parcel from AG-40 (General Agriculture, 40-acre minimum) to R-R (Rural Residential). The underlying project is a seven (7) lot residential subdivision, each parcel to contain a minimum of two (2) acres. The project site is located on the south side of East State Route 12, 1,525 feet west of North Locust Tree Road, Victor.

**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: 051-120-56

ACRES: 14.57-acres

GENERAL PLAN: R/R

ZONING: AG-40

CURRENT SITE CONDITIONS (topography, uses): Relatively flat land with a single family residence and accessory buildings.

POTENTIAL POPULATION, NUMBER OF DWELLING UNITS, OR SQUARE FOOTAGE OF USE(S): Seven (7) residential lots, each to contain a minimum of two (2) acres.

**SURROUNDING LAND USES:**

North: Industrial/Agriculture with scattered residences

South: Agriculture with scattered residences

East: Agriculture with scattered residences

West: Residential/Commercial/Agriculture with scattered residences

**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: Lodi

**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        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 traffic 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.)

- f. Does the project have the potential to degrade the quality of the environment or curtail the diversity in the environment?  Yes  No
- g. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?  Yes  No
- h. Does the project have impacts which are individually limited but cumulatively considerable?  Yes  No
- i. Does the project have environmental impacts which will cause substantial, adverse effects on human beings, either directly or indirectly?  Yes  No

17. **DISCUSSION OF ANY ENVIRONMENTAL IMPACTS NOTED ABOVE.**

(Discuss any questions answered "Yes" above, as well as any "No" answers marked with an asterisk (\*). Discuss any changes to the project which could mitigate the identified impacts. Discuss any proposed mitigation monitoring program submitted by the project applicant. Use additional attached pages if necessary.)

**PLEASE SEE INITIAL STUDY ATTACHMENT PA-1800064(ZR).**

Prepared by: Giuseppe Sanfilippo

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Title: Associate Planner

Date: February 5, 2019

**INITIAL STUDY (ATTACHMENT)  
PA-1800064 (ZR)  
KNOLL/ DILLON & MURPHY**

**PROJECT DESCRIPTION: A Zone Reclassification application to change the zoning designation of a 14.57-acre parcel from AG-40 (General Agriculture, 40-acre minimum) to R-R (Rural Residential). The underlying project is a seven (7) lot residential subdivision, each parcel to contain a minimum of two (2) acres. The property has a General Plan designation of R/R (Rural Residential) and a zoning of AG-40 (General Agriculture, 40-acre minimum). The project site is located on the south side of East State Route 12, 1,525 feet west of North Locust Tree Road, Victor.**

**ENVIRONMENTAL ISSUES:**

**2. Earth**

2.c. The Soil Survey of San Joaquin County classifies the soil on the parcel as *Tokay fine sandy loam, 0 to 2 percent slopes*. *Tokay fine sandy loam's* permeability is moderately rapid and available water capacity is high. This unit is suited to irrigated row, orchard, and vineyard crops. *Tokay fine sandy loam* has a storie index of rating of 95 and a land capability of I irrigated and IVc nonirrigated.

The proposed project is a Zone Reclassification to change the zoning of the same parcel from AG-40 (General Agriculture, 40-acre minimum) to R-R (Rural Residential). The Zone Reclassification application is proposed to align the parcel with the current underlying General Plan designation of R/R (Rural Residential). The underlying project is a seven (7) lot residential subdivision, each parcel to contain a minimum of two (2) acres. The project site is vacant and located directly adjacent to an existing residential development to the east, within the Rural Unincorporated Community of Victor. The property also contains frontage along East State Route 12. Therefore, the proposed project will have a less than significant impact to surrounding agricultural operations and will not create premature development pressure on surrounding agricultural lands to convert land from agricultural uses to non-agricultural uses. This project is a Zone Reclassification application that proposes to change the permitted use from an agricultural to a nonagricultural use, therefore agricultural mitigation will be required. Pursuant to Development Title Section 9-1080.3(c), agricultural mitigation shall be satisfied by granting a farmland conservation easement or other farmland conservation mechanism set forth in San Joaquin County Development Title Section 9-1080.3(d) to or for the benefit of a Qualifying Entity. The number of acres of agricultural mitigation land shall be at least equal to the number of acres that will be changed to a nonagricultural use (1:1 ratio). A referral has been sent to the San Joaquin Farm Bureau for review.

**3. Plant/Animal Life**

3. a. & b. The Natural Diversity Database lists the vernal pool tadpole shrimp (*Lepidurus packardii*), and the Sanford's arrowhead (*Sagittaria sanfordii*) as rare, endangered, or threatened species or habitat located on or near the site. Referrals have been sent to the San Joaquin Council of Governments (SJCOG) for review. 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.

## **5. Noise**

5.a. The project site is located within the 65 dB noise contour for East State Route 12. Pursuant to General Plan 2035 Background Report Table 15-8; the 65 dB noise contour is 102 feet from the side of the road. This project is a Zone Reclassification application to change the zoning designation of a 14.57-acre parcel from AG-40 (General Agriculture, 40-acre minimum) to R-R (Rural Residential), and the underlying project is a seven (7) lot residential subdivision, each parcel to contain a minimum of two (2) acres. Pursuant to Development Title Table 9-1025.9, residential uses are noise sensitive land use types. A portion of Parcels One and Seven of the proposed subdivision fall within the noise contour, however there is sufficient area to build outside of these ninety feet and as a result, a noise study is not required. As a result, noise impacts are expected to be less than significant.

## **8. Utilities and Public Service**

8.a. There are no public services available in this area for water, sewer, or storm water drainage. Pursuant to Development Title Section 9-1105.4, within rural communities identified in the General Plan, wastewater disposal may be provided by onsite wastewater disposal. Pursuant to Development Title Section 9-1120.4(a), subdivisions with parcels two (2) acres or larger may be served by a well if there is no public water system with 700 feet of the project site. Pursuant to Development Title Section 9-1135.4(b), storm water may be retained on-site if there are no terminal drainage facilities within 200 feet of the project site, and the site conditions of soil permeability and groundwater level allow a retention basin design to meet San Joaquin County Improvement Standards.

The underlying project is a seven (7) lot residential subdivision, each parcel to contain a minimum of two (2) acres. Any new parcels will have to be accommodated by an on-site well for water, and septic system for sewage. Storm water drainage will have to be retained on-site. The Environmental Health Department and the Department of Public Works will determine the feasibility of these systems.

## **9. Transportation/Circulation**

9.a. The underlying subdivision proposes to create seven (7) parcels, which could result in a single family residence, a second unit dwelling, and accessory structures on each parcel. The Department of Public Works reviewed the application and found that the addition of seven (7) parcels is not expected to exceed fifty vehicles during any hour. Therefore, the project will have a less than significant impact on traffic volumes on local streets.

## **13. Land Use**

13. a & b. The subject parcels have a General Plan designation of R/R (Rural Residential) and are zoned AG-40 (General Agriculture, 40-acre minimum). The underlying subdivision is not a growth-inducing action nor is in conflict with any existing or planned uses because it is consistent with the county's General Plan and zoning ordinances which regulate the R-R (Rural Residential) zone. Parcels in the R-R (Rural Residential) zone that are not served by a public water system, public sewer system, and public storm drain system must be a minimum of two (2) acres. The proposed parcels will each be a minimum of two (2) acres and the area contains many parcels of similar size with residences. The underlying subdivision will meet the General Plan density of 0.2 to 1.0 primary dwellings per gross acre for the Rural Residential designation pursuant to the 2035 General Plan (Rural Residential, page 3.1-28). There are no applicable Master Plans, Specific Plans, or Special Purpose Plans in the vicinity.

This project is a Zone Reclassification application that proposes to change the permitted use from an agricultural to a nonagricultural use, therefore agricultural mitigation will be required. Pursuant to Development Title Section 9-1080.3(c), agricultural mitigation shall be satisfied by granting a farmland conservation easement or other farmland conservation mechanism set forth in San Joaquin County Development Title Section 9-1080.3(d) to or for the benefit of a Qualifying Entity. The number of acres of agricultural mitigation land shall be at least equal to the number of acres that will be changed to a nonagricultural use (1:1 ratio).



**SAN JOAQUIN**  
 COUNTY  
*Greatness grows here.*



**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

December 3, 2018

**RECEIVED**

DEC - 3 2018

San Joaquin County  
 Community Development

MEMORANDUM

TO: Community Development Department  
 CONTACT PERSON: Giuseppe Sanfilippo

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

SUBJECT: PA-1800064 (ZR); A Zone Reclassification Application to amend the zoning designation for a 14.57-acre parcel from General Agriculture, 40-acre minimum (AG-40) to Rural Residential (R-R). The underlying project is a Major Subdivision to result in a maximum of seven 2-acre parcels; located on the south side of East State Route 12, 1,525 feet west of North Locust Tree Road, Victor. (Supervisory District 4)

PROPERTY OWNER: Chris and Diane Knoll

APPLICANT: Dillon & Murphy

ADDRESS: 9296 East State Route 12 Highway, Lodi

APN: 051-120-56

**INFORMATION:**

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

East State Route 12 Highway has an existing and planned right-of-way width per Caltrans.

**RECOMMENDATIONS:**

- None.

**Informational Notes:**

- No public utility services (sewer, water and storm drainage) are available at this time.

AC:CH



**SAN JOAQUIN**  
—COUNTY—  
*Greatness grows here.*

## Environmental Health Department

**Linda Turkatte, REHS, Director**

*Kasey Foley, REHS, Assistant Director*

**PROGRAM COORDINATORS**

Robert McClellon, REHS  
Jeff Carruesco, REHS, RDI  
Michael Kith, REHS  
Willy Ng, REHS  
Muniappa Naidu, REHS

February 14, 2019

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

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

RE: **PA- 1800064 (ZR), Revised, SU0012041**  
**9296 E. Highway 12, Lodi**

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The San Joaquin County Development Title Requirements listed below have been identified as pertinent to this project. Other requirements may also apply. These requirements cannot be modified.

- A. A soil suitability and nitrate loading study incorporating proposed staff and customer use shall be submitted to the Environmental Health Department, indicating that the area is suitable for septic system usage. The studies must be approved by the Environmental Health Department prior to submission of a General Plan Amendment or Zone Reclassification application (San Joaquin County Development Title, Section 9-1105.2(d)). The fee will be based on the current schedule at the time of payment.

The sewage disposal system shall comply with San Joaquin County Onsite Wastewater Treatment Systems Standards. A percolation test conducted in accordance with the E.P.A. Design Manual - Onsite Wastewater Treatment and Disposal Systems is required for each parcel. The fee will be based on the current schedule at the time of payment.

**NOTE:** The Environmental Health Department received and reviewed a soil suitability study dated September 2018 (Service Request# SR0079767), and a nitrate loading study dated October 2018 (Service Request# SR0079768).

- B. Destroy the abandoned well(s) under permit and inspection by the Environmental Health Department as required by San Joaquin County Development Title, Section 9-1115.5(e)

**NOTE:** The Environmental Health Department observed one Ag well during a site survey. When a well no longer functions as originally designed, or cannot appropriately function in place of another design, or has fallen into such a state of disuse or disrepair, or found to be abandoned, it must be destroyed under a well destruction permit. Obtain permit to destroy the well within 30 days of this letter, and destroy the well before recordation of the parcel map. (San Joaquin County Well Standards, Section 6.1)



## S J C O G , I n c .

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:** November 13, 2018

**Local Jurisdiction Project Title:** PA-1800064 (ZR)

**Assessor Parcel Number(s):** 051-120-56

**Local Jurisdiction Project Number:** PA-1800064 (ZR)

**Total Acres to be converted from Open Space Use:** Unknown

**Habitat Types to be Disturbed:** Multi-Purpose Open Space Habitat Land

**Species Impact Findings:** Findings to be determined by SJMSCP biologist.

Dear Mr. Sanfilippo:

SJCOG, Inc. has reviewed the application referral for PA-1800064 (ZR). This project consists of a Zone Reclassification to amend the zoning designation for a 14.57-acre parcel from General Agriculture, 40-acre minimum (AG-40) to Rural Residential (R-R). The underlying project is a Major Subdivision to result in a maximum of 7, 2 -acre parcels. The project site is located on the south side of East State Route 12, 1,525 feet west of North Locust Tree Road, Victor (APN/Address: 051-120-56; 9296 East State Route 12 Highway, Lodi).

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 Major 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 90-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-1800064 (ZR)

Landowner: Chris & Diane Knoll

Applicant: Dillion & Murphy

Assessor Parcel #s: 051-120-56

T \_\_\_\_\_, R \_\_\_\_\_, Section(s): \_\_\_\_\_

Local Jurisdiction Contact: Guiseppa 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.**

**DEPARTMENT OF TRANSPORTATION**

P.O. BOX 2048 STOCKTON, CA 95201  
(1976 E. CHARTER WAY/1976 E. DR. MARTIN  
LUTHER KING JR. BLVD. 95205)  
TTY: California Relay Service (800) 735-2929  
PHONE (209) 941-1921  
FAX (209) 948-7194



*Making Conservation  
a California Way of Life.*

February 12, 2019

**10-SJ-12-PM 021.103  
PA-1800064  
Christopher & Dianne Knoll  
SCH# 2019029020**

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

Dear Mr. Sanfilippo:

The California Department of Transportation appreciates the opportunity to have reviewed PA-1800064 (ZR), the application to change the zoning designation of parcel APN 051-120-56 from General Agriculture to Rural Residential. The 14.57 acre parcel will be divided into 7 residential lots with each parcel containing a minimum of 2 acres. The project is located at 9296 East SR-12, Lodi in the Victor area. The Department has the following comments:

- Caltrans would prefer that all lots on the project site be served by only a single access point onto the state route.
- Please provide a parcel map of the proposed subdivision to Caltrans for review and comment prior to finalization of this project.
- An Encroachment Permit will be required for work (if any) done within the Department's right of way. This work is subject to the California Environmental Quality Act. Therefore, environmental studies may be required as part of the encroachment permits application. A qualified professional must conduct any such studies undertaken to satisfy the Department's environmental review responsibilities. Ground disturbing activities to the site prior to completion and/or approval of required environmental documents may affect the Department's ability to issue a permit for the project. Furthermore, if engineering plans or drawings will be part of your permit application, they should be prepared in standard units.

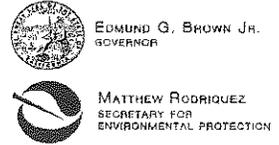
If you have any questions or would like to discuss our comments in more detail, please contact Nicholas Fung at (209) 948-7190 or myself at (209) 941-1921.

Sincerely,

A handwritten signature in black ink that reads "Nicholas Fung".

FOR

TOM DUMAS, CHIEF  
OFFICE OF METROPOLITAN PLANNING



**Central Valley Regional Water Quality Control Board**

29 November 2018

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

**CERTIFIED MAIL**  
7018 1830 0001 0062 3404

**COMMENTS TO REQUEST FOR REVIEW FOR THE APPLICATION REFERRAL,  
PA-1800064 (ZR) PROJECT, SAN JOAQUIN COUNTY**

Pursuant to the San Joaquin County Community Development Department's 6 November 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-1800064 (ZR) 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,

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

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | [www.waterboards.ca.gov/centralvalley](http://www.waterboards.ca.gov/centralvalley)

the United States Environmental Protection Agency (USEPA). Basin Plan amendments 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/](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](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](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml).

**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. 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](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

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<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.

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.

**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](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](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](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 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/for\\_growers/apply\\_coalition\\_group/index.shtml](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](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 Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).

### **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 *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order.

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/r5-2016-0076-01.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.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](http://www.waterboards.ca.gov/centralvalley/help/business_help/permit3.shtml)

If you have questions regarding these comments, please contact me at (916) 464-4812 or [Jordan.Hensley@waterboards.ca.gov](mailto:Jordan.Hensley@waterboards.ca.gov).

A handwritten signature in black ink, appearing to read 'Jordan Hensley', written in a cursive style.

Jordan Hensley  
Environmental Scientist



# SAN JOAQUIN FARM BUREAU FEDERATION

MEETING TODAY'S CHALLENGES / PLANNING FOR TOMORROW

**November 28, 2018**

Mr. Guiseppe Sanfilippo  
San Joaquin County Community Development Department  
Development Services Division  
1810 E. Hazelton Avenue  
Stockton, CA 95205

**RE: PA-1800064 (ZR)**

Dear Mr. Sanfilippo:

The San Joaquin Farm Bureau Federation is a private, non-profit volunteer organization that has been committed to protecting the agricultural resources in San Joaquin County for over 100 years. The preservation of an ever diminishing amount of agricultural land remains one of our highest priorities.

In regard to this application, the land is zoned AG-40. Because this application will reclassify the zoning from Agriculture to Rural Residential, it is subject to the San Joaquin County Agricultural Mitigation Ordinance.

Section 9-1080.3(a)(2) provides that the county shall require agricultural mitigation for:  
*"A Zoning Reclassification that changes the permitted uses from agriculture to a nonagricultural use, regardless of the General Plan designation"*

This section is directly applicable to this project because it is a zoning reclassification for a zone in which the permitted uses are agriculture to a residential zone. Furthermore, this section speaks to the fact that mitigation is still required even though the zone is being reclassified to implement the current General Plan designation of rural residential.

We ask that the applicant furnish the requisite agricultural mitigation under section 9-1080. Please keep us informed as this project moves forward.

Sincerely,

A handwritten signature in cursive script that reads "Jim Ferrari".

Jim Ferrari  
President

San Joaquin County  
Community Development Department  
Application Number: PA-1800064 (ZR)

Would like to know when the public hearing will be.

Would like to receive notice on hearing date and  
time.

I am not for this my concern is the water table change  
and also the septic tanks that will effect your ground  
water

Virginia Johnson P O Box 735  
Victor CA 95253

Dec. 5, 2018

S. J. Co. Community Development Dept.

I am writing in regards to Application  
Number PA-1800064 (ER).

We live south of this property and  
our concern is that this is Agriculture  
Area, our worry is about people moving in  
will complain about the dust in the Spring  
when we sulfur, and the dust in the  
Summer when we disc our grapes, also  
in harvest time we have tractors and  
trucks going back and forth also making  
dust and noise. Our driveway is private,  
we do not want to share our driveway.

Thank you,  
Gloria S. Reyes